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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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HIJ COMPLETES PROCESS OF HANDLING BACKLOG COMPLAINTS INHERITED FROM OTHER INSTITUTIONS





HIJ COMPLETES PROCESS OF HANDLING BACKLOG COMPLAINTS INHERITED FROM OTHER INSTITUTIONS

The High Inspector of Justice Office has managed to complete the process of handling the backlog of 2104 complaints and other inherited practice documents, in addition to the inspectors' daily work of handling complaints filed directly with the HIJ, conducting disciplinary proceedings as well as thematic and institutional inspections.

This considerable fund included unhandled complaints, partially handled ones, or complaints in their initial stages of review, as well as partially investigated cases or unfinished cases by previous bodies – institutions that were responsible for handling complaints against magistrates or which acted as such dur-

ing the transitional period 2017-2020, until the establishment of the institution of the High Inspector of Justice. From the backlog of complaints handled, it resulted that the incomplete procedures followed by the previous bodies for handling these complaints and other practices, (due to the limited and divided powers between different bodies during the transitional period), was fully completed by the High Inspector of Justice Office.

The three-year progress of handling this backlog of complaints reflects the increase in the number of magistrate and non-magistrate inspectors year after year at the HIJ Office, increasing in this way, the volume of handling

backlog complaints, respectively 72 complaints handled in 2020, 427 in 2021, 534 in 2022 and 1047 in 2023.

A special methodology approved and published on the official website of the institution, was used for handling these complains according to a priority order based on criteria such as: filing date, stage of review by previous bodies, typology or urgency of handling the complaint, respecting the principle of equality and objectivity, as well as the time needed for the review and evaluation of each practice.

From the inherited backlog of 2104 complaints, 2080 complaints were archived, 14 complaints are in the process of verification and 10 complaints are in the process of disciplinary investigation.

The High Inspector of Justice has approved 34 decisions for disciplinary investigation, all of which have investigated the alleged violations against the activity of 58 magistrates (58 judges). Out of these 34 disciplinary investigations, 9 concluded with a request for disciplinary proceedings for 9 judges.

The disciplinary measures proposed by the High Inspector of Justice were “Dismissal from office” for 3 judges; “Temporary reduction of salary up to 40% for a period no longer than one year” for 5 judges and the disciplinary measure “Public Reprimand” for 1 judge.

From the above requests made by the High Inspector of Justice, the High Judicial Council partially accepted the request for “dismissal” for 1 judge, imposing a different disciplinary measure on him, while the other 2 cases were closed without a decision. For the 5 cases when a salary reduction was requested, the High Judicial Council partially accepted 2 of them, while 3

cases were suspended due to the re-evaluation process. For the request of “Public Reprimand” for 1 judge, the HJC decided a suspension due to the re-evaluation process.

By handling this backlog of complaints inherited from other institutions, through the disciplinary proceedings of the magistrates for cases or complaints filed with the inspection bodies many years ago, not only has the HIJ fulfilled a legal obligation, but he has also conveyed an important message to everyone about the culture of impunity and remembrance.





THE BEST PROTECTION OF THE WORK OF JUSTICE INSTITUTIONS IS TRANSPARENCY

High Inspector of Justice Mr. Artur Metani is conducting a working visit to the USA, at the invitation of Open Gov Hub USA, together with colleagues from other justice institutions of Albania.

During the visit, the hosts organized the public event with the topic “Reform in justice in Albania. Constitutionalism in action”, on which the High Inspector of Justice, Mr. Artur Metani, the president of the High Judicial Council, Mrs. Naureda Llagami and the chairman of the



Independent Qualification Commission Mr. Roland Ilia, who then answered questions from the audience.

Speaking about finding the right balance between a stable, solid governing and the protection of basic human rights and freedoms, Mr. Metani made a comparison with the way of working in the Office of the High Inspector of Justice.

“Defining the boundaries where we should investigate the work of a judge/prosecutor, constitutionally speaking is, and it’s not something easy, it’s not that it’s written clearly. As I said, there are virtual boundaries that we have to see, not only to see but also to comply with, and not only to comply with but also to explain to the people and to the society.

That’s why we feel that the work with the civil society organizations is crucially important to try to help each other, to implement and keep the highest standards in the work of the judges and prosecutors,” said. Mr. Metani.

Asked what are the most important challenges facing the implementation of the justice reform, despite the positive evaluation received

in the latest progress report of the European Commission for Albania, the High Inspector of Justice said that he considers raising awareness, understanding of the society, institutions and other actors on the importance of the independent judicial system, accepting it as such even when we do not like its decision-making.



“Defining the boundaries where we should investigate the work of a judge/prosecutor, constitutionally speaking is, and it’s not something easy, it’s not that it’s written clearly. As I said, there are virtual boundaries that we have to see, not only to see but also to comply with, and not only to comply with but also to explain to people and to the society. That’s why we feel that the work with the civil society organizations is crucial important to try to help each other, to implement and keep the highest standards in the work of the judges and prosecutors,” said. Mr. Metani.



“Of course, everyone likes an independent judicial system, but this means that we have to agree with the judicial system when it makes decisions that we like, but also when it makes decisions that we don’t like.

If we do not try to create such a relationship between society, media, political factors and justice institutions, there will always be a big challenge to overcome. As I said earlier, in my opinion this is the biggest challenge and it will probably take a long time to reach this high standard.

If we do not see the solution of our daily problems with a long-term vision and are focused only on the heat of the moment debate, we will prolong our agony and efforts to achieve the standards we aspire to have for our justice system. remarked Mr. Metani.

Asked about the balance of the relationship between politics and justice institutions and the ways in which justice institutions can be protected from politics, the High Inspector of Justice stated that the best protection is transparency on the work being done.

“Some people may criticize the work of the justice system, some people may agree with it, but this is democracy. It is our duty to be as transparent as possible, so that everyone can see what we think inside and see what politicians criticize, based on all factors. The only instrument to protect yourself is transparency.”



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.

Coordinator for the right to information is part of this sector



During the month of November 2023, the Complaints and Public Relations Sector received 22 complainants, who appeared at the premises of the Office of the High Inspector of Justice, and 17 phone calls from citizens, who requested information on the stage of their complaints or Information on completing the TIP complaint form.



CORDINATOR 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 November 2023, at the Office of High Inspector of Justice, 14 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).

HIJ on Twitter



Inspektori i Larte i Drejtesise Artur
Metani

@ild_albania · 2 Nën

Të perceptuara shpesh si krime “pa viktime” dhe të rastësishme, krimet mjedisore shpesh renditen poshtë në listën e prioriteteve të zbatimit të ligjit. #ILD 🇲🇪 #RESIJ 🇪🇺 #COPEIJ 🌍
📌 <https://ild.al/sq/2023/11/01/mjedisi-si-ceshtje-e-autoritete...> 📷

🗨️ ↻️ 1 ❤️ 2 Twitter



Inspektori i Larte i Drejtesise Artur
Metani

@ild_albania · 13 Nën

Happening now: Discussing about “Justice Reform in 🇲🇪 Constitutionalism in Action” with colleagues from #HJC and #IQC! Thank you for the invitation @OpenGovHub 🇺🇸
#OpenGovHub 🇲🇪 📷 4

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Inspektori i Larte i Drejtesise Artur
Metani

@ild_albania · 15 Nën

“Disa njerëz mund ta kritikojnë punën e sistemit të drejtësisë, disa njerëz mund të pajtohen me të, por kjo është demokracia. Është detyra jonë të jemi sa më transparentë, që të gjithë të shohin se çfarë mendojmë ne....” 📌 #ILD #KLGJ #KPK #OpenGovHub 🇺🇸

🗨️ ↻️ 2 ❤️ 2 Twitter



Inspektori i Larte i Drejtesise Artur
Metani

@ild_albania · 20 Nën

📌 Përfunduar trajtimin e stokut të trashëguar nga institucione të tjera, krahas punës së përditshme që inspektorët kanë me trajtimin e ankesave të depozituara direkt në #ILD, procedimeve disiplinore, si dhe inspektimeve tematike e institucionale. 📌

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NOVEMBER OF HIJ IN NUMBER

During **November** the Office of High Inspector of Justice has administered **70 complaints**, which **67** were submitted **by citizens** and **3 complaint** submitted **by the institutions**.

The High Inspector of Justice Office has performed the standard confirmation process of receiving complaints for all the new complaints submitted during **November 2023**. Complaints against judges and prosecutors are referred to the inspectors and they are at different stages of the process such as the initial review, verification and the archiving together with relevant decisions.

VERIFICATIONS

41 verification decisions, of which:

- ⇒ **40 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;**
- **3 decisions for completion of disciplinary investigation for 3 magistrates**

ARCHIVED

- **125 decisions from 205 reviewed complaints (80 complaints joined), specifically:**
 - 107 archiving decisions after verification by HIJ practices, of which:
 - ⇒ **77 archiving decisions after initial review**
 - ⇒ **30 archiving decisions after verification**
- **18 archiving decisions from inherited practices (files carried by the former HJC)**
 - ⇒ **5 archiving decisions after initial review**
 - ⇒ **13 archiving decisions after verification**

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.

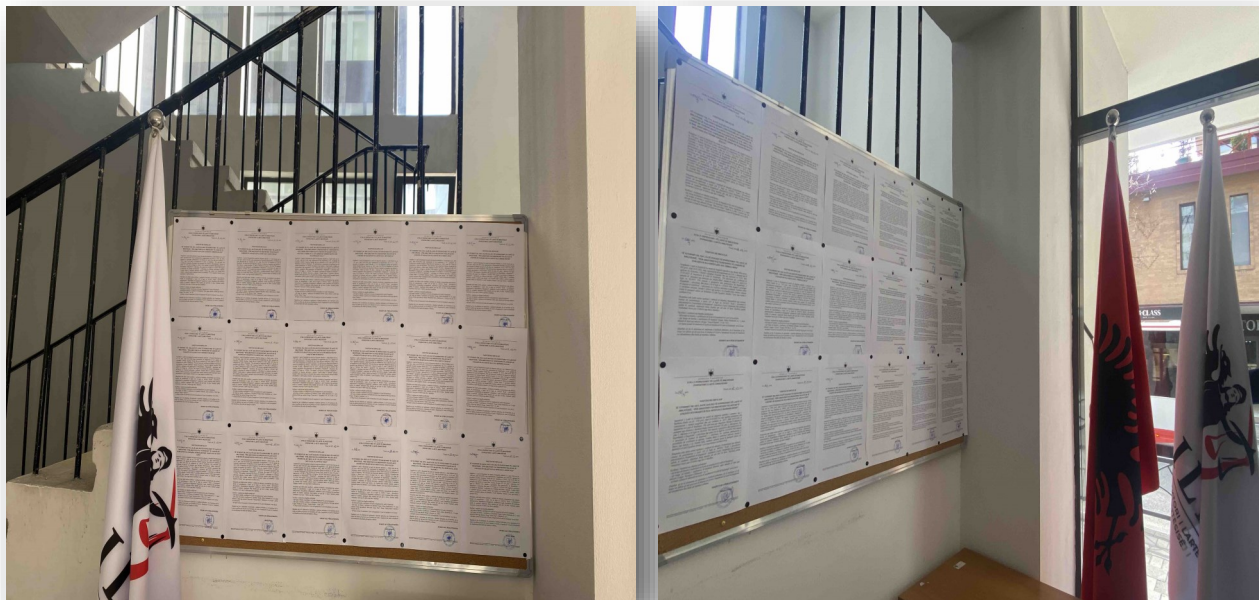
It can also be completed by presenting at the Office of the High Inspector of Justice, if necessary, to ask for assistance of the team of the Complaints Office.

Upon receiving of the complaint, the High Inspector of Justice within 5 days confirms in writing its receipt.

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

PUBLIC ANNOUNCEMENT OF DECISIONS

Even during the month of **November**, 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 HIJ, 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 **357 public announcements**





**THE ENVIRONMENT AS A MATTER OF THE JUSTICE
AUTHORITIES, HIJ PREPARES THE NATIONAL REPORT
WITHIN THE FRAMEWORK OF RESIJ**

As part of the European Network of Justice Inspection Services (RESIJ), the Office of the High Inspector of Justice has accepted the Network's invitation to engage in the COPEIJ "Cooperation for Environmental Protection through Justice Inspection Services" project of the European Commission for cooperation in environmental protection through national justice inspection authorities, alongside the counterpart institutions of France, Italy, Romania and Portugal, under the management of Expertise France.

In this context, members of the HIJ Office have participated in all the project activities that took place in the period February-September 2023, from the coordination meetings to the study visits, which were carried out in rotation in each of the project sites, during to which local national authorities responsible for environmental protection have referred work practices and both institutional and legal challenges.

At the end of this phase, each country prepares a working report, in French, with the overview and recommendations for the national authorities and the European Commission, for the creation of tools to reduce the gap between the need for effective environ-

The team of the office of the High Inspector of Justice prepared the national report on our country, which contains the national and international legal framework, the institutional framework, the local and ECHR jurisprudence on environmental crime, the presentation of Albanian administrative authorities, specialized judicial authorities and other civil authorities, statistical data, collaborations and work practices as well as recommendations for the national authorities and for the European Commission, as the project sponsor.

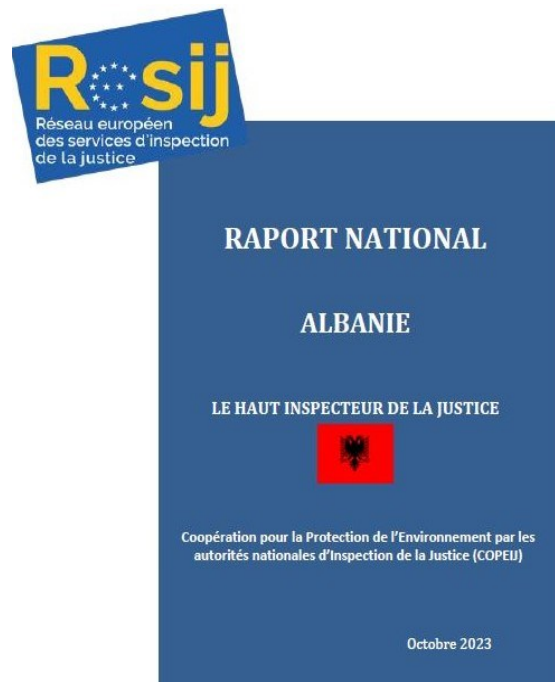
mental criminal justice and the current reality in each country.

The team of the office of the High Inspector of Justice prepared the national report on our country, which contains the national and international legal framework, the institutional framework, the local and ECHR jurisprudence on environmental crime, the presentation of Albanian administrative authorities, specialized judicial authorities and other civil authorities, statistical data, collaborations and work practices as well as recommendations for the national authorities and for the European Commission, as the project sponsor.

“Often perceived as ‘victimless’ and random crimes, environmental crimes are often low on the list of law enforcement priorities and are usually punished with low sanctions, as a result of unclear definitions and misinterpretation of concepts. In this context, this basic report enables a detailed analysis of the Albanian environmental legal framework, of the institutional capacities, including both

the aspect of human and financial resources, as well as aspects of their activity,” says the report prepared by HIJ.

The full report in French can be found here: <https://ild.al/en/2023/11/01/raport-national-du-hij-cooperation-pour-la-protection-de-lenvironnement-par-les-autorites-nationales-dinspection-de-la-justice-copeij/>





**HIGH INSPECTOR OF JUSTICE SPEECH AT CONFERENCE
“DURATION OF PROCEEDINGS IN APPEAL 2016-2023, AND
DELIVERING DECISIONS WITHIN REASONABLE TIME”**

Dear Mr. Ambassador Vos,
Ms. Llagami
Mr. Shella,
Dear Participants,
Hello everyone!

I would like to begin with a thank you to Mr. Shella and the Infocip center for inviting me and organizing this activity, but above all, for drafting this report.

I personally, do appreciate the ongoing commitment of your Center regarding the monitoring of the courts' activity, with a special focus on the duration of court proceedings and on conducting trials within reasonable time, also reaching conclusions with concrete and professional suggestions for these issues.

I believe that your role as civil society is very important, because civil society organizations

play an important role in strengthening democratic processes, consolidating good governance, respecting human rights, as well as ensuring transparency and accountability. In my opinion, this should be done not only through monitoring processes and positive pressure on decision-makers and heads of new justice bodies, not only through supervising the performance of these bodies and demanding them to fulfill their responsibilities, but your role should go beyond this, by presenting alternative ways to protecting the citizens' interests, making concrete analyzes and proposals for addressing justice issues and making a real contribution to the development of justice reform in Albania.

This is because in my perspective justice reform as well as justice as a social value in general, cannot be only a battle of justice institutions. Undoubtedly, they have the biggest role

The efficiency of the judicial system is a delicate and important issue not only at the national level, but also related to our path towards EU integration. The progress of the judiciary reform is closely related to Albania's progress towards integration into the European Union, as one of the country's key priorities. Albania is at an important stage of the EU integration process, where the involvement of all actors is essential. Judicial power with its reformation is one of the biggest challenges faced by Albania.

and responsibility, yet the standards of justice, of the sense of justice and the rule of law must be cultivated by all of us, justice institutions, politics, the media and civil society.

It is in this context that I see and appreciate the report prepared and presented today.

On the other hand, the efficiency of the judicial system is a delicate and important issue not only at the national level, but also related to our path towards EU integration. The progress of the judiciary reform is closely related to Albania's progress towards integration into the European Union, as one of the country's key priorities.

ities. Albania is at an important stage of the EU integration process, where the involvement of all actors is essential. Judicial power with its reformation is one of the biggest challenges faced by Albania. In this context, I would like to take this opportunity to thank the Dutch Embassy for the support given to this process. Thank you, Ambassador Vos!

Justice reform is currently being implemented in Albania.

This reform aims to establish a reliable, fair, independent, professional, open justice system oriented towards accountability and efficiency,





which has the public trust. The process of practical implementation of the reform has been and remains an essential challenge.

The measure taken so far within the framework of conducting trials within reasonable time, should not only be in terms of the legislative process, but appropriate measures and tools are needed to change the factual situation, in order for the laws to be implemented and the courts of all levels to function normally.

We have the obligation to organize the legal system to guarantee compliance with the conditions provided for in Article 6§1 of the ECHR, as well as to apply a series of effective measures, in order to guarantee the right to deliver a final decision within reasonable time limits.

Courts themselves can apply some methods in the administrative aspect, to temporarily help speed up the court trial processes. Another mechanism for increasing efficiency can be the

The workload of the magistrates today, which is also related to the process of re-evaluation of judges and prosecutors, is an objective criterion which is taken into account for the conduct of court trials and the time needed for reasoning the judicial decisions. Therefore, also based on this objective criterion, the time the magistrates need to reason the court decisions, serves not only to increase the quality of the content of the court decision given to the litigants to whom this decision is directed, but also to enhance public confidence in fair trials, a principle whose essence is a well-reasoned judicial decision.



evaluation system of magistrates, which can continuously encourage them to improve their performance, or increase their human and financial capacities. However, it is worth noting that the last tool to be applied, which I find extraordinary, is the disciplinary proceeding of the magistrates for their lengthy judicial proceedings.

In this concrete case, it results prima facie, that despite the time limits provided in the procedural law, these deadlines have not always been rigorously implemented by the magistrates during the performance of their duties. In this case, non-compliance with procedural deadlines by magistrates should not be considered a priori as a possible disciplinary violation.

In order to reach the conclusion whether there are actions/omissions of the magistrates which may constitute a disciplinary violation or whether the action/omission is related to their professional activity, a number of issues must be ana-

lyzed case by case through verification processes or disciplinary investigations, which are related to the identification of factual and legal elements on the disciplinary responsibility of magistrates.

The workload of the magistrates today, which is also related to the process of re-evaluation of judges and prosecutors, is an objective criterion which is taken into account for the conduct of court trials and the time needed for reasoning the judicial decisions. Therefore, also based on this objective criterion, the time the magistrates need to reason the court decisions, serves not only to increase the quality of the content of the court decision given to the litigants to whom this decision is directed, but also to enhance public confidence in fair trials, a principle whose essence is a well-reasoned judicial decision.

Non-compliance with the time limit set by the procedural legislation and in particular the deadlines provided for delivering the reasoned



decisions within a reasonable time limit will not always be considered a possible disciplinary violation. There must be a lack of care, efficiency, professional skill or negligence, at such an extent that they go beyond the “boundary of reasonableness” and cannot be justified by the magistrate, in order to be considered a violation. The delay in reasoning and delivering the decisions constitutes a disciplinary violation when it is a repetitive, serious and unjustified case, and at the same time, it does not result from any situation that cannot be controlled by the magistrate or that is related to the dysfunction of the judicial system.

This has also been the institutional position held by the High Inspector of Justice in the thematic inspection, carried out a few months ago in two important courts in Tirana. According to this reasoning, the thematic inspection has also concluded with some concrete deadlines for delivering written court decisions, as well as

verifications or investigations for certain magistrates of these two courts. It is worth noting that this inspection was a snapshot of the period in which the inspection was carried out and may not be applicable in other courts of the country, or in other time periods.

Things vary from court to court and there may be different dynamics at different periods of time. But it is important to note that the High Inspector of Justice has shown the magistrates a methodology which will be used for the verification of their work, for the cases related to delivering written court decisions.

These are some of my thoughts that I decided to share with you in this meeting. I hope that this kind of activism will continue from you, Mr. Shella, but also from other organizations, for issues related to justice and to its bodies’ performance.

Thank You!

NOVEMBER 2023

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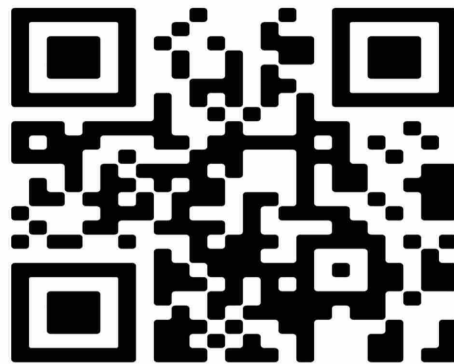
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www.youtube.com/watch?](https://www.youtube.com/watch?)**



Më skano!