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Inspektori i Lartë i
Drejtësisë



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PRESENTATION OF THE ACTIVITY OF HIJ FOR
THE YEAR 2023 IN THE ASSEMBLY





PRESENTATION OF THE ACTIVITY OF HIJ FOR THE YEAR 2023 IN THE ASSEMBLY

Dear Ms. President of the Assembly, the year 2023.

Dear Members of Parliament,

The annual report and its data are in front of you and I would not like to repeat myself, citing the things you have in the report, but I would like to briefly record how, in the role of the High Inspector of Justice, I see the progress of this institution. throughout the year 2023,

seeing this, also in relation to the challenges that the justice system has encountered, since the adoption of the justice reform in 2016. Under this lens, I have tried to prepare a presentation of the work of the High Inspector of Justice for

The High Inspector of Justice, within his constitutional powers, is fully committed, even throughout the year 2023, to influence the improvement of the efficiency, transparency, impartiality, independence, professionalism and accountability of the judicial system in Albania.

With these goals in mind, HIJ has attempted to address a number of issues:

First, through the exercise of powers, within the system of accountability of magistrates, handling and verifying a high

During the year 2023, the handling of the complaints fund inherited from the previous institutions, which were responsible for the disciplinary proceedings of magistrates, until the establishment of the institution of the High Inspector of Justice, was completely processed, thus giving a important message to all citizens and magistrates, for the construction of a tradition that avoids the culture of forgetfulness and impunity.

number of citizen complaints. More to all citizens and magistrates, for the specifically, during the year 2023, 2340 construction of a tradition that avoids the complaints received from citizens or culture of forgetfulness and impunity, since institutions were verified. This means that the verification that the HIJ has done to this 2340 judicial practices have been verified in fund of inherited complaints, have been all the courts and prosecutor's offices of the investigated and disciplinary proceedings country. have been requested for some magistrates.

It should be emphasized here that during the year 2023, the handling of the complaints fund inherited from the previous institutions, which were responsible for the non-disciplinary proceedings of magistrates, until the establishment of the institution of the High Inspector of Justice, was completely processed, thus giving a important message I would like to highlight here, that in the context of examining the claims of the complainants, 44% of the complaints against the magistrates are for claims of non-compliance with the material and procedural law, while 34.5% of the complaints are related to claims against the unjust decision-making of the magistrates during the





examination of cases. , 13.4% of complaints are related to delays in the reasoning of court decisions and 8.1% of complaints are related to claims for delays in the trial or investigative activity.

From the 2340 reviewed complaints, it results that 68% of claims were submitted against magistrate judges, 7% to prosecutor magistrates and 22% to judges and prosecutors together. For 77 complaints, the subject against which claims are made is not identified.

From the statistical information of the complaints reviewed during the year 2023, it is noted that the claims against the magistrate judges who exercise their duties at the Court of First Instance of the General Jurisdiction in Tirana constitute the highest number of complaints. Complaints against the magistrates of this court are 15% of the

complaints examined in total, followed by claims against the judges who exercise their duties at the Court of Appeal of General Jurisdiction, with about 13%. The ranking continues with the Administrative Court of the First Instance of Tirana, with about 6% of complaints examined in total.

Next are the Court of First Instance of General Jurisdiction Fier, the Court of First Instance of General Jurisdiction Elbasan and the Court of First Instance of General Jurisdiction Durrës, with a representation of about 5% each.

Meanwhile, for the magistrates of the Special Court of First Instance for Corruption and Organized Crime and of the Special Court of Appeal for Corruption and Organized Crime, about 2% of the complaints examined in total were submitted.



The courts with the fewest complaints of General Jurisdiction Fier with about 2% against their magistrates are: the Court of each. For the prosecutors of the Special First Instance of General Jurisdiction Berat, Structure Against Corruption and Organized the Supreme Court and the Court of First Crime (SPAK), about 1% of the complaints Instance of General Jurisdiction Kukës, with examined in total were submitted. about 1% each.

As for the examined complaints, on the claims against the prosecutors, it results that for the prosecutors who exercise their duties in the Prosecutor's Office at the Court of First Instance of the General Jurisdiction in Tirana, the highest number of incoming complaints was recorded, with about 6% of complaints reviewed in total. The ranking continues with the Prosecutor's Office at the Court of First Instance of General Jurisdiction Durrës, the Prosecutor's Office at Court of First Instance of General Jurisdiction Elbasan, the Prosecutor's Office at Court of First Instance

The lowest number of complaints was addressed against the prosecutors who work in the Prosecutor's Office at the Court of First Instance of General Jurisdiction Vlorë, the Prosecutor's Office at the Court of Appeal of General Jurisdiction and the Prosecutor's Office at the Court of First Instance of General Jurisdiction Dibër, with about 0.5% of the total complaints examined each. Considering the importance of a number of institutions in the system, I would like to highlight that during the activity of the HIJ, in these 4 years, the data on the complaints presented and processed by the HIJ are as follows:

INSTITUTIONS	Reviewed	In process	Total
Special Anti-Corruption Structure (SPAK)	54	27	81
Special Court of First Instance for Corruption and Organized Crime (GJPSHPKKO)	27	14	41
Special Court of Appeal for Corruption and Organized Crime (GJPAKKO)	35	5	40
Supreme Court	66	30	96
High Judicial Council	13	5	18
High Prosecutorial Council	3	5	8
Prosecutor general	5	5	10

Secondly, another direction of HIJ's work has been the development of disciplinary investigations and the search for disciplinary proceedings. More specifically, 18 disciplinary investigations were conducted against 25 magistrates and 6 disciplinary proceedings were conducted against 6 magistrates.

Thirdly, an important dimension of the work of the High Inspector of Justice has been the performance of thematic inspections. For the year 2023, 2 thematic inspections have been carried out, but I would like to emphasize here, that from January of this year until now, 4 more inspections have been completed, in all the courts and prosecutor's offices of the country, including the Supreme Court, Special Courts and Special Prosecutor's Office. All inspection reports are availa-

ble on the institution's website. Regarding these thematic inspections, it should be noted that there is a positive reaction from the inspected bodies, which have implemented the recommendations left by the High Inspector of Justice. On this occasion, I would like to thank in front of you all the institutions for their cooperation.

Transparency of the institution has been another priority of the Office of the High Inspector of Justice. For the transparency achieved, the High Inspector of Justice is ranked first among all institutions of the country, in the "Index of proactive transparency of central and dependent institutions" for the year 2023, of the Commissioner for the Right to Information, as the institution that has all positive indicators of a high pro-

active transparency.

In addition to the results of 2023, the priorities set for 2024 are the continuation and improvement in all dimensions of the activity of the Office of the High Inspector of Justice. The completion of the reviewing of the inherited complaints fund has given the institution more breathing space and we expect that this will affect the increase in efficiency, in time and quality, through the examination of a higher number of complaints.

On the other hand, although efforts have been made, the implementation of a modern electronic system requires more advancement and close cooperation between the bodies, for the adoption of technical standards for information technology issues for the bodies of the justice system, which will facilitate the exchange of information,

and consequently will affect the efficiency of the institutions' activity.

I want to bring to your attention that the activity of 2023 has not been an easy process, and therefore, even throughout this year, HIJ has faced a series of challenges within the framework of exercising its constitutional powers, as well as the bodies of other new parts of the justice system, which must be admitted, are not functioning according to their maximum capacities, as a result of a continuous process of implementing justice reform. For the fourth year in a row, for the High Inspector of Justice, it remains necessary to complete the unit of inspectors, especially those of the magistrate profile, as an irreplaceable tool for further increasing the institution's performance. The cooperation of other justice institutions in this regard remains a necessity.



Dear Members of Parliament,

Despite different sensitivities, it must be accepted that due to and within the framework of this reform, the justice system has achieved results that show the right direction, where this reform should continue. There are several milestones that have already been set:

Through the vetting process, results were achieved regarding the integrity of magistrates;

Efforts have been made to strengthen the independence of the judiciary by reducing political influence and ensuring that magistrates exercise their duties independently;

New institutions have been created and a genuine mechanism has been conceived for the professional and career development and training of magistrates;

Through legislative changes, institutes or

procedural mechanisms have been created to increase the efficiency of judicial power, including digitization and efficiency of judicial processes;

The standards for the protection of human rights in the judicial system have been increased, ensuring a fairer and more equal treatment for all citizens before the law.

However, much remains to be done! Today it is established that the efficiency of the justice system is not at its best level. Today, the justice system is facing a shortage of magistrates, as a result of the development of the transitory reassessment process, vetting. This lack of magistrates has resulted in the creation of a very large workload in the courts and the prosecutor's office. This load has undoubtedly brought extraordinary delays in the examination of court cases and this has been another problem, which the High Inspector of Justice has addressed through his inspections throughout 2023 and continues to prioritize it this year as well.



Of course, the challenge of the High Inspector of Justice remains the balancing and the state of a fair balance on the one hand through the identification and assessment, of the personal responsibility of the magistrates and on the other hand, of the conditions or the extraordinary workload of their work, due to of the lack of human resources, infrastructure or their low number in the system. Even in this case, the High Inspector of Justice has tried to guide the courts or prosecutor's offices with the criteria to be followed, in relation to these problems or difficulties.

But on the other hand, the time has been considerable and sufficient for the establishment of new bodies of justice, as well as making them functional. Also, the entire judicial system has been reorganized within the framework of the New Judicial Map, bringing challenges, until the justice system finds the right balance and standard. It should not be forgotten that during these years we have been ahead of the application of a new legislation, both material and procedural, as well as in relation to the organization and functioning of the new bodies of the justice system. Undoubtedly, even the implementation of this new legal framework has brought its own professional debates, reflected in various administrative practices or jurispru-

dence.

Undoubtedly, there have been cases of commenting on judicial decisions, criticism of them, even to the point of anathematizing the work of judges and prosecutors or magistrates nominally. Even from public opinion. Even from politics. It is not easy for the magistrates, but I appreciate that this is a process and a challenge that must be faced by them, since in this case the right of the public should prevail over the supervision of their work, why not also the commitment in a way directly in the process of administration of justice. What needs to be said is that the often excessive level of criticism towards their work does not affect or diminish the guarantees that the Constitution has given for the independence of judges and prosecutors, in their work and decision-making discretion.

For the sake of truth, it must be said that all these are difficulties, for which the citizens have shown maximum understanding and beyond the ordinary and besides the high expectations and trust of the public, the understanding shown so far is another responsibility, which falls directly on the bodies of the justice system. And in this context, the challenge of the new bodies of justice today re-

The challenge of the High Inspector of Justice remains the balancing and the state of a fair balance on the one hand through the identification and assessment, of the personal responsibility of the magistrates and on the other hand, of the conditions or the extraordinary workload of their work, due to of the lack of human resources, infrastructure or their low number in the system.

mains precisely the maintenance of the balance between the expectations, trust and understanding of the public and other factors in society, in relation to the real possibility of the bodies of justice today, to ultimately provide a justice system with integrity which is independent, efficient and responsible.

If the justice system faces deficiencies or problems in terms of integrity, independence or efficiency, this is not only the responsibility of the magistrates. These problems require a clear addressing and careful solution, in a systemic aspect and cannot be addressed only through the system of the responsibility of the magistrates, as is constantly claimed, on the role and functions of the institution of the High Inspector of Justice.

I want to emphasize that from the moment of its creation, until today, the Office of the High Inspector of Justice has played a proac-

tive role in relation to the identification and investigation of disciplinary violations committed by magistrates. And this work model will continue in the future and always, but always respecting the principles of a regular legal process and relying on an important cornerstone of the rule of law and democracy of a country, such as the independence of the system judicial.

These work standards of the High Inspector of Justice were also confirmed during 2023 by the competent bodies for their review. Thus, out of 1622 decisions taken by the HIJ to archive and close the disciplinary investigation, only 70 archiving decisions were appealed, or expressed as a percentage, 4.3% of the archiving decisions were appealed. As for 9 decisions to close the disciplinary investigation, there was no complaint. Of all the appeals submitted against the decisions of the HIJ during the year 2023, there are 0 de-



cisions returned for review, a result that remains unchanged, since the first year of the work of the High Inspector of Justice, since in all cases, The councils or Special Appeals Chamber have decided to reject as unfounded the appeal presented by the complainants against the decisions of the High Inspector of Justice, and consequently none of the decisions of the High Inspector of Justice has been overturned.

As was evident above, the justice system today has problems. In this context, in order to address this stage of development and the problems of the system today, in my personal point of view, we must take into consideration the fact, as well as we must clearly understand, that the reform in justice is a very important undertaking and commitment for the Albanian society. The implementation of justice reform is definitely the duty of justice institutions. But such a deep, long and complex process, in terms of social and political values, that this reform aims to cultivate in Albanian society, necessarily requires the commitment of the political and institutional system, as well as the Albanian society as a whole.

This process must go through a safe development stage, offering long-term solutions and vision, analyzing all positive or negative factors from an administrative, legal or financial point of view, which may affect its slowdown or normal progress.

This process requires a maximum assessment and the implementation of a sustainable and comprehensive policy:

In terms of the conception and development of policies, since first of all the reform in justice was conceived and led by the Assembly of Albania, within a political process;

In terms of the new institutional body, according to the standards of the European Union, since the reform in justice has foreseen a new architecture of the justice system, as well as

In the procedural aspect, which has to do with administrative, legal or financial mechanisms, within the framework of its implementation and implementation in practice.

This approach may require more time, but it is the surest path towards the constitutional implementation of the justice reform. This is my personal point of view regarding the current situation of the progress of the Justice Reform, in relation to the justice institutions today.

For this reason, I want to emphasize once again, as far as I have been consistent in my expressed positions, both before the Law Commission, but also before this honorable hall, asking the Assembly of the Republic to exercise its very important role important in the framework of the cooperation and coordination of the activity of justice institutions, not only as a drafter and creator of the reform in justice in Albania, but also as a strong promoter of its realization.

Thank you for your attention!



Q & A SESSION WITH THE HIGH INSPECTOR OF JUSTICE MR. ARTUR METANI IN THE PARLIAMENT OF ALBANIA

MP Saimir Koreshi: Thank you, dear speaker!

Honourable, even in the Commission of Laws you admitted that there are delays and exceeding of the deadlines in inspection, or in the handling of incoming complaints against prosecutors and judges. How is it possible, because here today, I say this not without purpose, because many institutions say this one has it, that one has it, the Prosecutor General has it, HIJ has it. So, it's a blur as to what happens. I say this regarding the number of complaints that your inspectors have and how much did they process during 2023, if they had all this work, because from the measures for one year, or for many years with what the public perceives in relation to exceeding of all deadlines and the way the prosecution and judicial system works today. I speak because a precedent has been set here that it seems as if the justice system is only SPAK, while the justice system in 95 percent is not SPAK, but malfunctioning?

The second question: Are you aware Honourable that many judges hold cases for several months, up to a year, and finally after a year, without giving any deadline they return the documents, this being in-

compatible with the code of civil procedure, (keeping in mind that most of the crimes (returning documents after a year). Where crimes were regarding the lands and if you do people expect to get justice? Do you make a dividing of the property among know and are you aware that many prosecu- those of the co-ownership, who are owners tors close criminal cases faster than they who benefit by law No. 7501, you have to return personal belongings? So, if there is pass the first stage, the second stage of divi- someone without a license, their car is sion. There are three stages of judgement and it takes 25 years to complete them. seized and even after the case is closed, the Each time, when it comes to the end of the vehicle is not returned, and after 25 re- process when it is needed to present the quests from citizens and different lawyers of document of the proof of inheritance, one the case, it is still not returned. When these of the co-owners has died. Has your institu- acts and other acts, such as the phones they tion verified any actions, mainly and how is seize when there are no concrete actions it possible that marriage settlements take up against the people whose belongings have to 3 years and the measures that have been been seized, the phones are no longer re- taken for this and finally, how has the new turned, the judicial police officers no longer judicial map turned out for you because not return their phones. They are forgotten. only in perception, but in fact the part How is this possible, when the acts are no of reconciliation (between the spouses), longer useful, or at the service of the crimi- until yesterday it was done within 60 days in nal investigation. Are you aware that after the Court of Appeals in Vlora, it was com- the announcement of the amnesty, those pleted within a year, a year and a half or 2 who were under house arrest, didn't have years, and today in the Tirana Court of Ap- any effect by the execution order from the peal, or in the Court of Administrative Ap- prosecutor, but contrary to the law, were peal, they say that they are still examining them who have been in prison, overstaying the files from 2017. Thank you!

High Inspector of Justice Artur Metani: Thank you for the questions. I would like to answer the first question at the end, and I really thank you for making it, because I wanted to clarify once and for all the issue of complaints, deadlines and so on.

Fifth question: Have you ever started an investigation mainly about the delays, deadlines of judges and prosecutors regarding the cases they administer, having said that many judges and prosecutors sometimes say that they have ton of workload. If you look at the Tirana Court announcements, the dates are announced only every 6 months. If you want to legally divide a property today, I'm starting with the second question, which was, am I aware that judges keep the files for one year and then return the documents? No, I think, they keep them for more than a year because here are cases like this and for this reason, throughout the years that have passed, we have carried out both

thematic inspections and individual inspections for cases where judges who have examined files or cases, have exceeded the deadlines. There have been cases when magistrates have undergone proceedings in the councils and there have also been measures taken by the councils in relation to the requested disciplinary proceedings.

Question three. Do you know that prosecutors end investigations, but do not return personal belongings...?

Of course, there are many problems in the system, we try to follow them all based on complaints and on the basis of the thematic inspections we carry out, or on the basis of the information we receive from the media. This is an issue that we will look at. It has not been part of the complaints to my knowledge so far, or it has not been a substantial part of the inspections, given that the system has many other issues as well.

Are you aware that there are many defendants, that after the amnesty....? I am aware also based on the information that was made public by the media and based on a complaint that came from the People's Advocate. We immediately started the verification. So far, there have been 70 cases that give the High Inspector of Justice the suspicion that there is a need to verify further. There are practices that are under verification and will go further, according to the procedures provided by the law.

Have you launched an investigation in the main...yes this is also related to the second question. We have carried out thematic inspection, but also individual inspections in relation to the complaints that have been submitted against judges who are exceeding the deadlines. Today, has been finished the investigation of the two magistrates, who will be sent within this month for disciplinary



proceedings before the councils, precisely for these delays we are talking about.

How does the new judicial map results...? I already said that the new map has definitely created challenges. According to the information we have, it has created challenges in terms of administration, and obviously delays. These are issues that we have tried to address and analyze based on the thematic inspections that we can carry out. But I believe it is too early to judge whether the map is successful or not.

Regarding the first question. I would like you to have some patience, because it has a bit of a long answer. The High Inspector of Justice, at the time of starting his duties on 01.02.2020, has requested from the High Judicial Council, the High Prosecutorial Council, the Prosecutor General Office, and the Ministry of Justice to send to the Office of the High Inspector of Justice:

- Complaints filed by any natural or legal person related to the allegation of violations committed by magistrates;
- Any disciplinary file under investigation;
- Any identified problems related to the fulfillment of the functional tasks of the Office of the High Inspector of Justice;
- as well as any case related to thematic and institutional inspections according to the requirements of article 194, point 4, of law no. 115/2016 “On the governing bodies of

the justice system”, amended.

At the beginning of this process, the High Judicial Council forwarded the first fund of practices consisting of a total of 757 complaints, most of which were in the initial review phase. At the same time, on the part of the High Judicial Council (and the former HCJ), only during the period August-September 2020, a total of 1347 other complaints of the former HCJ (High Council of Justice) were deposited at the Office of the High Inspector of Justice. During 2020, within the framework of various awareness-raising activities, 950 new complaints were also filed with HIJ, resulting in the administration of an archival fund consisting of 3054 complaints until 31.12.2020.

This considerable archival fund consisted of complaints which were not processed, partially processed, or which were in the initial stages of their review. Meanwhile, a part of this archival fund also had a significant number of cases or practices for which the administrative investigation process had begun, but it was not completed by previous bodies, such as the Inspectorate of the Supreme Council of Justice, the Ministry of Justice, the High Council of Justice, the Prosecutor General, the High Judicial Council, or the High Prosecutorial Council. The procedures followed by the previous bodies for dealing with these cases, resulted to have been ex-

“Of course, there are many problems in the system, we try to follow them all based on complaints and on the basis of the thematic inspections we carry out, or on the basis of the information we receive from the media said Mr. Metani “



amined in an incomplete and partial way, due to limited or divided competences between different bodies during the transitional period,

In order to deal with these complaints or practices inherited from the previous bodies, 3 (three) general orders have been approved by the High Inspector of Justice for the administration, categorization, and determination of the way of how these complaints are going to be handled. Specifically:

Order no. 66, dated 28.09.2020 “On the establishment of the working group, for the administration and categorization of complaints submitted to the competent bodies during the transitional period, until the establishment of the institution of the High Inspector of Justice”.

Order no. 98, dated 12.11.2020 “On the

establishment of the working group for the continuation of the processing of complaints or practices forwarded by the High Judicial Council at the Office of the High Inspector of Justice”.

Order no. 41, dated 19.02.2021 “On the distribution of complaints carried by the High Judicial Council and administered by the Office of the High Inspector of Justice”.

With the approval of the aforementioned acts, the administration and categorization of all complaints submitted to the competent bodies during the transitional period and forwarded for processing to the Office of the High Inspector of Justice, has been done. This categorization is done to group the complaints in order to facilitate the review process. At the end of the categorization process, cases are distributed for review according to a priority order based on

criteria such as:

- submission date;
- the stage of review by the previous bodies;
- typology or urgency of processing the complaint;
- respecting the principle of equality and objectivity, as well as the time necessary for the examination and evaluation of each documented case.

In the meantime, a special attention has been paid to complaints and practices where a disciplinary investigation has been proposed or has started; complaints in which claims are raised for activities carried out outside the statute of limitation period; as well as appeals in the verification phase and suspended pending the completion of the judgement by the higher courts.

From 01.02.2020 to 31.05.2024, the complaint review process has been a process that has exceeded our expectations regarding the normal workload, as well as the capacity of available human resources. HIJ has reviewed 6499 complaints (85 %) out of 7600 complaints which is the total number of complaints filed with the HIJ. During the year 2023, the reviewing and processing of 2104 inherited complaints was completed, enabling HIJ to no longer carry inherited complaints from the institutions during the transitional period (backlog), but to effectively continue the activity, as well as the reviewing of incoming complaints directly at the Office of the High Inspector of Justice.

From the review of the complaints of the inherited fund, it has been noticed that the complaints present claims for actions or inactions which are related to issues related to

court decisions or early investigative actions (2012-2017), which at the time of review by the HIJ, have passed the legal deadlines (statute of limitations) since the time when the alleged violation occurred was more than five years ago. The number of complaints which had passed the statute of limitations at the time they were submitted to the HIJ is 625, of which 99 passed the statute of limitation in the HIJ, or 1.3% of the total complaints inherited from the previous bodies. Today at the HIJ, from the complaints filed directly with our institution, doesn't result any case to have passed the limitations, this is because special care has been taken to respect the legal term of five years from the moment when the alleged violation is alleged to have occurred.

The review of each complaint is carried out in an impartial, independent way and in accordance with the principle of proportionality, to ensure on the one hand the magistrates for the implementation of a correct process, and on the other hand to provide the assurance that all examinations of the complaints will avoid impunity. In this regard, 111 magistrates have been investigated, for 40 of whom the initiation of disciplinary proceedings at the Councils has been requested. For any investigated magistrate, there was no violation of investigation deadlines, nor was there a complaint made by the magistrate for violation of the procedure, evidentiary documentation and procedural deadlines of the investigation.

The prioritization of the work to review the earliest claims in time, the importance and the consequence of the violation, have cer-

tainly influenced the observance of the established deadlines, but in no case have they influenced the fair and impartial evaluation in the examination of the admissibility criteria of the complaint, or the carrying out of the verification process or full disciplinary investigation. This is not only a one-sided institutional assessment by the HIJ institution, but a clear indication through the decision-making of the Temporary Committee for the Review of Complaints in the Councils for reviewing complaints against the decision-making of the HIJ, where for 4 consecutive years, there isn't any accepted appeal related the 10 appealed decisions for closing the disciplinary investigation.

During the time period 01.02.2020 to 31.05.2024, the capacity of human resources in HIJ, which has as its object the reviewing of complaints, as well as disciplinary investigation cases, or the development of thematic/institutional inspections, has been dynamic and with changes. The lack of interest on the part of the magistrate judges to be commanded in the position of inspectors at the HIJ, has in itself constituted an obstacle in the smooth running of the activity. For this reason, the High Inspector of Justice has assessed proposing legal changes to the criteria that magistrates must meet to be commanded at the Office of the High Inspector of Justice.

Specifically for 2020, the actual number of employees in the inspectors' unit was 4% reviewing 173 complaints out of 3054 complaints presented at the HIJ office. During

this year, a thematic inspection was also conducted. For the year 2021, the capacity of human resources has reached 31%, reviewing 1719 complaints out of 4127 complaints submitted at the HIJ office. For 2022, the number was 38% of capacity, reviewing 1715 complaints out of 3467 presented at the HIJ office. During this year, two thematic inspections were conducted. While for the year 2023, the unit of inspectors had the capacity of 55%, reviewing 2340 complaints out of 3703 presented at the HIJ office. While for 2024, the unit is in 45% of its capacity, reviewing 552 complaints out of 1600 complaints submitted at the HIJ office. Throughout this year, 6 thematic inspections are planned.

At the same time, in addition to the reviewing of complaints, as well as the development of thematic or institutional inspections, the goal of the HIJ Office, while exercising its constitutional and legal functions during the time period 01.02.2020-31.05.2024, is also focused on establishing and strengthening of its activity, through defining the vision for the direction of the work, setting the work standards, defining the sub-legal framework for the exercise of the activity, filling vacancies, establishing contacts with other institutions of justice, starting cooperation with international actors, as well as public awareness on the role of HIJ and the activity of the institution.

However, the main problem that the Office of the High Inspector of Justice has encountered during this time period is the lack of human resources. The actual number of

inspectors in 4 years has changed for the year 2024, being reduced by 1 inspector and the actual number is 9 inspectors out of 20 predicted in the institution's body. The need to fill the unit with magistrate inspectors, has been continuously presented to the councils through requests for the command of magistrates, the announcement of procedures for the recruitment of non-magistrate inspectors.

Periodically, the High Inspector of Justice has addressed the HJC and the HPC with requests for the command of magistrates. Although the procedures were announced by the HJC, there was no interest from the magistrates, and as a result there is no judge commanded in the HIJ. While 4 prosecutors have been commanded by the HPC, one of whom has been suspended due to reassessment procedures from July 2021 to February 2024. The last request addressed to the HPC has not been announced by this Council after it was decided not to accept the request on the grounds of the lack of experienced prosecutors in the system and that some prosecutors have already been commanded to the HIJ.

The lack of inspectors has been noticed since the beginning of the activity with the first announcement made by the HJC. For this reason, the institution of the High Inspector of Justice has taken the necessary measures to propose legal changes aimed at expanding the circle of subjects that meet the criteria to be an inspector. The legal changes were presented to the Ministry of Justice in December 2020 and during

2021 they were deposited in the Assembly. The need for their approval was also emphasized during the hearings of the presentation of the activity report during the years 2021, 2022 and 2023 at the Commission for Legal Affairs, Public Administration and Human Rights. Even today, the initiatives proposed by the institution of the High Inspector of Justice have not been included in the work calendar of the Assembly.

Speaker of the Assembly Lindita Nikolla:
Question Klotilda Bushka

MP Klotilda Bushka: Thank you, chairwoman! Thank you, Mr. Metani, for your reporting and for... actually, for the summarizing answer regarding the evidencing of complaints and the high number of those inherited, this was also one of my questions. In fact, I would divide my questions into two groups, they are the complaints presented to the institutions before the judicial reform for inspections, for which it turns out that you have done a total completion of their review. We no longer have complaints that are pending to be dealt with. Then there are new complaints, some of which are already in the disciplinary investigation process. I'm talking about the reporting year and also important for us are the thematic inspections. Now I will focus on the complaints of the subjects and the initiations that have started on the initiative of the High Inspector of Justice. As far regarding disciplinary investigations, disciplinary investigations for 23 subjects were initiated by complaint, that is, on the basis of a complaint,



while for two subjects, investigations were initiated by the High Inspector of Justice. The question I have is this. Do you think you need to add to your work procedures so that this number increases, that is, of those you initiate as an institution itself and this way to review even more other complaints? Because, we as the commission have discussed it often, that you have the right, in fact, to make continuous efforts to complete your structure with inspectors from the ranks of the magistrates, which has made it impossible due to the lack of interest on the part of the magistrates and from the vacancies that have been created in the system and by the criteria, which are such that when seen in fact in accordance with the actual circumstances that the system has today, it makes it difficult to fill them with inspectors from the ranks of magistrates.

For example, for the reporting period there are 10 vacancies and 6 come for inspectors from the ranks of magistrates, but in the system there are also 4 vacant positions for inspectors, coming from the ranks of jurists. Regarding the recruitment of inspectors from the ranks of jurists, until the last report we still had no progress. From the moment of reporting to the commission until today, have you filled these vacancies from the ranks of non-magistrates? And should they perhaps be seen, perhaps agreed upon, because the change in the criteria in the law for magistrate inspectors are with the applicable standards in the EU countries, as well as all the members of the commission, as you are also aware, have some kind of discussion with the EU experts for an agreement, but in the meantime this agreement and this parliamentary process is going on.

Can other ways be found to review the complaints without having staff from non-magistrate inspectors so that your work can go on? The next question is about thematic inspections. At the moment we speak, you have completed 4 thematic inspections, while at the time of reporting there were two. One on judgement deadlines, (very important in our judgment), and other issues that you addressed in your reporting. What are the other two thematic inspections about and are these two other inspections related to the concerns that have often been raised in the commission, but now also recently in the report of the committee of the Council of Europe for the prevention of torture, where the number of detainees in relation to the number of convicts in Albania is very problematic and all institutions must take measures to address this phenomenon, because not only do we violate the standards, we do not respect human rights, and on the other hand, we are also not fulfilling those obligations that come to us from the international community as a member country of the Council of Europe. Have you thought on handling this matter and will this be on the inspection schedule for the future work? This is actually a recommendation. In the resolution, the issue of recommendations is a set of procedures which in my opinion, is complicated even in the law on how the duties are implemented.

High Inspector of Justice Artur Metani: In relation to the first question regarding

complaints, the possibility of the re-evaluation of the methodology of examining complaints and the efficiency of work. I think the answer is no. We have tried to solve this with other work organization tools. Firstly, the backlog that was completed was a great relief for the inspectors' work and this has given another dynamic to the work in the institution, because old complaints required more work than an ordinary complaint due to the missing information being old. This has given another dimension to work effectiveness. Secondly, we have reached an agreement with the High Judicial Council, that the High Inspector of Justice has access to the system used by the courts, because one of the most important work phases of the High Inspector of Justice, which is the verification of complaints, takes a lot of time because we take and receive letters from the courts, or from the prosecution offices. It takes a month depending on the case. So, the agreement we have made with the HJC is that the HIJ will have access to the system and this whole verification process will be avoided, so there will be no need for a month or two depending on the complaints, but it will be done in a few days. This will give more dynamics to meeting deadlines and processing more complaints. I don't see a need to change the methodology at the moment. The work is dynamic and brings needs, but for the moment, I have these two answers. Regarding the vacant positions, I understand the reaction of the committee. I do not misunderstand it at

all, but this is an issue that must be addressed anyway. I understand that the system can be affected by making legal changes regarding the criteria for magistrates, but the situation is like this. There is no interest from those magistrates who have more than 13 years of work experience. To my knowledge, there are prosecutors who are interested, and for this reason, I have insisted that the High Prosecutorial Council announce vacancies. It has been a year since the High Prosecutorial Council refuses to carry out this announcement according to their reasoning, but this is the situation anyway. Now, there are no legal changes, there are no announcements... and I have a legal obligation for inspectors that half of their unit to be magistrate inspectors, but this is not the most fundamental. The fundamental issue is the professional level brought by magistrate inspectors, especially of the judge profile in terms of the work that the High Inspector of Justice must do. As for non-magistrate inspectors, the announcement was made twice. The procedure lasts one year, because information is received, vetting of all candidacies is done. There have always been many candidates, so the process has been prolonged. For the sake of truth, we made the last announcement two months ago, maybe one day after we reported to the Commission of Laws. So far, after the end of the application, about 19 candidacies have been submitted. Naturally, the commission has begun to process each candidacy in accordance with the law, but as I said, the procedure takes almost 10-11 months.

Regarding the thematic inspections, the first inspections that were carried out are the inspections that are mandatory by law regarding the issue of the distribution of cases by draw in the prosecution offices. We carried out in 2022 this thematic inspection in 2023 and this year we have started it again. Apart from them, we also inspected the case of replacement of the prosecutors, which is also an issue that shows concern according to the complaints received from the citizens. We have carried out inspections regarding the prisons being released prematurely on parole and we also carried out an inspection that was suggested to us as a request from international partners in terms of the options or the possibilities to shorten court proceedings. These are mainly some thematic inspections that are also in the report. What I want to say is that the procedure for drawing up the inspection plan is done in accordance with the work methodology approved by the inspectors working in the HIJ. First, some information is requested or a letter is sent to the councils, the Minister of Justice or the Prosecutor General asking if they have suggestions for plans, or thematic inspections that can be carried out, according to the information they have, or the opinion they have. This practice has been followed every year since the beginning of the HIJ's work. For the sake of truth, two institutions that have always been permanent in seeking opinions on thematic inspections are the Prosecutor General, then the Minister of Justice. The councils have not been cooperative in terms of the ideas and opinions they have to give about what needs to be inspected or changed in the system. Then, this planning is also based on the basis of complaints, more specifically on the biggest issued presented by the citizens' complaints. That is where we focus the few human resources we have. Of course, also depending on those issues that are published in the media that affect the High

Inspector of Justice, that can be addressed through a thematic inspection. This is the methodology we follow in terms of conducting thematic inspections, balancing the few human resources, because on the one hand there are the thematic inspections and on the other hand there is also the reviewing of complaints, the disciplinary investigation that is carried out, which obviously need their time as well own human resources. Regarding the issue you mentioned, this has not been part of a thematic inspection until today, but we will propose it in the meeting with the inspectors depending on all the proposals that come both within the system and from the partners, as they have requested that this the inspection that I mentioned above, to continue for the year 2025. We will take it into consideration and we will evaluate it in accordance with the opportunities we have.

The question of MP Ina Zhupa: As the High Inspector of Justice, have you conducted any thematic or complaint-based inspections in SPAK on the violation of human rights or on double standards?

High Inspector of Justice Artur Metani: As I said before, from 2020 when the HIJ started until today, 81 complaints have been submitted regarding SPAK, 54 have been reviewed, and 27 are in process. 41 complaints have been submitted against the Special Court of First Instance for Corruption and Organized Crime, 27 have been processed and 14 are in process. For the Court of Appeal for Corruption and Organized Crime, 40 complaints have been submitted, 35 have been processed and 5 are under review. For the Supreme Court, 96 complaints have been submitted, 66 have been re-

viewed and 30 are under review. For the High Judicial Council, 18 complaints have been submitted, 13 have been processed and 5 are under review. For the High Prosecutorial Council, 8 complaints have been submitted, 3 have been processed and 5 are under review. For the Prosecutor General, 10 complaints have been submitted, 5 have been processed and 5 are under review.

MP Flamur Noka: I will not ask you about the scandal of incinerators when you were the legal director of the prime minister office, but I will ask you a question about a matter that belongs to the HIJ: Have you started a disciplinary proceeding for judges like Irena Maneku, Gjoka, Shpata, for hiding being convicted by a court decision in the neighboring country of Greece or her non-declaring of such legal obligations, or to investigate the way she travelled to Italy in 2004, while 2 years ago, Greece had forbidden her entrance in the 27 Schengen countries of the EU. Do you as HIJ, as a new body of new justice, bear the responsibility of how this lady convicted in Greece, is today the representative of new justice? Thank you!

High Inspector of Justice Artur Metani: First, you didn't ask the question, but anyway, I will give an answer. The case is under investigation and those who are investigating the case know it. Regarding the High Inspector of Justice, or Artur Metani, be sure that I have no problem. Secondly, regarding the question. We follow with priority any public information that comes out about anyone, including Judge Irena Gjoka, and we are handling it in accordance with Law 96/2016 on the status of Judges and Prosecutors in the Republic of Albania.

Lindita Nikola: Thank you!



EU RULE OF LAW REPORT 2024

On 25 July 2024 the EU Commission published its annual “Rule of law” Report in EU countries and for the first time in the aspiring countries to EU membership, Albania, Montenegro, North Macedonia and Serbia. HIJ’s work in the annual EU Report “Rule of law” in Albania:

The High Inspector of Justice is operational, but the significant number of magistrate inspector vacancies constitutes a challenge. The High Justice Inspector (HJI) is responsible for the examination of complaints and the initiation of disciplinary proceedings against judges and prosecutors. The office of the HJI is comprised of 20 in-

spectors. However, only 9 out of 20 are currently in office. The law provides that at least half of the inspectors need to be magistrates, ensuring an appropriate balance, in line with European standards.

However, there are challenges when it comes to the attractiveness of the position for magistrates, notably judges, reportedly because, upon the termination of the mandate of inspector, his or her career progression perspective is limited.



A DIPLOMATIC COMMUNICATION ON JUSTICE HELPS THE COUNTRY'S INTEGRATION PROCESS IN THE EU

High Inspector of Justice Mr. Artur Metani “The role of the High Inspector of Justice in was a guest of the Diplomatic Academy of the framework of the reform in justice, the the Ministry for Europe and Foreign challenges of its progress and diplomacy in Affairs, where he delivered the speech relation to it”.





Mr. Metani pointed out the importance has for the rule of law, which was concretized with the inclusion for the first time of for justice in Albania, especially at the stage Albania and other aspiring countries of the where Albania's negotiations with the EU region, in the annual report of the European Commission on the rule of law.





“I am satisfied with the evaluations in the report as far as HIJ is concerned and I think that this encourages us to advance faster in the direction of adopting and consolidating EU standards on the rule of law. I think that the contacts we establish through today’s meeting serve us, together with the ambassadors, to present Albania as well as possible, also in terms of what is happening with the justice reform. Regarding this, such communications should be made with all justice institutions, so that the full pano-

rama of the system comes in light. From the work visits that I have had to homologous institutions of justice in the countries of the European Union and beyond, I have noticed a high interest in understanding the developments of justice in Albania and the reform that has been carried out”, said Mr. Metani after also making a presentation of the functions of the Office of the High Inspector of Justice.

I am satisfied with the evaluations in the report as far as HIJ is concerned and I think that this encourages us to advance faster in the direction of adopting and consolidating EU standards on the rule of law. I think that the contacts we establish through today’s meeting serve us, together with the ambassadors, to present Albania as well as possible, also in terms of what is happening with the justice reform.



The Ambassador of Albania to the European Union and the Kingdom of Belgium, Mr. Ferit Hoxha, highlighted the EU's attention to the rule of law in Albania, reflected also through the Report on the rule of law, which was published the day before, and appreciated the idea of the Inspector High Court of Justice for this type of cooperation with diplomacy to explain the progress and developments of the justice reform in the country and present the results because the negotiation process for EU membership will be judged on them. Mr. Metani answered to the interest of the audience in the hall and that of the diplomatic representatives of Albania in the world, who participated in the activity online.



JULY OF HIJ IN NUMBER

During **July** the Office of High Inspector of Justice has administered **95 complaints**, **92** of which were submitted by citizens and **3 submitted** by institution . High Inspector of Justice Office has performed the standard confirmation process of receiving complaints for all the new complaints submitted during July 2024.

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	VERIFICATION	DISCIPLINARY PROCESS
<ul style="list-style-type: none"> •149 decisions from 209 cases processed Specifically: •117 decisions to archive following initial review, out of 157 cases reviewed (including 40 consolidated cases) •32 decisions to archive following verification, out of 52 cases processed (including 20 consolidated complaints) 	<p>32 verification decisions</p>	<ul style="list-style-type: none"> • 5 decisions to start disciplinary investigation for 5 magistrates (prosecutors) • 1 request for disciplinary proceedings (prosecution)

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.

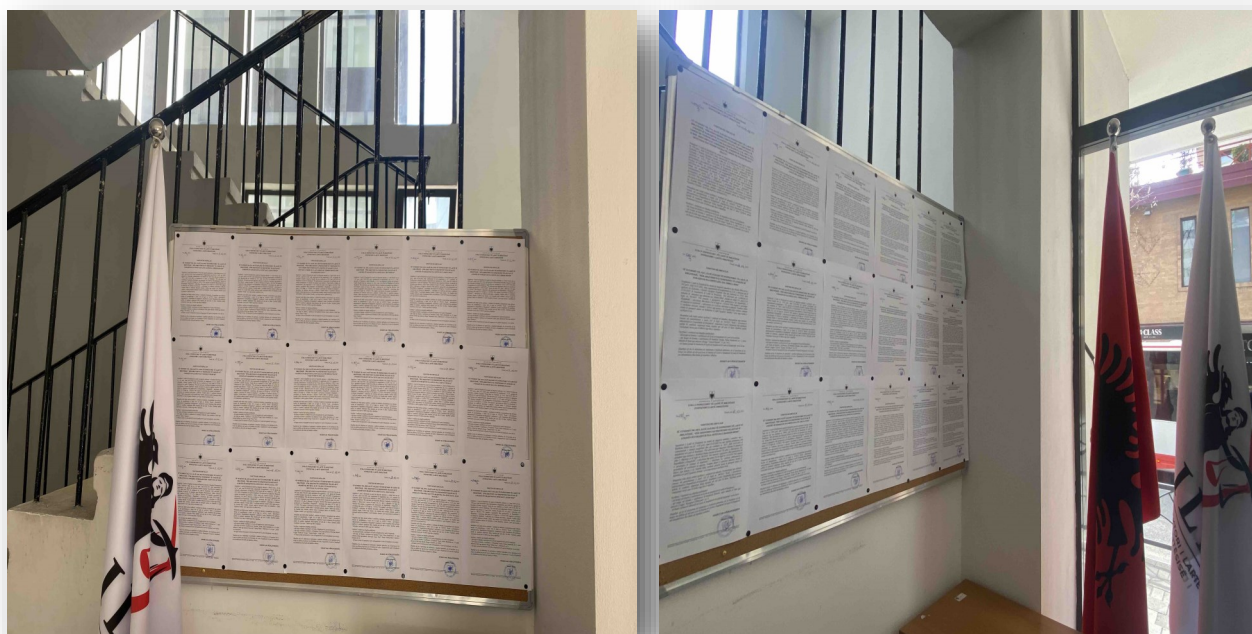
It can also be completed by presenting at the Office of the High Inspector of Justice, if necessary, to ask for assistance of the team of the Complaints Office.

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 **July 2024**, 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.





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 February 2024, the Complaints and Public Relations Sector :

- ⇒ received 20 complainants, who appeared at the premises of the Office of the High Inspector of Justice, and
- ⇒ 23 phone calls from citizens, who requested information on the stage of their complaints or Information on completing the TIP complaint form.



COORDINATOR FOR THE RIGHT TO INFORMATION

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

Requests for information are filed by

citizens, legal entities, interested groups, and can be send through the "Albanian Post", e-mail at the address: info@ild.al, as well as the e-mail of the coordinator for the right to information: amanta.jasa@ild.al.

The information provided in the transparency program is published and continuously updated in the register of requests and responses, within the legal deadline.

MONTHLY FIGURES

During **July 2024**, at the Office of High Inspector of Justice, **11 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 reposted

IDM Albania @IDM_Albania

IDM Morning Briefing | Bashkëbisedim me Inspektorin e Lartë të Drejtësisë, Z. Artur Metani.
 Nisma "IDM Morning Briefings", mbështetet nga Hanns Seidel Stiftung, Zyra Tiranë.
 @ILD_Albania



9:20 PM · 5.724 · 164 Views

Inspektori i Larte i Drejtesise Artur Metani reposted

USEmbassyTirana @USEmbassyTirana

A delegation of senior judges and a senior prosecutor from the United States concluded their visit to Tirana today. 1/3



4:18 PM · 12.724 From Earth · 1.1K Views

Inspektori i Larte i Drejtesise Artur M... @ILD_Albania

Metani "If the justice system faces deficiencies or problems in terms of integrity, independence or efficiency, this is not only the responsibility of the magistrates...."



5:27 PM · 15.724 From Earth · 101 Views

7 Likes

Inspektori i Larte i Drejtesise... · 15.724

I want to emphasize that from the moment of its creation, until today, the Office of the High Inspector of Justice has played a proactive role in relation to the identification and investigation of disciplinary violations committed by magistrates.

Inspektori i Larte i Drejtesise... · 15.724

And this work model will continue in the future and always, but always respecting the principles of a regular legal process and relying on an important cornerstone of the rule of law and democracy of a country, such as the independence of the judicial system.

Inspektori i Larte i Drejtesise Artur M... @ILD_Albania

Metani: "there have been cases of commenting on judicial decisions, criticism of them, even to the point of anathematizing the work of judges and prosecutors or magistrates nominally. Even from public opinion. Even from politics..."

Inspektori i Larte i Drejtesise Artur M... @ILD_Albania

FJALA E Z. METANI GJATË RAPORTIMIT VJETOR NË KUVENDIN E SHQIPËRISË -

Translate post



Inspektori i Larte i Drejtesise Artur M... @ILD_Albania

SESIONI I PYETJE-PËRGJIGJEVE ME INSPJEKTORIN E LARTË TË DREJTËSISË Z. ARTUR METANI NË KUVENDIN E SHQIPËRISË

Translate post



8:52 AM · 17.724 From Earth · 75 Views

Inspektori i Larte i Drejtesise Artu... · 5d

Sa i takon pëlqyeshmërisë së pozicionit për inspektorë-magjistratë, sidomos gjyqtarë rezultojnë sfida, sepse me përfundimin e mandatit të inspektorit, perspektiva e avancimit në karrierë për magjistratin në fjalë mbetet e kufizuar.

Inspektori i Larte i Drejtesise Artur M... @ILD_Albania

Puna e #ILD në raportin vjetor për sundimin e ligjit për Shqipërinë: "Inspektori i Lartë i Drejtësisë është funksional, por numri i madh i vakancave të inspektorëve magjistratë mbetet shqetësim.

Translate post

Inspektori i Larte i Drejtesise Artu... · 5d

Sa i takon aktivitetit disiplinor, ILD ka kërkuar nga Këshillat vendosjen e masave disiplinore për 6 magjistratë.
 #RuleofLawReport #EU #ILD

Inspektori i Larte i Drejtesise Artur M... @ILD_Albania

Kënaqësi të komunikojka me ambasadorë e diplomatë shqiptarë mbi veprimtarinë e ILD dhe nevojën e një komunikimi diplomatik p drejtësinë dhe rezultatet e saj. Faleminderi Ministër @IgliHasani për mbështetjen nda idesë dhe ekipit të @AlbanianDiplo @HoxhaFer

Translate post



2:30 PM · 25.724 From Earth · 968 Views

Inspektori i Larte i Drejtesise Artur M... @ILD_Albania

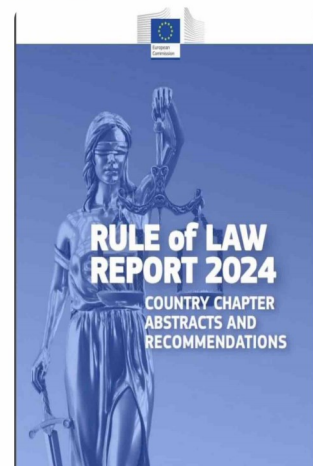
Z. Metani vuri në dukje rëndësinë që duhet të marrë komunikimi edhe diplomatik për drejtësinë në Shqipëri. #ILD

Translate post



2:42 PM · 25.724 From Earth · 878 Views

14 Reposts 30 Likes



JULY 2024

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Justice

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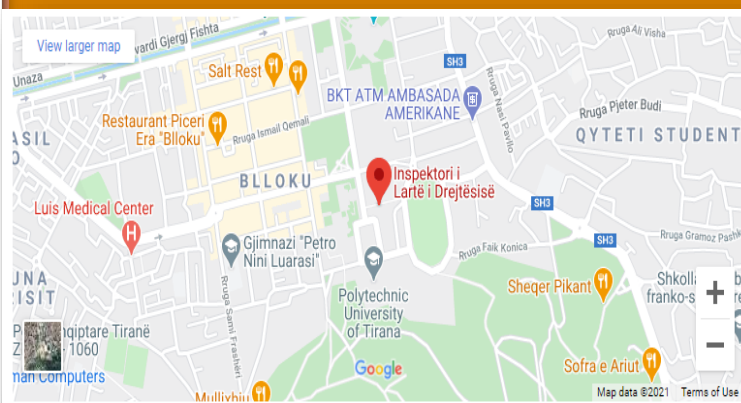


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bit”, Building nr.13 Tirana, Albania



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?)**

