

December 2023 | No. 33



NEWSLETTER

HIGH INSPECTOR OF JUSTICE

www.ild.al | info@ild.al



Inspektori i Lartë i
Drejtësisë



Inspektori i Lartë i Drejtësisë Artur Metani
@ILD_Albania

HIGH INSPECTOR OF JUSTICE HOSTED
THE GENERAL ASSEMBLY OF RESIJ





HIGH INSPECTOR OF JUSTICE HOSTED THE GENERAL ASSEMBLY OF RESIJ

The General Assembly of the European Network of Justice Inspection Services (RESIJ) was held for the first time in Tirana, under the auspices of the High Inspector of Justice – a mem-

ber of this Network, with the participation of the delegations of the justice inspectorates of Romania – which holds the presidency of RESIJ, France, Italy, Belgium, Bulgaria, Spain and Por-





tugal. In his welcoming remark, High Inspector of Justice Mr. Artur Metani thanked his colleagues from the European Union countries, who decided to admit the HIJ as a full member of RESIJ.

“I see your decision to make the institution of the High Inspector of Justice of the Republic of Albania a full member of RESIJ, first of all, as an appreciation for the commitment of the HIJ institution of the Republic of Albania to this Network so far. On the other hand, I see the membership of HIJ to RESIJ as a confirmation of our common will and cooperation,” said Mr.

Metani.

While referring to the future of the RESIJ projects, with the changes in the statute of this organization, the High Inspector of Justice observed that “Today RESIJ “acquires” a new legal personality. Personally, I think that RESIJ requires special attention.

Our approach to RESIJ activities requires an increased care and more commitment. The development and growth of any organization of this kind, apart from cooperation, action and energy, requires above all a mission, it requires planning at a strategic level by defining clear





priorities, as well as an approach as comprehensive as possible from all us for the achievement of our goals.”

In her speech, the President of RESIJ, the head of the Judicial Inspectorate of Romania, Ms. Roxana Ioana Petcu said that “I greatly appreciate Albania’s commitment to the activity of the Network and today’s organization proves to us the impeccable and responsible way in which the High Inspector of Justice of Albania understands its con-

tribution within the European Network of Justice Inspection Services.”

During the RESIJ General Assembly, the members approved the final changes to the Network Statute, as well as discussing the future projects of RESIJ. They also proposed the dynamism of the Network through exchanging inspectors, sharing methodological inspection experience and engaging in common challenges such as the independence of magistrates and public expectations from





the justice system.

RESIJ, the European Network of Justice Inspection

Services was created in Paris, in March 2017, as an initiative of France, with the presence of representatives of the European Union and the European Commission for the Efficiency of Justice of the Council of Europe (CEPEJ) and representatives from Belgium, Czech Republic, France, Italy, Lithuania, Montenegro, Netherlands, Poland, Portu-

gal, Romania, Serbia, Slovenia, Spain, Great Britain.

In December 2021, the High Inspector of Justice of Albania (HIJ) was admitted with observer status to this Network, which consisted of Belgium, Bulgaria, France, Italy, Spain, Portugal and Romania. From October 19, 2023, the members of the Network decided to admit the High Inspector of Justice of Albania as a full member.





REMARK OF HIGH INSPECTOR OF JUSTICE AT GENERAL ASSEMBLY OF EUROPEAN NETWORK OF INSPECTION SERVICES (RESIJ)

Hello everyone!

Thank you for your presence in Tirana today!

I cannot hide the happiness I feel for the organization of this activity. Today, almost a year and a half later, we are together again. I feel very privileged and honored that the scheduled meeting of the General Assembly of RESIJ is taking place in Albania.

During this time, we have had an intensive cooperation. We have had a lot of activities within RESIJ, but this meeting today has a different meaning for me. Perhaps due to the very fact that the institution of the High Inspector of Justice of the Republic of Albania now enjoys the status of a full member of RESIJ. Thank you all of you! It is an honor for the institution that I head to be part of this organization today as a full member of it.

I see your decision to make the institution of the High Inspector of Justice of the Republic of Albania a full member of RESIJ, first of all, as an appreciation for the commitment of the HIJ institution of the Republic of Albania to this Network so far. On the other hand, I see the membership of HIJ to RESIJ as a confirmation of our common will and cooperation.

However, in addition to the recognition and cooperation, I also perceive it as a great responsibility. I see this membership process as a challenge to respond to all the requirements of the Network and to the contribution, which now has to be given in the capacity of a member as well as fulfilling a series of obligations that may arise in the future.

At the same time, today's meeting of the General Assembly of RESIJ has a very special importance. Considering today's changes, which we will un-



dertake in the Statute, we intend to define new rules on its organization and operation. This phase coincides with a new beginning of RESIJ’s activity.

Today RESIJ “acquires” a new legal personality. Personally, I think that RESIJ requires special attention. Our approach to RESIJ activities requires an increased care and more commitment.

The development and growth of any organization of this kind, apart from cooperation, action and energy, requires above all a mission, it requires planning at a strategic level by defining clear priorities, as well as an approach as comprehensive as possible from all us for the achievement of our goals.

During these days, thinking about my considera-



Today RESIJ “acquires” a new legal personality. Personally, I think that RESIJ requires special attention. Our approach to RESIJ activities requires an increased care and more commitment

tions and the remark I would share with you, some feelings or dilemmas based on the skepticism regarding the future of RESIJ came to my mind, dilemmas which we also discussed during the conference “Tirana 2022” in June. These are the difficulties we face, which come as a result of the differences that we RESIJ members have from a political, legal, organizational and institutional point of view.

By doing a retrospective analysis of RESIJ’s activity so far, I come to the conclusion that not only have we all together, managed to overcome these barriers which arise in front of us due to this diversity, but we have also produced clear results, both for a short-term period as well as for the years to come.

However, there is still more to be done. The organization of this meeting today, as well as its agenda, is a clear indication that we are on the right track. Considering our performance so far, by applying the best methods or approaches of successful partnership and communication, as well as having a good will to contribute to the development of the role of inspection services in compliance with our common European values, like democracy and the rule of law, I personally believe that we will succeed in making RESIJ fulfill the mission which it was created for.

Thank you once again for your participation and allow me to give the floor to the President of RESIJ, Ms. Roxana Petcu.

Thank you!





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 web-

site 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 **December 2023**, the **Complaints and Public Relations Sector** received **24 complainants**, who appeared at the premises of the **Office of the High Inspector of Justice**, and **12 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 **December 2023**, at the **Office of High Inspector of Justice**, **12 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).*

TRANSPARENCY AND ADMISSION OF CITIZENS IN FIGURES FOR THE YEAR 2023

The Office of the High Inspector of Justice has concluded a year with challenges, being closer to the citizens with the handling of their complaints, but also providing the required information. In the span of one year, the Complaints and Public Relations Sector has physically assisted 237 citizens from all over Albania with their presentation to the Office of the High Inspector of Justice, who have had claims against various magistrates. They were assisted and have filled out the complaint form that was also published on the institution's website www.ild.al.

In addition to the physical reception of citizens at the premises of the Office of the High Inspector of Justice, there was also assistance through phone calls at the phone number +355 4 2217217. 188 Albanian citizens received information throughout the year 2023, on how to complain, how long it takes to complete the their complaint, where, when and how they can be presented and to whom they can complain.

In order to facilitate the complaints process even more, the Office of the High Inspector of Justice, since the establishment of the institution, brought a new, more simplified form of complaint, which citizens or institutions can submit for suspected violations on the part of judges and prosecutors in Albania.

For the verification of complaints or the investigation of disciplinary violations against subjects, the Inspector can be set in motion based on the written complaint of any natural person, legal entity or public body concerned.

The High Inspector investigates suspected violations mainly, based on public data or data obtained in the framework of institutional and thematic inspections, on every aspect of the work of courts, judicial administration, prosecution offices and prosecution administration, based on the motivated request in writing by the High Judicial Council, the High Prosecution Council, the Minister of Justice, the General Prosecutor and in the annual plan of inspections.

In the span of one year, the Office of the High Inspector of Justice has fulfilled the legal obligation for the right to information. In the span of one year, 202 such requests from citizens or other subjects have been answered,. Also, it should be emphasized that during the year 2023, 350 decisions were registered by announcement, in accordance with Article 162 of Law 44/2015 "Code of Administrative Procedures in the Republic of Albania".

FIGURES

- ◆ **241 admissions of citizens**
- ◆ **188 calls from citizens**
- ◆ **202 information requests**
- ◆ **350 decisions by announcement**

HIJ on Twitter



Inspektori i Lartë i Drejtësisë /

@ILD_Albania

Follow

Vendimmarrjen tuaj për të anëtarësuar institucionin e Inspektorit të Lartë të Drejtësisë në RESIJ, e shikoj si një vlerësim për angazhimin e deritanishëm të institucionit në këtë Rrjet, por edhe si një konfirmim të vullnetit dhe bashkëpunimit tonë të përbashkët #RESIJ

#ILD

Translate post



7:39 PM · Dec 14, 2023 · 57 Views



Inspektori i Lartë i Drejtësisë /

@ILD_Albania

Follow

Për herë të parë në Tiranë Asambleja e Përgjithshme e Rrjetit Europian të Shërbimeve të Inspektimit të Drejtësisë nën kujdesin e ILD, me pjesëmarrjen e Rumanisë, që ka presidencën e RESIJ, Francës, Italisë, Belgjikës, Bullgarisë, Spanjës, Portugalisë

[ild.al/sq/2023/12/14/...](http://ild.al/sq/2023/12/14/)

Translate post



8:30 AM · Dec 15, 2023 · 91 Views



Inspektori i Lartë i Drejtësisë Artur Metani

@ild_albania · 7 Dhj

"Duhet të kuptojmë përse u krijua reforma në drejtësi dhe ndarja e pushteteve. Në momentin që fillojmë kuptojmë dhe ta pranojmë këtë ndarje pushtetesh me shumë vështirësi, atëherë do i krijojmë vetes një lehtësi të madhe për të ardhmen" #ILD

2 6 Twitter



Inspektori i Lartë i Drejtësisë Artur Metani

@ild_albania · 7 Dhj

Shkëmbime interesante me shoqërinë civile, diplomatë e ekspertë ligjorë mbi reformën në drejtësi dhe rolin e #ILD-së në forcimin e shtetit të së drejtës

4 Twitter



Inspektori i Lartë i Drejtësisë /

@ILD_Albania

Follow

Po ndodh: Roli i Inspektorit të Lartë të Drejtësisë në forcimin e shtetit të së drejtës. #konferenca #ILD @ReinoutVos @CSDGALBANIA



10:53 AM · Dec 6, 2023 · 249 Views



4



9



DECEMBER OF HIJ IN NUMBER

During **December** the Office of High Inspector of Justice has administered **100 complaints**.

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

ARCHIVED

64 decisions out of 105 reviewed complaints, specifically:

⇒ **60 archiving decisions after verification by HIJ practices**, of which:

47 archiving decisions after initial review

13 archiving decisions after verification

⇒ **4 archiving decisions from inherited practices (files carried over from the former HCJ)**

1 archiving decision after initial review

3 archiving decisions after verification

VERIFICATION

⇒ **16 verification decisions, from the practices of the HIJ.**

DISCIPLINARY INVESTIGATIONS

⇒ **1 decision to initiate a disciplinary investigation for 1 magistrate judge.**

COMPLAINT PROCESS AT HIJ

The Office of the High Inspector of Justice continues with intensive work to confirm the complaints carried and those administered since February 1, 2020, when it was established as an institution.

To facilitate this process for interested persons, HIJ has published on the official website a special complaint form, which:

Can be completed directly and submitted online;
Can be downloaded, completed and sent by email to info@ild.al or by mail at the address Boulevard "Dëshmorët e Kombit", Building no.13, Tirana.

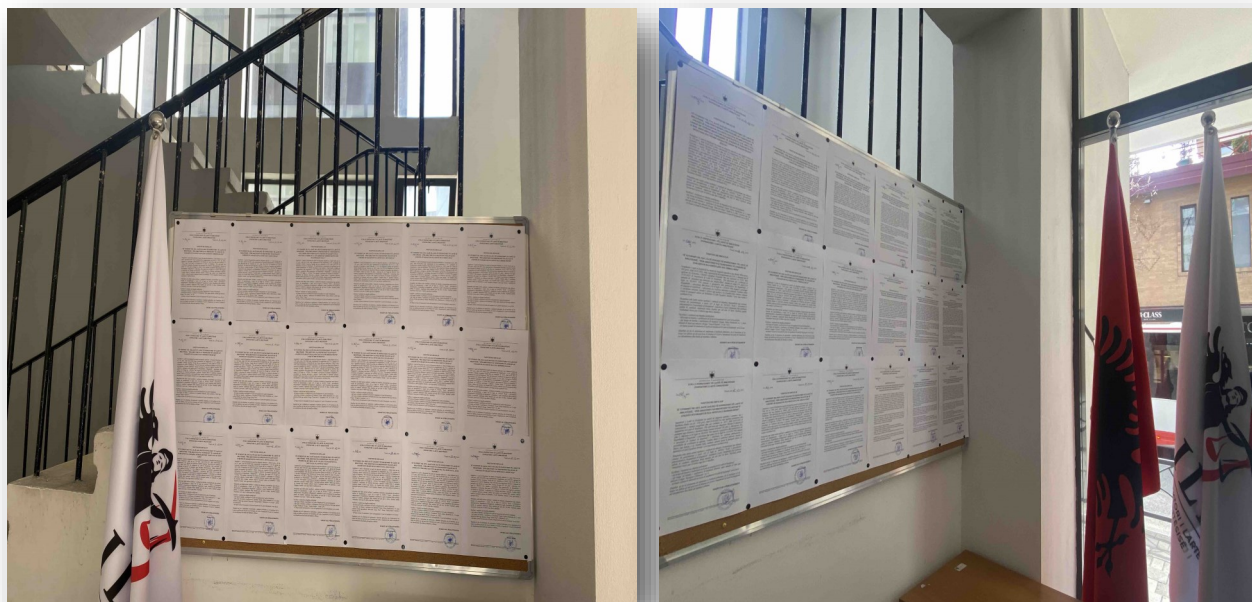
It can also be completed by presenting at the Office of the High Inspector of Justice, if necessary, to ask for assistance of the team of the Complaints Office.

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

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

PUBLIC ANNOUNCEMENT OF DECISIONS

Even during the month of **December**, the Office of the High Inspector of Justice made public announcements of archiving decisions for **11 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 **350 public announcements**





HIGH INSPECTOR OF JUSTICE OFFICE FINALIZED STRATEGIC PLAN AND ACTION PLAN 2023-2025

The Office of the High Inspector of Justice discussed at two working sessions the institution strategic plan for the period 2023-2025 as well as the action plan for the same period.

This has been the second strategic plan since the establishment of the institution of the High Inspector of Justice. “The priorities of the Office of the High Inspector of Justice have already changed from the emergency phase of setting up an institution from scratch, to the consolidation of experience and standards, by turning the difficulties encountered so far into work objectives”. – said High Inspector of Justice Mr. Artur Metani, congratulating the working group for the preparation of this document, which will guide the HIJ work for three years.

The document was presented by the head of the working group, Ms. Eljona Bylykbashi, director of the Directorate of Legal Services and Drafting of Acts who mentioned that the plan reflected the experience of identifying the needs, and their combination according to a system of planning, coordinating and monitoring will mark a qualitative step in their implementation.

The new strategic plan contains a situation of the current analysis of the institution, the vision, values and strategic objectives, financial resources as well as monitoring and reporting.

Discussions and suggestions were made by the unit of Inspectors, that of assistant inspectors, the cabinet, as well as the administration directorates, whereas the focus of the action plan



discussion session was the new challenges of information technology system for the management of issues and the continuous improvement of this infrastructure; increasing the capacities of inspectors through training and inspection practices with European counterparts; carrying out continuous planned thematic and institutional inspections, in accordance with the relevant methodology and standards, as well as increasing transparency and public access to the HI disciplinary proceedings subjects; developing the activities.





Representatives of the EU support mission, “EU for Justice” also participated in this work activity of the Office of the High Inspector of Justice.

The international expert Mr. Álvaro García Pérez-Iraola made a presentation of combining the activities of the “EU for Justice” project with the strategy of the High Inspector of Justice 2023-2025, with the aim of achieving common

objectives of increasing and consolidating an effective, independent and transparent institution. “The areas where the project has focused its future activities affect the regulatory and organizational aspect, IT, communication with the public and capacity building,” informed the Spanish expert.





RESPECTING THE SEPARATION OF POWERS BRINGS EFFECTIVENESS TO THE JUSTICE REFORM

High Inspector of Justice Mr. Artur Metani participated in the conference “Justice Reform in Albania and the High Inspector of Justice Role in strengthening the rule of law”, organized by the Center for the Study of Democracy and Governance, supported by the Embassy of the Netherlands in Albania, within the Cluster 1 platform project. In his speech, the High Inspector of Justice praised the attention that civil society organizations pay to the HIJ work. “I thank the Center (Center for the Study of Democracy and Governance), which organized this meeting today, as well as the Embassy of the





Netherlands, because it is the third or fourth time that different organizations have organized activities regarding the work of the High Inspector of Justice and it is a pleasure to see that our work is praised, or at least analyzed or reviewed on the basis of professional analysis," said Mr. Metani

The High Inspector of Justice focused on the reasons that led to the justice system reform and the

new architecture of justice institutions, as the basis for a new social mentality – the mentality of respecting the separation of powers, which in his view, it is not being conveyed today.

“The society, for different reasons, and we cannot judge the society, because due to the lack of prosecutors and judges, today citizens are not receiving justice. This is evident and of course we are in





this part of the society, but on the other hand trying to build concerns the next 10 years, the the new bodies of justice HIJ, HJC, HPC are taking next 15 years, and not the solutions of present measures as far as they are entitled by law, situation, because we solve the situation today, to address these issues. However, if we point but most likely it will turn into a precedent, the finger, without understanding the problem, which we will suffer 10 years later. And so, we without understanding the work of our institutions, the standards we are trying to set with go round and round again in a vicious circle. great difficulty, which in our view, do not respond to the political debate of the moment but Therefore, we must understand why the justice reform and the separation of powers were created. Once we begin to understand and accept to the challenges of the future, and what we are





with great difficulty this division of powers, then we will facilitate our future work. There are many difficulties at the moment, but at least we have a clear path for the future, with a clear vision for the future.

This is my way of looking at what is happening today. We may not see eye to eye on this, but I think

that we tried the opposite of what is happening today for 30 years, and this is where we are. Then let's try to respect the separation of powers," said Mr. Metani

Perspectives on the justice reform and the role of the High Inspector of Justice, were shared by the Ambassador of the Kingdom of the Netherlands,





Reinout Vos, the head of the Sector for Good Governance, Justice and Law Enforcement in the EU Delegation, Ms. Lenka Vitkova, Regional Rule of Law coordinator, Embassy of the Netherlands to Serbia and Montenegro, Mr. Bart de Bruijn, as well as the executive director of the Center for Democracy and Governance Studies Mr. Arjan Dyrmishi.

The findings and recommendations of the study on the work of the High Inspector of Justice Office, by researcher Ms. Ilvana Dedja, were discussed during the conference focusing on the role of the High Inspector of Justice in guaranteeing the integrity and accountability of the judiciary by Mr. Rene van Veen, judge at the Court of Appeal in the Netherlands,

Ms. Isida Koka, advisor in the cabinet of the High Inspector of Justice, Dr. Erind Merkuri, lecturer at the Faculty of Law at the University of Tirana, Mr. Marash Logu, legal advisor of the parliamentary group of the Democratic Party in the Parliament





FULL SPEECH AND COMMENTS OF HIGH INSPECTOR OF JUSTICE ARTUR METANI AT CONFERENCE “JUSTICE REFORM IN ALBANIA AND ROLE OF HIGH INSPECTOR OF JUSTICE IN STRENGTHENING RULE OF LAW”

It is definitely a pleasure to be part of this panel, because first of all it is organized by a civil society organization and I strongly believe that Civil Society Organizations can play an even greater role, to do exactly this thing that has brought us together today, the discussion about the justice reform, the expectations, its progress, the challenges, the successes, as well as the standards that are being set, or not by the Justice bodies. Of course, all these challenges must be measured based on qualitative and quantitative indicators and, of course, professional analysis, so that civil society, the society in general, the media, politics, can be clear about how an external actor views the work of justice bodies and I definitely thank the Center which organized this meeting today, as well as the Embassy of the Netherlands, because it is the third or fourth time that different organiza-

tions have organized activities regarding the work of the High Inspector of Justice and it is a pleasure to see that our work is evaluated, or at least analyzed or reviewed on the basis of professional analysis.

Second, the topic is very delicate. Arjani said that the HIJ is in a more favorable position. I would say that the HIJ is in a more delicate not favorable position to do exactly this thing – to spread the legal and political culture in the community, to set the standards of law in the community. Actually, this is the work of us all. The justice reform was conceived as an address to the identified problems of delays, non-delivery of written court decisions, corruption and so on, and a new architecture of institutions resulting from the reform in justice was created. But I think that this new architecture

created a new, strong basis for a new social mentality – the mentality of respecting the separation of powers, which in my view, unfortunately, is not being conveyed today, neither by the justice bodies nor by the civil society organizations, media, or politics.

This is the corner stone where the discussion on the progress of the reform in the institutions of justice should start, I think, because only by recognizing and respecting the independence of the separation of powers will we understand that the standards we are talking about are not standards to protect judges, or prosecutors, but they are standards to protect the society.

If the society does not agree today with a court decision, or if a judge, or prosecutor is held responsible today, because the society does not agree with his/her decision, or is not oriented towards the institutions defined by the constitution for the concerns about the judicial system, or even worse, in case other powers want to take advantage of the fact that prosecutors and judges cannot defend their decisions because of the law,

then we only add problems to our society. If we fail to understand this, then the whole discussion goes to unknown levels and unknown directions.

On the other hand, this reform, or the conveyance of the idea of the separation of powers, may succeed if we as a society do not begin to cultivate standards of law. The work of judges and prosecutors is not a statistic, nor is their dismissal from service. It is a matter of standards; standards used nowadays to legally proceed prosecutors and judges, so that the body of judges and prosecutors know exactly what they will be inspected for, so that they will not be caught by surprise by the bodies that proceed the judges and prosecutors so as to make sure that these bodies do not

use this inspection for political and financial influence traffic. For this reason, they have separated the powers.

Second, as I said, justice is not a statistic, it is a social value. If we as a society do not start developing it in schools, in politics, in the family, then





how can we expect judges and prosecutors to deliver justice? Obviously, we want independent justice, but is this society ready to accept independent justice? Is this politics ready to accept independent justice? Is the media ready to accept this independent justice? These are discussions that go to the genetics of social development. And unless they are discussed openly and fundamentally, I think that the discussion about the progress of justice institutions will be incomplete. From this point of view, I also consider this topic today, because at first glance it seems simple. I believe that this is the foundation of the misunderstandings the society has today even with the bodies of justice, that is, with the work of the bodies of justice.

The society, for different reasons, and we cannot judge the society, because due to the lack of prosecutors and judges, today citizens are not receiving justice. This is evident and of course we are in this part of the society, but on the other hand the new bodies of justice HIJ, HJC, HPC are taking measures as far as they are entitled by law, to address these issues. However, if we point the finger, without understanding the

problem, without understanding the work of our institutions, the standards we are trying to set with great difficulty, which in our view, do not respond to the political debate of the moment but to the challenges of the future, and what we are trying to build concerns the next 10 years, the next 15 years, and not the solutions of present situation, because we solve the situation today, but most likely it will turn into a precedent, which we will suffer 10 years later.

And so, we go round and round again in a vicious circle. Therefore, we must understand why the justice reform and the separation of powers were created. Once we begin to understand and accept with great difficulty this separation of powers, then we will facilitate our future work. There are many difficulties at the moment, but at least we have a clear path for the future, with a clear vision for the future. This is my way of looking at what is happening today. We may not see eye to eye on this, but I think that we tried the opposite of what is happening today for 30 years, and this is where we are. Then let's try to respect the separation of powers

Question: I checked out the HIJ site and saw some interesting data, if I may call it that. From the processing of data, or complaints, there are 5685 administered complaints and others in the process of review, a considerable number. You talked about standards. Can you tell us, what are the standards that you are setting with your work?

High Inspector of Justice Artur Metani: Standards are the ones that law provides, so let's protect and respect what law provides. This means that the procedures followed by the High Inspector of Justice for the verification of a complaint against a magistrate, for the investigation against the magistrate based on this complaint, and then for the disciplinary proceedings before the councils, must have the greatest guarantees that the law provides for the confidentiality of this judge or prosecutor data and information. And this is not to protect a specific judge or prosecutor, but to protect the guarantee provided by the Constitution for the figure of the judge and prosecutor as

well as for a regular legal process. And this is

the most important standard set by the High Inspector of Justice together with the Councils. And what makes me feel the happiest today is these standards we are talking about, standards which have been confirmed by the Councils, which have been followed by the High Inspector of Justice and have been confirmed by the Appeal Chamber and undoubtedly the Councils in cases of disciplinary proceedings. But what does this create? This undoubtedly creates guarantees and convince judges and prosecutors that neither the High Inspector of Justice nor the Councils are being used politically, or for influence trafficking to prosecute them against the law. And this gives independence and by giving independence it gives confidence! And obviously judges and prosecutors are independent although you cannot become independent within a day. It needs time. However, this independence may lead to cases of judges and prosecutors abusing their decision-making discretion. Therefore, regarding all the above, I say that we must cultivate the right as a society and for this reason we must all do our part, not only the HIJ and the Councils, but also the media, civil society, the society in general





must develop the sense of right. And the judges and prosecutors in this society have encountered these advantages, developments but also these shortcomings. Just as there are good prosecutors and judges, there are also bad ones; there are good and bad doctors; there are good and bad journalists; there are good and bad politicians. For these reasons we should focus on the vision of the future, such as the separation of powers and respect for the independence of judges and prosecutors, and we must not consider it a protection for judges and prosecutors, but a protection for the society. Obviously, this independence I am talking about, and I would like to emphasize it once more, may come with a price at the moment, which is normal, but it is better to pay this price now rather than punish a judge or a prosecutor because of his inner conviction which may not be professional because of his/her professional development. And in my view, this is better than making a constitutional violation just to fix a situation today.

Question: If a citizen files a complaint with the HIJ today, how long does it take for this complaint to be reviewed?

High Inspector of Justice Artur Metani: Pursuant to the law, the High Inspector of Justice must respond to the citizens for the complaints they make – if the complaints will be verified or archived, within 3 months. This time limit is generally not met due to the burden caused by the backlog inherited from the previous institutions of Justice, which were responsible for handling citizens' complaints and did not handle them. All this backlog of unhandled complaints came to the High Inspector of Justice. Over 2,100 complaints came from the previous institutions, while for a year and a half, the High Inspector of Justice has worked with two people. Undoubtedly, it seemed illogical to carry out thematic inspections and disciplinary proceedings, but we started the latter immediately. And it is enough to see how long it took the HIJ to present its first disciplinary proceeding compared to how long it took other institutions, e.g. Independent Qualification Commission (IQC) to start the first re-evaluation process from the moment it was established, to realized it. There is clear data. That's why I say that when it comes to measuring the work of justice bodies, it should be measured by analysis and standards, not by general perception.

It is enough to see how long it took the HIJ to present its first disciplinary proceeding compared to how long it took other institutions, e.g. Independent Qualification Commission (IQC) to start the first re-evaluation process from the moment it was established, to realized it. There is clear data. That's why I say that when it comes to measuring the work of justice bodies, it should be measured by analysis and standards, not by general perception.

Question: Is there a specific procedure for pensioners, or disabled people?

High Inspector of Justice Artur Metani: There is no special procedure for special categories. The High Inspector of Justice, because of the burden created by the backlog of complaints as well as the new complaints coming, approved a methodology for handling complaints, a methodology which is public, which states what the priorities are – like the statute of limitation, the magistrates in the system, all of which makes it possible to select complaints and at the same time have a transparent process for selecting the complaints.

Question: If there is flagrant violation to the citizen in the court of first instance, do you handle these cases?

High Inspector of Justice Artur Metani: The law stipulates that the decision-making of the HIJ is final, in the sense that it archives it and if it is archived, the citizen has the right to appeal this decision of the HIJ to the High Prosecutorial Council for prosecutors, or to the High Judicial Council for judges. And if the Councils decide that the Inspector should investigate it, they send it back. In all this multitude of complaints that have gone to the Councils for the decision-making of the HIJ, there is no single case in which the Councils have expressed the opposite decision, that is against the decision given by the HIJ. If the request is archived, because the case is at trial in the court of first instance, then it ends there. If the citizen agrees with the deci-

sion of the Court of Appeal or the Supreme Court, then he still has the right to file a complaint. But there is a problem here, because the citizens who make a complaint think that they will get the solution of the court case at the HIJ, which is totally wrong. What is happening now, and I don't know what to do about it, is that citizens, after submitting a complaint, receive a letter with a protocol number from the HIJ, which is the registration of the complaint, and they present this letter at every civil and criminal court process by saying that they have filed a complaint with the HIJ and request the dismissal of the magistrates. Whereas this is not a legal effect, so they exert pressure and this is a delicate role, because you have to maintain very important balances. It is very important that the judges, through the letters of the High Inspector of Justice, are not influenced by even the slightest pressure. And that is why the role and position of the High Inspector of Justice is delicate and not favorable.

The final remark of the High Inspector of Justice **Artur Metani:**

I would like we all to agree in this meeting that first of all, we need the separation of powers and the independence of the institutions. We must come up with the idea that the Parliament should ask me for information or to give account of the HIJ performance, we must agree that the HIJ and all independent institutions have the right to ask the Assembly for a different quality of laws, a different quality of their legal or political debate, a different quality of

The High Inspector of Justice, because of the burden created by the backlog of complaints as well as the new complaints coming, approved a methodology for handling complaints, a methodology which is public, which states what the priorities are – like the statute of limitation, the magistrates in the system, all of which makes it possible to select complaints and at the same time have a transparent process for selecting the complaints.

their decision-making, because things are inter-related. An institution cannot be successful, no matter which institution, if others have a low performance. This is what should come out of this meeting I believe.

Second, we must come up with a common opinion again, that we cannot accept that the Assembly, in its parliamentary debates, appeal to the High Inspector of Justice to investigate this or that. No, definitely not! The Constitution stipulates in the system that if you have a complaint, file it with the institution. We start our verification of course, but this is if you don't agree, so if you start the

verification, you must maintain the balance,

why you start it so that the judge will not understand or will not feel that you are doing it for political reasons. It has happened before and the judge was protected by the fact that the High Inspector of Justice was set in motion by politics, a guarantee that Strasbourg protects a lot. It costs nothing to make a complaint. I have been scandalized by a parliamentary debate between the majority and the opposition, on a pregnant woman who was arrested in Shkodër. "We appeal to the HIJ to release her from prison", – I heard them say. I could not believe that they expressed themselves like that. No, definitely not, we must all agree that this cannot happen, not even for the sake of I have been scandalized by a political debate.



HJC ACCEPTS HIJ PROPOSAL FOR ENDING DISCIPLINARY PROCEEDINGS AGAINST MAGISTRATE M.K.

The High Judicial Council ended the disciplinary proceeding against magistrate M.K., judge at the Court of First Instance of General Jurisdiction Durrës, based on the request of the High Inspector of Justice, who after becoming acquainted with the file of the disciplinary proceedings initiated in 2012, found that the alleged violations occurred in 2009, and in 2012 the claims were time-barred. The High Inspector of Justice administered the file of the disciplinary proceedings against M.K., judge at the Court of First Instance of General Jurisdiction Durrës, forwarded to the HIJ for competence, by the High Judicial Council on 30.06.2023, as a process initiated by the General Directorate of Justice Affairs, based on the Order of the Minister of Justice dated 17.07.2012, on the basis of the complaint of a banking entity. From the documentary analysis of the file with a view to identifying legal elements as well as facts or circumstances, it resulted that the Minister of Justice, after conducting the investigative process, requested the initiation of the disciplinary proceedings and proposed to the High Council of Justice to impose the disciplinary measure "Dismissal from service". Having submitted the request for the initiation of the disciplinary proceedings at the former HCJ, the Minister of Justice requested the suspension of requests for disciplinary proceedings against magistrate M.K. The High Council of Justice with decisions date 14.02.2013 and 19.07.2013, pursuant to Article 23 of Law no. 8485, dated 12.5.1999 "Code of Administrative Procedures", decided to suspend the request of the Minister of Justice for disciplinary proceedings against the judge. After the HIJ request for reviewing the disciplinary suspension by the former HCJ as a legal situation which prevents the parties from continuing the disciplinary proceedings, on 30.11.2023, the HJC decided to annul the decisions of the former HCJ "On suspending the disciplinary proceedings until the judicial review by higher courts is completed" and

continuing the review process of the request for disciplinary proceedings against magistrate M.K. as well as sending the acts to the High Inspector of Justice.

From the documentary practice related to the request for disciplinary proceedings by the Minister of Justice regarding magistrate M.K., it turns out that the alleged violations occurred in 2009 and in 2012 the claims were time-barred. The statute of limitations does not allow the disciplinary body to investigate and make decisions on the disciplinary measures against the magistrate due to the long period of time that has passed since the disciplinary violation was committed. In the High Inspector of Justice perspective, respecting the deadline for conducting disciplinary proceedings ensures the principle of legal certainty, therefore the HIJ requested in today's hearing that the HJC ends the disciplinary proceedings initiated against magistrate M.K., due to the fact that the statute of limitations of these disciplinary violations for which this proceeding was initiated, had expired; a request that was accepted by the members of the HJC.





HIJ WISHES YOU A HAPPY NEW YEAR 2024!



DECEMBER 2023

All rights reserved High
Inspector of Justice

© ILD



CONTACT HIJ

WEB: ild.al
EMAIL: info@ild.al
ADDRESS Boulevard“Dëshmorët e Kombit”,
Building nr.13 Tirana, Albania



Spot prezantues ILD
Prezantimi i Inspektorit të Lartë të Drejtë
youtube.com



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

Më skano!