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**SPEECH OF THE HIGH INSPECTOR OF JUSTICE
BEFORE THE ASSEMBLY ON THE ACTIVITY OF
THE INSTITUTION FOR THE YEAR 2024**



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SPEECH OF THE HIGH INSPECTOR OF JUSTICE BEFORE THE ASSEMBLY ON THE ACTIVITY OF THE INSTITUTION FOR THE YEAR 2024

Honourable Mr. Speaker of the Assembly,

Honourable members of the parliament,

As every year, I am presenting to this Assembly the information on the activity of the High Inspector of Justice for the year 2024. You have the report in front of you. The figures and data have been provided there; therefore, I will avoid reiterating the statistics detailed in the report. However, to summarise briefly, the statistical data for the year 2024 concerning the activities of HIJ are as follows:

During the year 2024, the HIJ had 2854 complaints to review. It reviewed 1374 complaints where 54 of them ended with

a disciplinary investigation. During 2024, there was a doubling of requests for disciplinary proceedings, specifically, there are 11 magistrates under proceedings, (6 judges and 5 prosecutors), with proposed measures ranging from dismissal from office to confidential remarks. In addition to complaints and disciplinary proceedings, the HIJ has also conducted 6 thematic inspections, which have ended with 54 recommendations, of which 9 are related to taking measures to issue acts, 29 to taking administrative measures and 15 recommendations to the High Inspector of Justice for further verification procedures. For all the decision-making of complaints by the High Inspector of Justice during the past year, there were only 89 complaints

to the HPC or HJC. None of the decisions of the High Inspector of Justice have been overturned.

However, beyond the statistics, which show the dynamics and functionality of the accountability mechanism of judges and prosecutors, I believe that it is necessary for the High Inspector of Justice to present to you an overview of the state of the justice system, of course from the perspective of the High Inspector of Justice, in order to present to you the challenges facing the system and the issues that we, the bodies of the justice system, but also other institutional and public actors, must address.

The High Inspector of Justice, in the exercise of its activity, bases his work firstly on the complaints submitted by citizens or by various institutions. Secondly, on the thematic inspections that are carried out and here it should be noted that the number of inspections has increased every year. Thirdly, through other administrative mechanisms that the High Inspector of Justice has established to obtain information on the work of the courts and prosecution offices, in addition to those who submit complaints or thematic inspections. Based on these directions, a view has been prepared that I would like to present to you, on the issues that the system faces today, the way in which the High Inspector of Justice has addressed these issues, and other challenges that need to be addressed by the justice bodies and other institutional and public actors.

From its activity, the High Inspector of Justice has identified several issues and conclusions, as follows:

Duration of judicial processes beyond rea-

sonable deadlines, protracted investigative actions and delays in the reasoning of judicial decisions

The effectiveness and standard of the justice system is not at the appropriate and satisfactory level for Albanian citizens. As far as can be seen, the excessive length of judicial processes continues to remain problematic, a problem consistently highlighted by complaints, the jurisprudence of the ECHR, but also in the reports of international organizations. In its latest decision-making, the ECHR has also addressed concrete recommendations to local authorities, emphasizing the need to fill vacancies in the Administrative Court of Appeal and the Court of Appeal of General Jurisdiction. The excessive length of judicial processes directly affects the perception and trust of the public in the justice system. The increase of whose trust is one of the main reasons for which the justice reform was conceived and undertaken.

Through the available legal instruments, the High Inspector of Justice has addressed this issue, through recommendations of a regulatory and administrative nature, resulting from the thematic inspection carried out at the Court of First Instance of General Jurisdiction of Tirana, on the duration of the trial of judicial cases, during the period 01.03.2023-31.05.2023, an inspection already concluded with concrete recommendations for the actors of the justice system.

From this thematic inspection it resulted that:

a) The first reason that has influenced the duration of judicial processes beyond reasonable deadlines is the workload of the magistrates of this court. For the year



2023, the average workload for a judge of the Court of First Instance of General Jurisdiction of Tirana, has been on average 1176 trial cases, while for judges at the courts of the same judicial level it has been 841.7 cases per judge.

For the year 2023, the number of judges in the approved staff of this court is 80 judges, while only 43 judges have effectively exercised their duty during 2023

b) The second reason is the unfilled vacancies at this court. This inspection resulted in the staff of the First Instance Court of General Jurisdiction of Tirana (Criminal and Civil Chamber) for the year 2023 being filled to the extent of 54%, as far as this body is concerned. Assessing the importance of filling vacancies in the system, based on the reports of the European Commission and the 2025 Rule of Law Report, the High Inspector of Justice has recommended to the High Ju-

dicial Council, as the institution responsible for following up on human resources issues in the courts, to take effective and immediate measures to fill the staff of this court, setting a 1-year deadline for its fulfillment. We will continuously monitor the fulfillment of this recommendation, within the scope of the competences that the HIJ exercises.

c) The third reason is infrastructure, but I will discuss this issue a little later.

On the other hand, in all those cases where the HIJ, within the framework of the verification and disciplinary investigation, has found that the delays have exceeded any reasonable deadline, demonstrating the negligence of the magistrate in fulfilling his/her duty, for reasons unrelated to causes beyond the control of the magistrate, he has submitted requests for disciplinary proceedings to the relevant councils. In total, during its activity, in cases of delays in judicial processes or pro-

ceedings, the High Inspector of Justice has decided to initiate disciplinary investigations for 51 magistrates and at their conclusion, requests for disciplinary proceedings have been submitted for 17 magistrates. (8 judges and 9 prosecutors). The proposed measures for these disciplinary violations are:

“Dismissal from office”, for 2 judges and 3 prosecutors;

“Temporary salary reduction of up to 40 percent, for a period not exceeding one year”, for 3 judges and 5 prosecutors;

“Public reprimand”, for 3 judges and 1 prosecutor.

Another inspection conducted by HIJ is the use of alternative adjudication mechanisms. This inspection at the courts of first instance in Elbasan, Tirana, Durrës, and Vlorë found that mediation was rarely used, despite the requirement in Article 25 of the Code of Civil Procedure. At the end of these inspections, it was recommended, among other things, that any orientation of the judge for mediation be reflected in the minutes of court hearings, in order to enable monitoring and analysis of this practice in subsequent inspections.

In order to monitor the activity of prosecutors, in the context of continuous complaints about the delay of investigative activity, the High Inspector of Justice has initiated a thematic inspection of cases for which the prosecutor has proceeded with a request or decision to dismiss, due to the statute of limitations of criminal prosecution throughout 2024. Through this inspection and the institutional inspection, which is taking place at the Prosecution Office at the First Instance Court of General Jurisdiction in Dibër, over the entire process of documentation circula-

tion in this prosecution office, the High Inspector of Justice aims not only to identify problems, but also to address issues of a systemic aspect.

Delayed reasoning of judicial decisions constitutes another systemic problem with an impact on the right of individuals to a due process of law. The High Inspector of Justice, reflecting the recommendations made for the activity of this institution during 2023 in the Resolution of the Assembly of Albania, has decided to conduct thematic inspections in several courts of general jurisdiction and in one court of administrative jurisdiction. Through these thematic inspections, the HIJ has taken a snapshot of the situation of the delivery of judicial decisions at the Court of First Instance of General Jurisdiction in Tirana, the Administrative Court of First Instance in Tirana, the Courts of First Instance of General Jurisdiction in Fier, Shkodër and is currently concluding the thematic inspection at the Court of First Instance of General Jurisdiction in Gjirokastër. At the end of each inspection, the HIJ has assessed to identify a reasonable period that the magistrate needs to submit the final reasoned decision, considering the average time that each magistrate in the same court needs to reason decisions related to issues of the same typology. The deadline estimated by the High Inspector of Justice at the end of each inspection does not replace the legal deadline in any case but constitutes a finding by the HIJ at the time of conducting the inspection, considering the current situation of the workload that the system has today and the vacancies in the justice system. In this context, I personally think that the commitment of the court, the HJC, or even the Assembly itself, to draft and approve measures to reduce the backlog, (which has reached a large number), is an indispensable tool.

Court infrastructure and audio recording of hearings

Another problem that courts are facing today is the way in which court hearings are conducted in the absence of the necessary infrastructure to comply with the procedural requirements for conducting trials with audio recording. The content of complaints, verifications and periodic information administered at the Court of First Instance has shown that the current infrastructure does not allow for the conduct of all court hearings with audio recording, in accordance with the legal obligation, especially in the Court of First Instance of General Jurisdiction in Tirana. These shortcomings, together with the vacancies in the system, have affected the quality of working conditions, exposing the judiciary to a lack of solemnity in the conduct of judicial processes.

During the inspection of the Court of First Instance of General Jurisdiction in Tirana, with the objective of the duration of judicial processes, this issue was identified and the HIJ recommended that the High Judicial Council, in cooperation with the Head of the Court and the Council of the Court, take the necessary measures to guarantee the use of the court premises, so that the judicial process of all civil cases with opposing parties is conducted in courtrooms equipped with audio recording, within the first 6 months of 2026.

Respect for the solemnity of the judicial process and ethical standards

Respect for the rules of ethics and solemnity is the focus of the work of the High Inspector of Justice. The behaviour of the magistrate is linked to ensuring the preservation and strengthening of public trust in the justice system. In each disciplinary proceeding initi-

ated, the High Inspector of Justice has tried to maintain the balance between the shortcomings and challenges that magistrates are facing in their work, with the duty that the magistrate has to display a behavioural model, which carries values and which must not only be transmitted, but also be displayed, during and outside the exercise of the function. In cases where unethical behaviour has been proven during the conduct of the disciplinary investigation, proposals for disciplinary measures to be taken by the Councils have been forwarded. During its activity, the HIJ has initiated disciplinary investigations for 14 magistrates, 10 judges and 4 prosecutors for violation of the rules of ethics and at the end of them, requests for proceedings have been submitted for 7 magistrates, 3 judges and 4 prosecutors, proposing:

“Temporary salary reduction of up to 40 percent, for a period not longer than one year”, for 2 magistrates.

“Public reprimand”, for 3 magistrates.

“Confidential reprimand”, for 2 magistrates.

As it has been consistently demonstrated, punitive measures are the last resort that should be applied to guarantee the accountability of the system. For this reason, I believe that the relevant Councils should have closer cooperation with the School of Magistrates in the ongoing training of magistrates, especially those with fewer years of experience in the system, in the context of increasing the frequency of training and their individualization for cases referred by the HIJ and cases for which disciplinary measures have been imposed. At the same time, attention should also be paid to the ongoing training of other magistrates, in the preparation of topics with an awareness-raising and preventive effect for avoiding such behaviours in

the future, which could have a serious impact on the public's perception of the justice system.

Positions regarding judicial decision-making and the role of the High Inspector of Justice in relation to this issue

The HIJ would like to reiterate that its role in reviewing allegations of unfair decision-making by justice system actors cannot replace the interpretation and application of criminal procedural norms and institutions by the prosecutor, or the independent judicial review carried out by the court. This is a competence of the justice system bodies, which is fundamentally controlled by the hierarchical organization of the judiciary itself, through procedural mechanisms provided for by law.

The element of responsibility and accountability, according to the positions already established by the Appeal Chamber, comes to the

fore when the magistrate during his decision-making acts in open and flagrant contradiction with the law, evidenced by the decisions of the highest courts, or in contradiction with the unifying practices of the highest courts by distorting the internal conviction, which should be in accordance with the law, the analysis of facts and evidence. Even the violation of decision-making within the levels of the judiciary is part of the control of judicial decisions and the hierarchical exercise of judicial power. This judicial control is carried out in the context of increasing the quality of justice and does not have as its purpose the disciplinary responsibility of magistrates. Changing or overturning a judicial decision by a higher court, cannot constitute a priori a sufficient factual basis for disciplinary proceedings against the magistrate, unless it is accompanied by other elements that show that the magistrate has acted in bad faith, ceding the obligation to exercise his duty with dignity in accordance with his conscience for the inter-



pretation of the facts, in application of the norms of law.

In this context, in cases where the causes as above have been identified, which have brought discredit to the position and image of the magistrate, the High Inspector of Justice has initiated 25 disciplinary investigations and has submitted requests for proceedings for 9 magistrates, 7 judges and 2 prosecutors, requesting:

dismissal from office, for 3 magistrates;

suspension from office for 1 magistrate;

temporary reduction of salary up to 40 percent for a period not longer than one year, for 4 magistrates;

public reprimand for 1 magistrate.

It is important to emphasise, in discussing the authority and responsibilities of the High Inspector of Justice, the clear separation between disciplinary actions and criminal proceedings. The Constitution and the law have given the High Inspector of Justice clear attributes in carrying out disciplinary investigation procedures against magistrates, or other subjects included in the field of competence of this institution. The investigation and disciplinary procedure are not criminal in nature. They do not have investigative tools like a criminal prosecution body but are an administrative process. The rules and procedures that the law has provided serve to guarantee the development of a regular legal process against the magistrate, who is suspected of having committed a disciplinary violation and other parties participating in this process and do not provide mechanisms to evidence the existence of a criminal fact. Not without reason, the legislator has given priority to

criminal, civil or administrative procedures by forcing the High Inspector of Justice to suspend the disciplinary investigation, when a criminal investigation against the magistrate is being conducted for the same facts.

Issues related to the organization and functioning of prosecution offices

In the function of inter-institutional cooperation with the Prosecutor General Office, the High Inspector of Justice has maintained ongoing contacts with this institution and for this purpose has also concluded a cooperation agreement. Complaints referred by the Prosecutor General have served as data for the initiation of disciplinary verifications and investigations against several magistrates, which have been concluded with the proposal of disciplinary measures, including dismissal from office.

At the same time, the activity of the prosecution offices, in terms of the implementation of regulatory acts in relations with the head, has been the subject of a thematic inspection. This inspection aimed to implement the orders of the Prosecutor General, on maintaining the stability of the prosecution office, through institutional cohesion and uniformity of activity in all prosecution offices, in guaranteeing the functional independence of the prosecutor in decision-making on concrete issues. This inspection is expected to continue in the future, as problems have been identified again from monitoring the implementation of the recommendations made, but also from the verifications carried out within the framework of the complaint review process. In fulfilment of the legal obligation to inspect the allocation of cases by draw in the prosecution offices, HIJ has recommended a review of the regulatory act "On the alloca-

tion of cases in the prosecution office” and unification of the various practices identified during the inspection, in the prosecution offices at the Courts of General Jurisdiction. This inspection referring to legal obligations will be continued, focusing on monitoring the implementation of the recommendations made.

Productivity in the conduct of hearings

Based on several complaints, which have been subject to verification, but also on information submitted by the courts of first instance of general jurisdiction themselves, one of the problems of the judicial system today is the productivity and effectiveness of magistrates in the planning and conduct of court hearings, as well as making of the necessary procedural actions to avoid unproductive hearings. To address this situation, the High Inspector of Justice has decided to conduct a thematic inspection in several courts of general jurisdiction, with the aim of inspecting the manner of planning court hearings and managing the examination of cases according to the relevant categories, in accordance with the deadlines established by the procedural provisions. One factor that influences the insufficient rate of evasion of judicial cases, as we have also highlighted in

our thematic inspection reports, is the failure to fill vacancies in the courts of first instance and in particular in the Court of Appeal of General Jurisdiction and the Administrative Court of Appeal. This process, as evidenced, is linked to the failure to complete the ethical-professional evaluation procedures of magistrates on time. In this context, we consider it necessary to take concrete measures to increase the effectiveness of this process by orienting and cooperating with the Councils in the application of uniform evaluation standards considering the guidelines given by the decision-making of the Supreme Court.

Honourable Members of Parliament!

Despite the results so far, the institution of the High Inspector of Justice finds that the justice system faces significant challenges related to its organization and functioning. The effectiveness and quality of the justice system are not at the level that meets the expectations of Albanian citizens. This is part of the process of consolidating the Justice Reform and a responsibility of all our bodies, starting from the Assembly of the Republic of Albania, the governing bodies of the judicial

Despite the results so far, the institution of the High Inspector of Justice finds that the justice system faces significant challenges related to its organization and functioning. The effectiveness and quality of the justice system are not at the level that meets the expectations of Albanian citizens. This is part of the process of consolidating the Justice Reform and a responsibility of all our bodies, starting from the Assembly of the Republic of Albania, the governing bodies of the judicial power, or the magistrates, judges and prosecutors.

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The infrastructure of the judicial power is an aspect that requires special attention. The lack of appropriate facilities and the application of information technology, including audio recording systems of sessions, case management systems, archives, circulation of procedural and administrative documentation, or technology systems that cover specific processes of the work of the court or prosecutor's office, directly affect the quality and solemnity of the trial or the development of the criminal investigation process. In some cases, these conditions have also affected the ethical and professional behaviour of magistrates, exposing the justice system to negative perceptions by the public. For this reason, investment in infrastructure should be seen as an integral part of policies to strengthen the independence, legitimacy and integrity of the judicial power.

The extraordinary workload and the high number of court cases remain one of the most serious challenges, which undermine the quality and duration of court proceedings, as well as the rights of Albanian citizens in the framework of a due process of law. In this regard, the joint commitment of all public bodies, such as the Assembly, the Councils, the Prosecutor General, the courts and the prosecution offices is required to draft concrete measures to reduce the backlog; increase the number of judges and prosecutors, fill staff vacancies, increase human resources and improve the infrastructure. At the same time, the courts and prosecution offices themselves must draft case prioritization systems, to ensure a faster and fair treatment of court files.

The accountable system constitutes the cor-

nerstone of the rule of law. Only if this system functions fully, fairly and effectively, can the judicial power be organized on a sustainable basis of professionalism, integrity and legitimacy. On the contrary, an accountability system that functions only in a punitive and not a preventive aspect loses its educational role and contributes to the decline of public trust. The accountability of the judiciary should be perceived as a preventive and improvement mechanism, not as a mechanism of intimidation, intervention or punishment.

The role of the High Inspector of Justice should not be seen simply in a disciplinary aspect, but in a broader educational and preventive prism. The aim is to create a high ethical and professional culture in the justice system, where the sense of accountability is part of the consciousness of magistrates and not an external factor. If the accountability system, i.e. education at the School of Magistracy, appointments and promotions of magistrates by the Councils, the role of the highest courts in increasing the quality of judicial decisions, etc., functions fully, fairly and effectively, then the judicial power will be organized and will function on a stable basis of professionalism, legitimacy and integrity. Otherwise, if this system does not function, the application of the system of accountability of magistrates (i.e. sanctions) may be a delayed mechanism and reaction, not playing a preventive role, but only a punitive one, and resulting in not only undermining public confidence in the judicial power, but also the legitimacy or authority of this power.

This is the true dimension and philosophy of a legitimate reform in a justice system: building a justice system that self-regulates through its integrity. This discussion leads us to a universal dilemma, faced by many coun-

The greatest challenge of the High Inspector of Justice today is to preserve its institutional independence and ensure a constructive role in guaranteeing the independence of the judicial power not as a play on words and not as a shield for eventual illegalities that the system may commit, but as an important principle for the future of the country, as a principle that shows that the system accountable to magistrates is not a choice or emotion, much less of the High Inspector of Justice.

tries: the balance between independence and accountability. Even in Albania, where the justice system is still in the consolidation phase after a deep institutional reform, this balance requires special care. On the one hand, the functional independence of the magistrate must be protected, as the foundation of the rule of law, while on the other hand, it must be guaranteed that this independence does not turn into a lack of responsibility.

The greatest challenge of the High Inspector of Justice today is to preserve its institutional independence and ensure a constructive role in guaranteeing the independence of the judicial power not as a play on words and not as a shield for eventual illegalities that the system may commit, but as an important principle for the future of the country, as a principle that shows that the system accountable to magistrates is not a choice or emotion, much less of the High Inspector of Justice. It is a principle on which a legal state is based. In this context, the High Inspector of Justice has the obligation to demonstrate integrity, transparency and impartiality in every decision-making. This is a sensitive process, where the institution must act as a defender of the principles of justice, but not as a factor that influences or orients the decision-making of the judicial power. In this pro-

cess, the High Inspector of Justice will continue to apply with dedication, the highest standards of due process, as well as to be a guarantor of the balance between independence and accountability in the Albanian judicial system.

Today we are faced with an ambiguity on the role and function of the High Inspector of Justice, which does not only stem from citizens, who through complaints filed with the HIJ claim resolution of judicial disputes, interference in judicial processes, or influence on judicial decision-making, but is also encountered in the context of numerous claims from other public circles, including political actors, the media or other public bodies themselves.

This phenomenon requires addressing from a systemic perspective. The Supreme Court, as the highest body in the pyramid of the judicial hierarchy, also has a fundamental importance in guaranteeing a quality justice system, not only through conflict resolution, but also in ensuring the avoidance of divergences and maintaining consistency in the interpretation and application of the law. For this reason, the High Inspector of Justice has requested special attention from the Supreme Court, to exercise its calculating role, in establishing sustainable standards and practices.

Simultaneously, I believe that public legal education is an essential foundation for strengthening confidence in the justice system. An informed, aware and active public is the most valuable partner of justice institutions. Here, the Parliament and the Ministry of Justice must also play a fundamental role, within the framework of the Strategy for Legal Education of the Public.

If citizens do not understand the role of justice institutions, role of magistrates, the limits of the institutions' competences and the complaint mechanisms, the justice system risks being perceived as closed and incomprehensible. Today we are facing a worrying situation, where the factors that have influenced its creation may be different but the lack of reaction and taking measures on our part to prevent these negative phenomena can bring serious consequences, not only for the justice system, but also for our society itself. For this reason, I personally think that all our bodies should continue their efforts and invest in transparency, legal education and public communication, making justice closer to the citizen, clearer in its functions and more reliable in the results it produces or is legally

obliged to produce.

The Institution of the High Inspector of Justice offers maximum commitment to develop a culture of institutional cooperation and coordination, where all institutions of the justice system such as the HJC, HPC, the Supreme Court, the School of Magistrates, or other bodies, such as the Parliament and the Ministry of Justice, work on joint strategic action plans to improve the quality of justice and strengthen the trust of citizens. Achieving this goal calls for a long-term perspective, a well-organised plan for implementation, and ongoing evaluation to ensure each recommendation becomes part of the institution. Building an effective and sustainable justice system means coordinating between institutions, maintaining transparency, and upholding the separation of powers. These are essential for the Albanian justice system to operate with lasting professionalism, integrity, and trustworthiness.

Thank you!

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Q&A SESSION OF THE HIGH INSPECTOR OF JUSTICE, MR. ARTUR METANI, WITH MEMBERS OF PARLIAMENT

High Inspector of Justice, Artur Metani: Questions raised by MP Eno Bozdo.

Question 1. Mr. Bozdo's first question includes a series of related inquiries. Under the provisions of Law no. 96/2016 (Articles 124 and 124/1), the High Inspector of Justice is empowered to initiate a disciplinary investigation *ex officio* when information from the media or other sources is considered credible. In exercising this authority, the HIJ may request information from any institution concerning the assets or integrity of a magistrate. Can a criminal court decision issued by a foreign judicial authority, formally legalized with an apostille in accordance with the law, be regarded as credible evidence for the HIJ to initiate a disciplinary proceeding against a sitting magistrate of the Special Court?

*Is information provided by the Prosecutor General's Office confirming the authenticity of the criminal conviction of magistrate Irena Gjoka considered reliable evidence? Why is this information not sufficient for the HIJ to begin gathering data *ex officio*, to request the relevant documentation from the Prosecutor General's Office, or to seek further information from the State Intelligence Services or other competent institutions?*

Is this information sufficient to request verification of the declarations or forms submitted by magistrate Irena Gjoka in connection with her transfer or appointment to the Special Court, or during the transitional re-evaluation process; bearing in mind that, under Article 102 of Law no. 96/2016, every magistrate is obliged to declare the reasons for the termination of their

mandate, and failure to do so constitutes a disciplinary violation, while non-declaration of a criminal conviction is grounds for dismissal for judges of the special courts?

High Inspector of Justice, Artur Metani:

Regarding the first question, the matter referred to in all three sub-questions is of a criminal nature, as was also confirmed by the Prosecutor General. This issue is currently under criminal investigation, and only once the criminal process is concluded will the High Inspector of Justice assess whether there is any disciplinary or administrative responsibility on the part of magistrate Gjoka. The Law on the Status of Judges and Prosecutors, which governs the disciplinary investigation procedure conducted by the HIJ, provides in Article 126 that the criminal process takes precedence over a disciplinary procedure that may concern the same facts. Accordingly, once the criminal proceedings are finalized, the High Inspector of Justice will determine whether there are sufficient facts and legal grounds to initiate disciplinary proceedings, in full compliance with the applicable legal framework.

Question 2. *This is likewise a group of related questions. According to Article 102 of Law no. 96/2016, one of the disciplinary violations in the exercise of duty is the failure to comply with procedural legislation, when such violation has been established by higher courts. Is a finding by the European Court of Human Rights (ECtHR) on the misapplication of criminal procedural law sufficient indication for the High Inspector of Justice to initiate a disciplinary proceeding ex officio?*

Has the case “Gëllçi v. Albania” served as a basis for the HIJ to verify whether there were disciplinary violations by the magistrates who ordered or approved the relevant security measures?

Is the ECtHR’s finding that the High Court of Albania has applied an erroneous practice in re-

jecting requests concerning violations of the reasonable-time standard for trials, and that judicial reform cannot justify delays, sufficient indication for the HIJ to begin disciplinary proceedings ex officio?

Is a finding by the Constitutional Court that a High Court decision lacks reasoning sufficient indication for the HIJ to act?

Does the HIJ have an established practice defining how many Constitutional Court findings against a magistrate would trigger a disciplinary investigation?

Is the Constitutional Court’s finding that constitutional rights of individuals including, in one case, a journalist; were violated through unjustified or insufficiently reasoned searches and seizures, or through an interpretation of law inconsistent with the Constitution and the ECHR, sufficient indication for the HIJ to open disciplinary proceedings against the prosecutors of the Special Prosecution Office and the judges who approved such measures?

High Inspector of Justice, Artur Metani: The review of judicial decisions within the court hierarchy is part of the judicial control system and the internal exercise of judicial authority. Such review aims to improve the quality of justice, not to establish disciplinary responsibility for magistrates. The reversal or amendment of a decision by a higher court cannot, *a priori*, constitute sufficient factual grounds for disciplinary proceedings against a magistrate, unless accompanied by additional elements showing that the magistrate acted in bad faith, departing from their duty to perform their function with integrity, in good conscience, and in faithful interpretation of facts and legal norms. Through the legal instruments available, the High Inspector of Justice has addressed the issue of delays in judicial proceedings exceeding reasonable time limits, by issuing regulatory and administrative rec-

ommendations arising from thematic inspections. Where disciplinary violations have been identified; cases of delay or procedural stagnation, the HIJ has initiated disciplinary investigations against 51 magistrates, resulting in 17 formal disciplinary requests submitted (8 judges and 9 prosecutors). The proposed disciplinary measures for these cases were as follows:

- “Dismissal from office” – for 2 judges and 3 prosecutors;
- “Temporary salary reduction up to 40% for a period not exceeding one year” – for 3 judges and 5 prosecutors;
- “Public reprimand” – for 3 judges and 1 prosecutor.

The initiation of a disciplinary procedure does not depend on the number of Constitutional Court decisions that may find a violation. The High Inspector of Justice opens a disciplinary investigation only when there are sufficient facts establishing a reasonable suspicion that a disciplinary violation has occurred. As for Constitutional Court findings declaring that High Court decisions lack reasoning, it should be clarified that such findings fall within the constitutional review process, aimed at ensuring respect for the principle of due process of law. The HIJ has not identified any case where a Constitutional Court decision citing insufficient reasoning has justified the initiation of a disciplinary investigation. Nevertheless, we continuously monitor the compliance of judicial bodies with the standards set by the Constitutional Court.

From the verifications carried out, no findings have emerged indicating that the decisions of the Special Courts have been overturned by the High Court on the grounds of open or flagrant violation of the law or of unifying case law, to an extent that would undermine the integrity or reputation of the magistrate, thereby justifying the opening of a disciplinary investigation.

Questions 3, 4, and 5. *Is a public announcement that a lawyer has been arrested in the courtroom, allegedly in connection with the exercise of his professional duties, sufficient grounds for the High Inspector of Justice to initiate ex officio disciplinary proceedings against the magistrates involved?*

Is the conduct of the prosecutor; who decides to remove the opposing party from the courtroom, orders the arrest, and subsequently carries it out; sufficient to justify the initiation of disciplinary proceedings? Should the High Inspector of Justice have reacted more promptly in this case?

Is it sufficient to open a disciplinary investigation against the presiding judge for partiality in the proceedings, considering that she allegedly allowed the prosecutor to take control of the hearing and actively obstructed the right of defense? Is the impartiality of the court a fundamental constitutional principle, and do the failure to guarantee impartiality and restriction of the right to defense constitute serious procedural violations?

Does it fall within the mission of the HIJ to verify the correct application of procedural provisions by magistrates?

High Inspector of Justice, Artur Metani: In accordance with the legal provisions and based on the information made public in the media, the High Inspector of Justice has initiated *ex officio* verification of the case, which is now nearing conclusion. Upon completion, a public announcement will be made.

Question 6. *Has the High Inspector of Justice carried out any verification regarding the statements made by the Prosecutor General in Parliament, according to which certain newly appointed prosecutors are not fully aware of their procedural position and have communicated with foreign embassies about ongoing investigative or judicial*

matters? Does the act of prosecutors sharing information on ongoing cases with representatives of foreign states constitute a breach of investigative secrecy?

High Inspector of Justice, Artur Metani: In this particular case, the High Inspector of Justice had previously initiated a disciplinary investigation *ex officio*. Upon completion of the investigation, it was concluded that the actions or omissions of the magistrate constituted a “minor disciplinary violation” under Article 102, paragraph 1, letters “g” and “j” of Law no. 96/2016 “*On the Status of Judges and Prosecutors in the Republic of Albania,*” as amended.

Accordingly, the HIJ proposed to the High Prosecutorial Council (HPC) the imposition of the disciplinary measure “Public Reprimand.” However, the High Prosecutorial Council rejected the request.

Question 7. *Have there been any reports from court presidents concerning the observance of official working hours by magistrates? Are media reports; suggesting that despite claiming heavy workloads, some judges allegedly work part-time, spending two days per week at their assigned courts and three days in Tirana, sufficient grounds for the HIJ to verify work discipline through institutional security camera systems or case management systems?*

High Inspector of Justice, Artur Metani: As I mentioned earlier, based on several complaints that have been subject to verification, as well as information submitted by first instance courts of general jurisdiction, one of the systemic challenges in the judiciary today concerns the productivity and efficiency of magistrates in planning and holding court hearings, as well as in performing the necessary procedural actions to avoid unproductive sessions. To address this situation, the High Inspector of Justice has initiated a thematic inspection in nine courts of general jurisdiction,

with the following focus: “On the planning and conduct of court hearings over a ten-month period.”

High Inspector of Justice, Artur Metani: Questions raised by MP Bardh Spahia.

Question 1. *You must be aware of the public attacks made by Prime Minister Edi Rama against the prosecutor of Shkodra, Elsa Gjeli, as well as against judges of the Administrative Court of First Instance Tirana and the Administrative Court of Appeal. Regarding these attacks, have there been any official complaints submitted to your institution by the Prime Minister or the Minister of Justice? If so, how many such complaints have been filed, and which judges were specifically subject to these complaints? At what stage are these complaints, and has there been any decision taken on them? If yes, what were the conclusions, and what did your verifications or investigations reveal? In other words, did the Prime Minister’s accusations have any legal basis, or were they purely political attacks made by a losing party in court? In the same context, I would also like to ask about the complaints filed by the former Mayor of Tirana, currently under arrest, against Prosecutor Ols Dado and Judges Erion Bani and Engert Pëllumbi. It is worth recalling for the public that these magistrates, particularly the prosecutor, were subject to orchestrated public and media attacks by Mr. Veliaj and certain media outlets, which, as revealed by Special Prosecution Office’s investigations, were coordinated smear campaigns. At what stage are these complaints? Have there been any decisions taken, and what were the findings? In this case as well, have any disciplinary violations been identified, or have these attacks also proven to be politically motivated? Finally, since we are speaking about the Prime Minister’s public statements, there have also been criticisms directed at your institution and yourself personally, suggesting that the HIJ is not fulfilling its duties, does not address complaints, and fails to take action against judges or prosecutors who, according to him, commit viola-*

tions merely because their decisions are not favorable to the government.

High Inspector of Justice, Artur Metani: The Minister of Justice is a special subject expressly recognized by law with the right to submit complaints to the High Inspector of Justice. Such complaints are examined by the HIJ in full accordance with its constitutional and legal competences. Some of these cases have already been finalized, and the Ministry of Justice has been formally notified of the respective decisions, while other complaints remain under review, within the scope of the HIJ's legal mandate. Institutional cooperation with the Ministry of Justice has been ongoing, including in the submission of proposals for thematic inspections.

From 2020 to date, the Ministry of Justice has submitted 29 complaints to the HIJ, and disciplinary investigations have been initiated in 10 cases.

With regard to the specific complaints mentioned involving particular magistrates, I wish to clarify that these cases are currently under review. In accordance with legal provisions, and in order to protect confidentiality and the integrity of the magistrates concerned, no further details can be disclosed at this stage. However, the High Inspector of Justice acts proactively, assessing every relevant source of public information and individual complaint in line with its mandate and responsibilities.

Question 2. *How do you assess these public attacks? How do they affect the work of your institution? Do they undermine the independence of the High Inspector of Justice? Do HIJ inspectors feel under pressure, influence, or threat from the executive branch or Prime Minister Edi Rama? We have not seen any public reaction from you regarding these attacks, and I would like to understand why you have chosen to **remain silent** in the face of the Prime*

Minister's statements. In other words, what was the concern or hesitation behind your decision not to respond publicly to the attacks that were directed personally against you and your institution?

High Inspector of Justice, Artur Metani: For the sake of accuracy, Mr. Spahia, I have taken a public stance on every political statement, not only those made by the Prime Minister, but by anyone who has commented publicly on the judiciary or the HIJ. I have done so both through direct public statements and through my work as High Inspector of Justice. The most recent instance was two weeks before the tragic event at the Court of Appeal, where a magistrate lost his life. On that occasion, I made a public statement and conveyed the following messages:

First, judges cannot seek independence only from political influence; they must also ensure independence from any other form of interest.

Second, any criticism or insult that goes beyond a legitimate critique of a judge's or prosecutor's work is unconstitutional.

Third, I have called for self-restraint among judges and prosecutors, because the level of political rhetoric or deontology displayed by politicians should not dictate the conduct of magistrates. They must perform their duties in strict conformity with the law.

And finally, the Constitution and the law guarantee that every judge and prosecutor must feel free and secure in the exercise of their functions.

What I wish to emphasize is that, naturally, when there are political declarations, like any person, we may all have emotional reactions but I am not permitted to act emotionally in the exercise of my duties. My duty is to assess every

political statement objectively, to determine whether it contains any elements relevant to the work or competence of the High Inspector of Justice.

Question 3. *In recent months, there has been significant public debate regarding the new draft Criminal Code, published by the Ministry of Justice as the outcome of a working group of experts, whose selection process and working methodology remain unclear to the public. The draft has not yet been submitted to the Parliament of Albania. My question to you is whether: You or your institution have been part of the consultation process for this draft and as a legal professional and as the holder of a constitutional function, what is your opinion on the proposed new Criminal Code? Do you share the concerns expressed by the President of the Supreme Court and the Prosecutor General regarding the legislative technique, the large number of articles, and the over-criminalization of social behaviors? I ask this because, should the draft eventually be submitted to Parliament, your perspective could help MPs form a more informed position on it.*

High Inspector of Justice, Artur Metani: The High Inspector of Justice has not been involved in the drafting process of the new Criminal Code. We were officially informed about the draft at the beginning of September, when it was sent to us for review and comment. Of course, this is a process that requires time, given the scope, complexity, and the need for a careful and meticulous evaluation of such an extensive legal document. Once our review is completed, we will make our position public, either through press statements, conferences, or public consultations that may be organized on this topic.

High Inspector of Justice, Artur Metani: Question from Mr. Oerd Bylykbashi.

Citizens complain about the long duration of in-

vestigative processes by the Prosecution, as well as the duration of judicial processes. Has there been any inspection by your institution regarding the duration of investigative and judicial processes? If so, what were the findings, conclusions and measures recommended by these inspections? If not, do you not consider that it is within your role to address such a great concern of Albanian citizens who are confronted with the justice bodies to understand whether the delay in investigations and judicial processes is a result of the failure of certain judges and prosecutors to properly fulfill their functions?

To understand this phenomenon, I believe that some data from your side would also help us.

How many complaints have you received regarding the delay in investigations and judicial processes? How many of these complaints are being verified? How many of these complaints have been archived? How many of these complaints are under investigation? For how many of these complaints have disciplinary proceedings been initiated? In how many cases have you requested measures for prosecutors or judges from the relevant Councils, HJC or HPC? In how many of the cases where you requested measures, has your request been accepted?

High Inspector of Justice, Artur Metani: I actually presented this data in my opening remarks, but if Mr. Bylykbashi were to repeat it once again...!

Speaker of the Assembly, Mr. Niko Peleshi: If you have responded, continue with the other questions.

High Inspector of Justice, Artur Metani: Question 2. In fact, there was talk here about the duration of investigative and judicial processes, which are certainly a great concern but repeatedly, we as members of parliament also receive complaints regarding the long time

it takes to review complaints by your institution, the High Inspector of Justice. According to the complaints we have received, the verification, review and investigation of a complaint until a concrete decision can take years. Now, to better understand this citizen concern, I would like to know:

How long does it take to review a complaint submitted to your institution? Do you consider this duration to be beyond a reasonable period? Since a complaint can take a long time to review, does this turn into an ineffective mechanism because, as is known, five years after the disciplinary violation is committed, it is time-barred and disciplinary proceedings cannot be initiated? So, does this long duration risk that judges and prosecutors who commit disciplinary violations will remain unpunished, since the violations are time-barred and you are legally unable to initiate disciplinary proceedings?

Are prosecutors and judges who violate the law being amnestied due to delays in reviewing complaints against them?

High Inspector of Justice, Artur Metani: When the High Inspector of Justice started its work in January 2020, as I mentioned in the Laws Committee, for almost a year, HIJ worked with only one inspector. Since the beginning of the assignment, 3 thousand complaints were transferred to the High Inspector of Justice, somewhat less than from previous institutions and of course, from the data we have, about 625 of them came after the statute of limitations. Despite this backlog, or the number of complaints that came with the number that came to HIJ, the High Inspector of Justice created, or took measures to approve 3 orders of a general nature for the administration, categorization, and determination of the method of handling processing, so that the backlog would be eliminated, but also so that we would be in time to respond to citizens, especially on the issue you raised, so that complaints would not be time-

barred to the High Inspector of Justice.

The processing of the complaints according to the methodology that is also public on the website of the High Inspector of Justice, is done according to an order of priority based on criteria such as: date of submission; typology or urgency of processing the complaint; respect for the principle of equality and objectivity, as well as the time necessary for the review and evaluation of each documentary practice.

The number of time-barred complaints as I told you, at the moment they came to the HIJ was 625, where 99 have reached the statute of limitations in HIJ, i.e. 1.3%, of the total number of complaints inherited from previous bodies (backlog). This is a negligible value, if we consider that in these years the aim has been to establish the institution from the beginning, to create and establish work standards, to unify and standardize procedures and in particular to address the limited human resources in terms of the number of inspectors, where even today, 5 years after its establishment, the HIJ functions with 50 percent of the inspectors' capacity. In any case, the HIJ shows increased care, so that despite the non-compliance with the deadlines for reviewing complaints, every claim raised in complaints is processed within the 5-year statute of limitations, addressing it through prioritizing the review of complaints, where the deadline for the alleged violation is primary. At the same time, due to the established standard, in each case, both from investigations and from council decisions, the activity of the magistrate when deciding to initiate a disciplinary investigation is assessed in the complex (delays and/or postponement) and consequently the magistrate is not amnestied, even if an individual complaint has reached the statute of limitations.

Question 3. *Citizens, the media and also civil society continue to complain about prosecutors and judges who exercise their duties in conditions of*

conflict of interest, incompatibility with duty, in violation of the rules of ethics and solemnity, in conditions of exercising illegal influence or even corruption.

Have there been inspections by you in certain prosecution offices or courts regarding this phenomenon? If so, what are the findings, conclusions and recommended measures from these inspections? If not, don't you consider it within your role to combat, through the legal mechanisms at your disposal, cases of conflict of interest, nepotism, incompatibility, violations of ethics and solemnity, the exercise of illegal influence and corruption in the prosecution offices and courts? I would like to know the number of complaints you have received regarding the above issues in order to understand this phenomenon even better. How many of these complaints are under verification? How many were archived? How many are under investigation? For how many complaints have you initiated disciplinary proceedings? For how many complaints have you requested disciplinary action?

What were the decisions of the High Judicial Council for the investigated judges and the High Prosecutorial Council for the investigated prosecutors?

High Inspector of Justice, Artur Metani: An issue consistently addressed by complaints is the allegations of violation of the principle of impartiality or conflict of interest. The legislator has addressed through procedural mechanisms the necessary guarantees to ensure the rights of the parties to a trial by an impartial court, through the possibility of the magistrate to request the withdrawal from the trial or the proceedings and the right of the participating parties to request the exclusion/replacement of the magistrate. Compliance with these procedural institutions is controlled within the levels of the judicial system. Even the Supreme Court has not found any violations of the principle of impartiality or trial in conditions of conflict of interest, such as to lead to the initiation of disciplinary proceedings, which should be considered the last punitive measure for the magistrate.



The High Inspector of Justice has addressed the standard of conducting an impartial court trial, also through thematic inspections that constitute a legal obligation, namely the thematic inspection on the allocation of cases by draw in the courts and the assignment of cases to the prosecution offices. Through these thematic inspections, the High Inspector of Justice has aimed to monitor the procedure for selecting a judge or prosecutor by draw in order to provide the necessary guarantees of impartiality and to prevent possible abuse in relation to the formation of the trial body, through the use of selective methods. Regarding the disciplinary violation of incompatibility or conflict of interest, according to the provisions of the legislation in force, the High Inspector of Justice has decided to initiate a disciplinary investigation for 1 magistrate judge and 4 members of the High Prosecutorial Council. A request for proceedings has been submitted for 1 magistrate judge to be dismissed from office, which has been suspended until the conclusion of the interim re-evaluation procedure with a final decision by the Appeal Chamber, while for 4 members of the council the disciplinary investigation has been closed due to insufficient evidence.

Question 4. *I believe you are familiar with the case of the judge of the First Instance Court against Corruption and Organized Crime, Ms. Irena Gjoka/Maneku/Shpata, who was convicted in the Greek state. She did not declare this conviction either in the decriminalization form, as well as in her vetting process. There was an official complaint from the Democratic Party regarding this judge.*

At what stage is this complaint? Have the preliminary verifications been carried out and what has been the decision-making up to this stage regarding this complaint? If they have been carried out, what has resulted from your verifications? If they have not been carried out or if the complaint has been archived, do you

not consider that a judge convicted with a final criminal decision in a country of the European Union, a conviction which she has not declared to the competent bodies, commits a serious disciplinary violation, for which she must be held accountable?

In order to avoid any evasive answer, I am clear that this issue is also being addressed by the Decriminalization Sector at the Prosecutor General Office, but I would like to understand your position regarding the case in question, or even beyond the case if you think that a judge or prosecutor convicted with a final criminal decision, (a decision that is hidden from state institutions), should continue to remain in office and provide "justice" to citizens.

High Inspector of Justice, Artur Metani: The answer is the same as for the previous question. The alleged fact is criminal in nature, as was evidenced by the General Prosecutor. This fact is under investigation and only at the conclusion of the criminal investigation will the High Inspector of Justice be able to assess the administrative disciplinary responsibility of the magistrate.

High Inspector of Justice, Artur Metani: Question by MP. Mr.Kapri...

Niko Peleshi: Thank you Mr. Metani! Mr. Kapri is not in the hall.

Thank you very much for the questions and now we will continue the debate in order.

Mr. Metani, thank you!

High Inspector of Justice, Artur Metani: Thank you!



HEARING OF THE HIGH INSPECTOR OF JUSTICE IN THE ASSEMBLY

High Inspector of Justice Artur Metani made a presentation of the annual activity of the institution he leads for the year 2024 to the Committee on Legal Affairs and Public Administration and the Committee on Civic Initiatives, Cooperation and Institutional Supervision.

Focusing on the recommendations made according to the Resolution of the Assembly of the Republic of Albania, for the year 2024, Mr. Metani made a synthesis of the level of their implementation, underlining that the High Inspector of Justice has fully fulfilled all the recommendations made.

Further, the High Inspector of Justice highlighted in numbers the work done in processing complaints, investigations and disciplinary proceedings as well as thematic inspections.

In the last part of his presentation, the High Inspector of Justice presented issues identified in the system during his inspection work, the recommendations given to all justice institutions and the need for other public institutions to engage in addressing these problems in the system.

Presentation of the High Inspector of Justice Artur Metani at the hearing session for the reporting of the annual activity of the High Inspector of Justice, for the year 2024, to the Committee on Legal Affairs and Public Administration and the Committee on Civic Initiatives, Cooperation and Institutional Oversight

Greetings to all,

First of all, since this is my first time before the

new assembly, allow me to congratulate you, especially the new parliament members. I wish you success in the 11th legislature!

Secondly, allow me to appreciate the important role of the Assembly in this situation that we have been through and going through since the event at the beginning of last week. What happened was shocking for everyone. I thank the Assembly for the solemn act of honoring the judge with a minute of silence. Human and institutional solidarity is vital to face such situations, where finding the right boundaries to separate, on the one hand, the problems of the system, the well-founded and unfounded dissatisfaction with the work of judges and prosecutors, and on the other hand, the extreme reactions with very heavy costs, is very difficult.

Having these feelings, we have prepared this report with our colleagues, presenting here not only statistics, but also a view of the issues of the judicial system today, according to the perspective of HIJ, as well as the challenges that we, the bodies of the justice system, but also other institutional and public actors must address.

As for the report, I will first focus on the recommendations given, according to the resolution of the Assembly of the Republic of Albania, in a synthesis of the level of their implementation and to inform you that all the recommendations made have been fully fulfilled.

Recommendation 1. Addressing through the instruments provided by the law, sensitive issues for the public, as a guaranteeing institution of the justice system, in order to further strengthen public trust not only for the HIJ, but for all institutions of the justice system.

In the annual plan of HIJ inspections, these topics include:

- Issues identified from the review of complaints.
- Assessment of the most frequent allegations of various violations by magistrates, court administration or prosecutors' offices.
- Proposals received from institutions, which are made in accordance with the provisions of Article 194, point 4 of Law No. 115/2016 "On the governing bodies of the justice system", as amended.
- Data presented by periodic information from the courts.
- Applicable provisions that provide for the undertaking of inspections.

Recommendation 2. Special attention to filling vacancies in the positions of magistrate inspector and non-magistrate inspector.

The High Inspector of Justice has given special attention to the process of filling vacancies in the positions of magistrate inspector and non-magistrate inspector, by:

- Submitting requests for secondment of magistrates to the respective Council.
- Announcing vacancies and issuing an order to initiate the procedure for the recruitment of non-magistrate candidates for the position of inspector at the Office of the High Inspector of Justice.

Recommendation 3. Undertaking regular measures for the checking of the assets/integrity in accordance with the high standards of the re-evaluation process, especially for non-magistrate inspectors.

The background and asset/integrity verification process for candidates for non-magistrate inspectors was carried out in accordance with the legal criteria (Article 209, point 6; Article 283 point 4; Article 240 of Law No. 115/2016), exercising full and comprehensive checking

with law enforcement agencies to verify compliance with the criteria.

The verification consists of 3 pillars, for which a full and comprehensive verification is carried out for each candidate, regarding:

- Full check of the declaration of assets, private interests and financial obligations of the candidate and related persons.
- Verification of the integrity, referring to the standards of the law on transitional reassessment.
- Verification of the legal criteria for assessing the professionalism of the candidate, referring to the Judicial Appointments Council standards for this criterion.

3 candidates were disqualified for the asset criterion and 5 candidates for other criteria.

Recommendation 4. Increasing the number of institutional inspections with a clear and defined objective, focused on specific aspects of the activity of courts and prosecution offices for case management and judicial and investigative administration.

This recommendation has been implemented by increasing the number of inspections, through strengthening internal mechanisms for determining the topics in the inspection plan.

– HIJ has established an administrative mechanism for monitoring the activity of magistrates, through receiving periodic information from the courts, thus identifying those phenomena that are included in the inspection topics, related to the quality and efficiency of the system. The relation with the Supreme Court for decisions referred to HIJ, within the framework of the carrying out of the judicial process within a reasonable time frame and active participation in annual analyses of the work of the courts have contrib-



uted to the increase in the number of inspections.

– The conclusions of the analyses from the review of public complaints and cases reported to the public, or even requests received from various institutions, have served as an important tool to determine the topics of the inspection plan.

– The proposals of the justice system institutions have also been an important source of information.

All these measures have served to determine the topics of the inspection plan, with a focus on the quality of judicial activity.

For 2025, an inspection plan has been approved, containing 8 inspection topics, which focus on the quality and efficiency of the system, including 3 inspections related to the prosecution system. For the first time, an institu-

tional inspection is foreseen.

Recommendation 5. Completing the ethical-professional evaluation of inspectors in a reasonable time and use the results of the evaluation to develop programs aimed at improving institutional performance.

The ethical-professional evaluation process for 5 inspectors has been completed and also the process for magistrate inspectors is currently completed. Two inspectors have not yet been evaluated and this is a process that will begin during 2026.

Recommendation 6. Commitment to increase cooperation with other institutions of the justice system and the Ministry of Justice in terms of information exchange, cooperation in thematic investigations and inspections, as well as coordination of actions to address common issues.

Regarding this issue, the High Inspector of Jus-



tice has been committed to increasing cooperation, participating in meetings, where he has made continuous calls for joint round tables between the bodies of the justice system, to promote discussions on issues that increase the quality and efficiency of the judiciary and the prosecution. Some illustrative cases are:

- In June 2024 – representatives of the HIJ, HJC and HPC, engaged in a round table, in order to increase cooperation and coordination between justice institutions, with a special focus on the continuous assessment of judges and prosecutors.
- In December 2024 – a working meeting was held at the High Prosecutorial Council. The purpose of the meeting was to address the challenges related to institutional communication and further strengthen cooperation between the two institutions, for an efficient and more sustainable justice system, through the topics of inspection in terms of discipline in the work of

magistrates.

- Similar meetings have continued during 2025, with a focus on inspection topics, in function of the quality and efficiency of the judicial system and the follow-up of inspection recommendations, and will undoubtedly be continuous.

Recommendation 7. Improving transparency indicators and public accessibility by publishing periodic information, reports and any other data that reflects institutional activity.

Transparency indicators remain a systematic priority for the High Inspector of Justice, since the start of its operation. This is firstly evident from our official website, which has been improved during 2024 with this aim in mind. This has also brought the maximum assessment of the Information And Data Protection Commissioner, for the second consecutive year, for the High Inspector of Justice. In the philosophy of HIJ, the opportunity to exploit every new space for improvement remains an ongoing commit-



ment.

Recommendation 8. Commitment to fully and effectively fulfilling all institutional reporting obligations, contributing in a timely manner to reporting within the framework of the European Union integration process.

Commitments towards European integration have been an absolute priority for HIJ, through timely and quality reporting, whenever requested by the structures of the Ministry of Justice, with periodically updated data. HIJ has also always participated in all high-level roundtables, the High Inspector of Justice himself, or authorized representatives, in technical roundtables, meetings of the Inter-institutional Working Group for European Integration, explanatory and coordination meetings convened in function of the commitments of the integration process. Specifically for this recommendation, the review of the organizational structure has also been assessed, in order to effectively carry out the process of fulfilling the commitments for this process and we await approval from the Assembly.

In addition to the tasks assigned by the Assembly in the resolution, the High Inspector of Justice has continued to work with its organic functions, related to complaints, investigations and disciplinary proceedings and thematic inspections. As is known, the High Inspector of Justice is the institution responsible for verifying complaints, investigating disciplinary violations, initiating disciplinary proceedings against judges and prosecutors of all levels, members of the High Judicial Council, members of the High Prosecutorial Council and the Prosecutor General, as well as for the institutional inspection of courts and prosecutorial offices.

Thus, during 2024, 1491 new complaints against judges and prosecutors were filed with

the HIJ. 1363 complaints were carried over from previous years. In total, for the year 2024, the High Inspector of Justice had 2854 complaints to process where 1374 complaints were reviewed, of which 54 concluded with a disciplinary investigation. During 2024, in addition to citizens, there were also complainants from institutions of the system, such as the head of the court with 2 complaints, heads of prosecution offices with 20 complaints, the Independent Qualification Commission with 2 referrals for competence and the Supreme Court with 4 decisions for ascertaining the violation of the reasonable deadline.

In addition to the complaints above, during 2024, HIJ has also reviewed a considerable number of requests from the HPC and HJC, for the evaluation of magistrates for different evaluation periods where for 118 requests brought by the Councils, the High Inspector of Justice has reviewed 674 complaints and 11 complaints are in different stages of processing. Specifically, 578 complaints have been reviewed, based on 64 requests brought by the HJC and 9 complaints are in various stages of processing. While 96 complaints have been reviewed for the HPC, based on 54 requests addressed to the HIJ and 2 complaints are in the initial review phase. Even during the current year, the two Councils have forwarded requests to the HIJ in the context of the need for the assessment of magistrates. 71 requests have come from the Councils by the end of September, for which the HIJ has reviewed 842 complaints and 5 complaints are in the verification phase. So, for the year 2024 to September 2025 alone, there are 1534 complaints for processing by the HIJ at the request of the Councils. The High Inspector of Justice has reviewed 1516 complaints. Only 18 complaints are in process. So, it is a voluminous work and their processing is done with priority so as not to hinder the HJC and HPC in the evaluation processes of judges and prosecutors, also in function of promotions and



transfers, according to the needs of the Courts and Prosecution Offices to fill their vacancies.

In addition to the processing of these two categories of complaints, 6 thematic inspections were completed during 2024, while at the start of the calendar year as usual, the General Meeting of Inspectors approved the calendar with 6 thematic inspections.

1. From the complaints reviewed during 2024, the complainants raise claims:

- on the manner of resolving the judicial case and evaluating the evidence.
- for delays in the announcement and reasoning of judicial decisions.
- for the performance/failure to perform investigative actions, or the evaluation of evidence collected by the investigative body during the investigative process.
- for unfair decision-making by magistrates during the review of cases.
- for delaying the trial by judges but also delaying investigative activity by prosecutors
- for incompatibility or conflict of interest and violation of ethics by magistrates.

During 2024, from the complaints for which a disciplinary investigation was initiated, the HII issued 23 decisions for 25 magistrates (11 prosecutors, 13 judges and 1 council member), of which 10 decisions were initiated on the initiative of the High Inspector of Justice. During 2024, investigations initiated in 2023 were also continued.

From the investigations initiated on the initiative, in two cases the High Inspector of Justice also conducted property investigations, based on data denounced in public. (A denounced judge in an investigative show and a council member during communication in a plenary meeting).

During 2024, there was a doubling of requests for disciplinary proceedings, compared to the previous year. Specifically, this year, 11 magistrates, 6 judges and 5 prosecutors have been prosecuted for disciplinary violations during the exercise of their functions, such as:



- Repeated delays or those that lead to serious consequences or unjustified delays of actions and/or procedural acts.
 - Serious or repeated failure to comply with procedural and substantive legislation or incorrect application of procedural and substantive legislation, when ascertained by a higher court.
 - Failure to submit a request for not continuing the proceeding or trial of the case, when this is mandatory, according to the law; violation of the rules of incompatibility or prevention of conflict of interest, according to the provisions of the legislation in force.
 - Use of the status of magistrate, with the aim of creating benefits for oneself or for others.
 - Action, inaction or conduct of the magistrate, which brings unfair benefits or damages to the parties in a judicial process or investigative procedure, contrary to the law.
 - Repeated or serious violation of the rules of solemnity, rules of conduct in relations with the parties, other subjects involved in the process, with the head of the court, other magistrates, as well as with the personnel of the judicial administration.
 - and cases when the judge has been convicted by a final decision for committing a crime.
- Thus, for 6 judges, the disciplinary measure “dismissal from office” was proposed (2 requests were accepted, 1 request was rejected; 1 request was suspended; 2 requests are in process in the reporting year)
- Against 5 prosecutors were requested disciplinary proceedings to the HPC. Regarding 2 cases, “Confidential warning” was proposed while for 3 cases was requested “Temporary salary reduction of up to 40% for a period of one year”. (1 request was accepted and 2 were rejected, 2 are in process during 2024.)
- Regarding the verification on the initiative of the High Inspector of Justice, the driving force is primarily the dynamics of the work process-

Against 5 prosecutors were requested disciplinary proceedings to the HPC. Regarding 2 cases, “Confidential warning” was proposed while for 3 cases was requested “Temporary salary reduction of up to 40% for a period of one year”. (1 request was accepted and 2 were rejected, 2 are in process during 2024.)

es and the data coming from several sources. For example, during 2024, from the data resulting from the 4 completed thematic inspections, 11 individual cases were verified (for 3 cases a disciplinary investigation was initiated, 4 cases were archived after verification, as no violations were found that justify the investigation and 4 cases are in the verification process).

Another source has been information made public and denunciations made in the media, such as the public communication of the Minister of Justice, according to which after the start of the implementation of Law No. 33/2024 “On granting amnesty”, issues have emerged dictated by the behavior of magistrates in terms of clarifying judicial decisions, issuing execution orders, or other issues related to the activity of magistrates. Based on this public communication, High Inspector of Justice has approved 19 verification decisions, which are in process.

The High Inspector of Justice is an institution that is supervised in its work, as its decisions are appealable. During 2024, the High Inspector of Justice has issued 762 decisions subject to appeal to the Temporary Commissions for the Review of Appeals in the Councils. Only 89 out of 762 decisions of the HIJ have been appealed. The relevant commissions at the HJC and HPC have decided to reject, as unfounded, the appeal filed by the appellants against the

decisions of the High Inspector of Justice, and consequently, none of the decisions of the High Inspector of Justice have been dismissed.

The High Inspector of Justice has administered and reviewed cases, both for the highest courts and prosecution offices of the system, as well as the Councils, based on complaints or initiations, both during 2024, but also since the institution began operating in 2020, in order to have an extended overview over the years of the HIJ checking over these institutions. I would like to bring to your attention that a complaint can be linked to 1 or more magistrates.

During 2024, the following were filed with the HIJ:

- 18 complaints against Prosecutors of the Special Prosecution Office against Corruption and Organized Crime. The HIJ has processed a total of 25 complaints against special subjects of SPAK
- 4 complaints against subjects of the Special Court of First Instance for Corruption and Organized Crime. A total of 12 complaints against special subjects of the GJK-KO have been handled
- 3 complaints against subjects of the Special Court of Appeal against Corruption and Organized Crime. 1 complaint against special subjects of this Court (GJPAKKO) has been processed

- 24 complaints against members of the Supreme Court

If you are interested, I will provide you with a more extended overview in time, such as the total of complaints against higher institutions of justice, for the period 2020 – September 30, 2025.

- 158 complaints against the Special Prosecution Office against Corruption and Organized Crime (SPAK), of which 108 complaints have been processed and 50 complaints are in process.
- 74 complaints against the subjects of the Special Court of First Instance for Corruption and Organized Crime, of which 58 complaints have been processed and 16 complaints are in process.
- 83 complaints to the subjects of the Special Court of Appeal against Corruption and Organized Crime, of which 73 complaints have been processed and 10 complaints are in process.
- 206 complaints against the Members of the Supreme Court, of which 131 complaints have been processed and 75 complaints are in process.
- 24 complaints against members of the HJC, of which 22 complaints have been processed and 2 complaints are in process.
- 7 complaints against members of the HPC, of which 4 complaints have been processed and 3 complaints are in process.
- 13 complaints against prosecutors of the Prosecutor General Office, of which 12 complaints have been processed and 1 complaint is in process.

2. Thematic inspections are the second (after the complaints) functional dimension of the HIJ work. As I said at the beginning, 6 thematic inspections were finalized during 2024. Specifically:

- 2 inspections on the allocation of cases by

draw, as well as electronic checking of electronic system reports, monitoring for the periods of 2022 and 2023;

- 1 inspection on the practice and causes of the replacement of prosecutors 2023;
- 1 inspection on the assignment of cases to the prosecution office 2023;
- 1 inspection on the documentation by judges of informing the parties about the possibility of resolving the case through mediation.
- 54 recommendations were given after 6 inspections, where 9 recommendations are related to taking measures for the approval/issuance of acts, 29 recommendations for the carrying out of administrative actions and 15 recommendations for the High Inspector of Justice. (5 monitored)

At the beginning of 2024, a calendar for 6 thematic inspections for this year was approved, based on proposals from those institutions that have submitted proposals for inspections, as well as indications obtained from the processing of complaints administered and commitments within the framework of the integration process. The topics are:

- Allocation of cases by draw and electronic checking of electronic system reports,
- On the practice and reasons for replacing prosecutors,
- On the assignment of cases to the prosecution office,
- On the duration of the trial of court cases,
- On the procedure for announcing and reasoning court decisions,
- Documentation by judges of informing the parties about the possibility of resolving the case through mediation

In addition to this overview of activity figures for 2024, I would like to share with you an overview, based on the detective role of the



High Inspector of Justice, the issues that are presented to us from the complaints and inspections we carry out, which we record and refer.

From its activity, the High Inspector of Justice has identified several issues and has drawn conclusions.

1. Duration of trials beyond reasonable deadlines, protracted investigative actions and delays in the reasoning of judicial decisions

2. The effectiveness and standard of the justice system is not at the appropriate and satisfactory level for Albanian citizens. As far as is noticeable, the excessive duration of judicial processes continues to remain problematic, a problem continuously identified by complaints, the jurisprudence of the ECHR, but also in the reports of international organizations. In its latest decision-making, the ECHR has also addressed specific recommendations to local authorities, emphasizing the need to fill vacancies in the Administrative Court of Appeal and

the Court of Appeal of General Jurisdiction. The excessive duration of judicial processes directly affects the perception and trust of the public in the justice system, the increase of whose trust is one of the main reasons for which the justice reform was conceived and undertaken. Through the available legal instruments, the High Inspector of Justice has addressed this issue, through recommendations of a regulatory and administrative nature, resulting from the thematic inspection carried out at the Court of First Instance of General Jurisdiction of Tirana, on the duration of the trial of judicial cases, during the period 01.03.2023-31.05.2023 which is an inspection already concluded with concrete recommendations for the actors of the justice system.

3.

From this thematic inspection it resulted that:

1. The first reason that has influenced the duration of judicial processes beyond reasonable deadlines is the workload of the

magistrates of this court. For the year 2023, the average workload for a judge of the Court of First Instance of General Jurisdiction of Tirana, has been on average 1176 cases, while for judges at the courts of the same judicial level it has been 841.7 cases per judge. The First Instance Court of General Jurisdiction of Tirana results to be the court with the highest number of cases transferred for the year 2023, with a total number of 19275 cases, which constitutes 48% of the total *backlog* for the first instance courts of general jurisdiction. Also, this court results to have registered the highest number of new cases during the year 2023, (31833 cases specifically), which constitute 38% of the total number of cases registered at the national level for this group of courts.

2. For the year 2023, the number of judges in the approved organizational structure of this court is 80 judges, while only 43 judges have effectively exercised their duties during this year. During the period under inspection, 26 judges have exercised their duty in the Civil Chamber, who have issued 1748 civil court decisions with opposing parties.

4. The second reason is related to the vacancies at this court. This inspection resulted in the fact that the staffing of the Court of First Instance of General Jurisdiction of Tirana (Criminal and Civil Chamber) for 2023 is 54% complete, as far as this body is concerned. Assessing the importance of filling vacancies in the system, based on the reports of the European Commission and the 2025 Rule of Law Report, the High Inspector of Justice has recommended to the High Judicial Council, as the institution responsible for following up on human resources issues in the courts, to take effective and immediate measures to fill the vacancies of this court, setting a 1-year dead-

line for its fulfillment. We will continuously monitor the fulfillment of this recommendation, within the scope of the competences that the HIJ exercises.

1. The third reason is infrastructure, but I will discuss this issue later in the presentation.

On the other hand, in all those cases where the HIJ, within the framework of the verification and disciplinary investigation, has found that the delays or procrastination have exceeded any reasonable deadline, demonstrating the negligence of the magistrate in fulfilling his/her duty, for reasons unrelated to reasons beyond the checking of the magistrate, it has submitted requests for disciplinary proceedings to the relevant councils. In total, in cases of delays in trial or proceedings, the High Inspector of Justice has decided to initiate disciplinary investigations for 51 magistrates and at their conclusion, requests for disciplinary proceedings have been submitted for 17 magistrates (8 judges and 9 prosecutors). The proposed measures for these disciplinary violations are:

– “Dismissal from duty” – for 2 judges and 3 prosecutors;

– “Temporary salary reduction of up to 40 percent, for a period not exceeding one year” – for 3 judges and 5 prosecutors;

– “Public remark” – for 3 judges and 1 prosecutor.

Another inspection conducted by HIJ is the use of alternative adjudication mechanisms. This inspection was conducted at the courts of first instance of general jurisdiction in Elbasan, Tirana, Durrës and Vlorë and the inspection found that mediation was used in a very limited manner, despite the legal obligation provided for in Article 25 of the Code of Civil Pro-

cedure. At the end of these inspections, it was recommended, among other things, that any orientation of the judge for mediation be reflected in the minutes of court hearings, in order to enable monitoring and analysis of this practice in subsequent inspections.

In order to monitor the activity of prosecutors, in the context of continuous complaints about the delay of investigative activity, the High Inspector of Justice has initiated a thematic inspection of cases for which the prosecutor has proceeded with a request or decision to dismiss, due to the statute of limitations of criminal prosecution throughout 2024. Through this inspection and the institutional inspection, which is taking place at the Prosecution Office at the First Instance Court of General Jurisdiction in Dibër, over the entire process of documentation circulation in this prosecution office, the High Inspector of Justice aims not only to identify problems, but also to address issues of a systemic aspect.

Delayed reasoning of judicial decisions constitutes another systemic problem with an impact on the right of individuals to a fair legal process. Reflecting the recommendations given for the activity of this institution during 2023, The High Inspector of Justice, in the Resolution of the Assembly of Albania, has decided to carry out thematic inspections in several courts of general jurisdiction and in one court of administrative jurisdiction. Through these thematic inspections, the HIJ has taken a snapshot of the situation of the delivery of judicial decisions at the Court of First Instance of General Jurisdiction in Tirana, the Administrative Court of First Instance in Tirana, the Courts of First Instance of General Jurisdiction in Fier, Shkodër and is currently concluding the thematic inspection at the Court of First Instance of General Jurisdiction in Gjirokastër. At the end of each inspection, the HIJ has assessed to identify a reason-

able period of time that the magistrate needs to submit the final reasoned decision, taking into account the average time that each magistrate in the same court needs to reason decisions related to issues of the same typology. The deadline estimated by the High Inspector of Justice at the end of each inspection does not replace the legal deadline in any case, but constitutes a finding by the HIJ at the time of conducting the inspection, taking into account the current situation of the workload that the system has today and the vacancies in the justice system. In this context, I personally think that the commitment of the court, the HJC, or even the Assembly itself, to draft and approve measures with the aim of reducing the backlog, which has reached a large number, is an indispensable tool.

2. Court infrastructure and audio recording of hearings

Another issue that courts are facing today is the way in which court hearings are conducted in the absence of the necessary infrastructure to comply with the procedural requirements for conducting trials with audio recording. The content of complaints, verifications and periodic information administered at the Court of First Instance has shown that the current infrastructure does not allow for all court hearings to be equipped with audio recording, in accordance with the legal obligation, especially in the Court of First Instance of General Jurisdiction in Tirana. These shortcomings, together with the vacancies in the system, have affected the quality of working conditions, exposing the judiciary to a lack of solemnity regarding judicial processes.

During the inspection in the Court of First Instance of General Jurisdiction in Tirana, with the objective of the duration of judicial processes, this issue was identified and the HIJ recommended that the High Judicial Council, in coop-

eration with the Head of the Court and the Council of the Court, take the necessary measures to guarantee the use of the court premises, so that the trial of all civil cases with opposing parties is conducted in courtrooms equipped with audio recording, within the first 6 months of 2026.

3. **Respect for the solemnity of the trial and ethical standards**

Respect for the rules of ethics and solemnity is the focus of the work of the High Inspector of Justice. The behavior of the magistrate is linked to ensuring the preservation and strengthening of public trust in the justice system. In each disciplinary proceeding initiated, the High Inspector of Justice has tried to maintain the balance between the shortcomings and challenges that magistrates are facing in their work, with the duty that the magistrate has to display a behavioral model, which carries values and which must not only be transmitted, but also displayed, during and outside the exercise of the duty. In cases where unethical behavior has been proven during the carrying out of the disciplinary investigation, proposals for disciplinary measures to be taken by the Councils have been forwarded. The HIJ has initiated disciplinary investigations for 14 magistrates, 10 judges and 4 prosecutors for violating the rules of ethics and at their conclusion, requests for proceedings have been submitted against 7 magistrates, (3 judges and 4 prosecutors), proposing:

- “Temporary salary reduction of up to 40 percent, for a period not exceeding one year” for 2 magistrates.
- “Public reprimand” for 3 magistrates.
- “Confidential warning” for 2 magistrates.

As has been consistently demonstrated, punitive measures, are the last resort, which should be applied to guarantee the accountability of the system and for this reason, I believe that the relevant Councils should have closer cooperation with the School of Magistrates in the ongoing training of magistrates, especially those with fewer years of experience in the system, in the context of increasing the frequency of training and their individualization for cases referred by the HIJ and cases for which disciplinary measures have been imposed. At the same time, attention should be paid to the ongoing training of other magistrates, in preparing topics with an awareness-raising and preventive effect to avoid such behaviors in the future, which may have a serious impact on the public’s perception of the justice system.

4. **Attitude regarding judicial decision-making and the role of the High Inspector of Justice in relation to this issue**

The HIJ would like to reiterate that its role in reviewing allegations of unfair decision-making by justice system actors cannot replace the interpretation and application that the prosecutor makes of criminal procedural norms and institutions, or the independent judicial review that the court performs. This is a competence of the justice system bodies, which is fundamentally controlled by the hierarchical organization of the judiciary itself, through procedural mechanisms provided for by law. In accordance with his constitutional and legal powers, the High Inspector of Justice conducts an independent analysis of the facts alleged in the content of the complaints, which is unaffected by the claims raised by the complaining subjects, including by subjects who have a legal obligation to submit reliable data on the commission of a disciplinary violation (such as the Minister of Justice, the Prosecutor General or the heads of prosecutorial offices or court

presidents).

The element of responsibility and accountability, according to the positions already established by the Appeal Chamber, comes to the fore when the magistrate during his decision-making acts in open and flagrant contradiction with the law, or the unifying practices of the higher courts by distorting the internal conviction, which must be in accordance with the law, the analysis of facts and evidence. Even the infringement of decision-making within the judiciary is part of the checking of judicial decisions and the hierarchical exercise of judicial power. This judicial check is carried out in the context of increasing the quality of justice and does not have as its purpose the disciplinary liability of magistrates. The change or annulment of a judicial decision by a higher court cannot constitute *a priori* a sufficient factual basis for disciplinary proceedings against a magistrate, if it is not accompanied by other elements, which show that the magistrate has acted in bad faith, ceding the obligation to exercise his duty with dignity in accordance with the conscience for the interpretation of the facts, in application of the norms of law.

Despite this, in various cases where the decision-making of lower level courts has been changed by a higher level court, evidencing decision-making in open and flagrant violation of the law, or the unifying practices of the high court, which have brought discredit to the position and image of the magistrate, the High Inspector of Justice has initiated 25 disciplinary investigations and submitted requests for proceedings for 9 magistrates, 7 judges and 2 prosecutors, requesting:

- dismissal from office, for 3 magistrates;
- suspension from office for 1 magistrate;

- temporary reduction of salary up to 40 percent for a period not exceeding one year, for 4 magistrates;

- public reprimand for 1 magistrate.

Another point that should be highlighted in the powers and role of the High Inspector of Justice is the clear distinction between disciplinary and criminal proceedings. The Constitution and the law have given the High Inspector of Justice clear attributes in carrying out disciplinary investigation procedures against magistrates, or other subjects included in the field of competence of this institution. The investigation and disciplinary proceedings are not criminal in nature. They do not have search tools like prosecution bodies but relate more to an administrative process. The rules and procedures that the law has provided serve to guarantee the carrying out of a regular legal process against the magistrate, who is suspected of having committed a disciplinary violation and other parties participating in this process and do not provide mechanisms to evidence the existence of a criminal fact. The legislator gives priority to criminal, civil or administrative proceedings by forcing the High Inspector of Justice to suspend the disciplinary investigation, when a criminal investigation against the magistrate is being conducted for the same facts.

5. Issues related to the organization and functioning of prosecution offices

In the function of inter-institutional cooperation with the Prosecutor General Office, the High Inspector of Justice has maintained ongoing contacts with this institution and for this purpose has also concluded a cooperation agreement. Complaints referred by the General Prosecutor have served as data for the initiation of disciplinary verifications and investigations against several magistrates, which have been

concluded with the proposal of disciplinary measures, including dismissal from office.

At the same time, the activity of the prosecution offices, in terms of the implementation of regulatory acts in relations with the head, has been the subject of a thematic inspection. This inspection aimed to implement the orders of the General Prosecutor, on maintaining the stability of the prosecution institution, through institutional cohesion and uniformity of activity in all prosecution offices, in guaranteeing the functional independence of the prosecutor in decision-making on concrete issues. This inspection is expected to continue in the future, as issues have been identified again from monitoring the implementation of the recommendations made, but also from the verifications carried out within the framework of the complaint review process. In fulfillment of the legal obligation to inspect the allocation of cases by draw in the prosecution offices, HIJ has recommended for a review of the regulatory act “On the allocation of cases in the prosecution office” and unification of the various practices identified during the inspection, in the prosecution offices at the Courts of General Jurisdiction. This inspection referring to legal obligations will be continued, focusing on monitoring the implementation of the recommendations made.

6. Productivity during the court hearings

Based on several complaints, which have been subject to verification, but also on information submitted by the courts of first instance of general jurisdiction themselves, one of the issues of the judicial system today is the productivity and effectiveness of magistrates in the planning and carrying out of court hearings, as well as the performance of the necessary procedural actions to avoid unproductive hearings. In order to address this situation, the High Inspector of

Justice has decided to conduct a thematic inspection in several courts of general jurisdiction, with the aim of inspecting the manner of planning court hearings and managing the examination of cases according to the relevant categories, in accordance with the deadlines established by the procedural provisions. As we have also highlighted in our thematic inspection reports, one factor that influences the insufficient rate of resolving of judicial cases, is the failure to fill vacancies in the courts of first instance and in particular in the Court of Appeal of General Jurisdiction and the Administrative Court of Appeal. This process, as evidenced, is linked to the failure to complete the ethical-professional evaluation procedures of magistrates on time. In this context, we consider it necessary to take concrete measures to increase the effectiveness of this process by giving instructions and cooperating with the Councils in the application of uniform evaluation standards in light of the guidelines given by the decision-making of the Supreme Court.

Honorable Members of Parliament!

Despite the results so far, the institution of the High Inspector of Justice finds that the justice system faces significant challenges related to its organization and functioning. The effectiveness and quality of the justice system are not at the level that meets the expectations of Albanian citizens. This is part of the process of consolidating the Justice Reform and a responsibility of all our bodies, starting from the Assembly of the Republic of Albania, the governing bodies of the judicial power, or the magistrates, judges and prosecutors.

One aspect that requires special attention is the infrastructure of the judicial power. The lack of appropriate facilities and the application of information technology, including audio recording systems of sessions, case management sys-

The extraordinary workload and the high number of court cases remain one of the most serious challenges, which undermine the quality and duration of court proceedings, as well as the rights of Albanian citizens in the framework of a due process of law. In this regard, the joint commitment of all public bodies, such as the Assembly, the Councils, the Prosecutor General, the courts and the prosecution offices is required to draft concrete measures to reduce the backlog; increase the number of judges and prosecutors, fill staff vacancies, increase human resources and improve the infrastructure.

tems, archives, circulation of procedural and administrative documentation, or technology systems that cover specific processes of the work of the court or prosecution office, directly affect the quality and solemnity of the trial or the carrying out of the criminal investigation process. In some cases, these conditions have also affected the ethical and professional behavior of magistrates, exposing the justice system to negative perceptions by the public. For this reason, investment in infrastructure should be seen as an integral part of policies to strengthen the independence, legitimacy and integrity of the judicial power.

The extraordinary workload and the high number of court cases remain one of the most serious challenges, which undermine the quality and duration of court proceedings, as well as the rights of Albanian citizens in the framework of a due process of law. In this regard, the joint commitment of all public bodies, such as the Assembly, the Councils, the Prosecutor General, the courts and the prosecution offices is required to draft concrete measures to reduce the backlog; increase the number of judges and prosecutors, fill the staff vacancies, increase human resources and improve the infrastructure. At the same time, the courts and prosecution offices themselves should draft case priori-

tization systems, to ensure a faster and fair processing of court files.

The accountability system constitutes the cornerstone of a state based on the rule of law. The only way for the system to function fully, fairly and effectively is that the judiciary be organized on a sustainable basis of professionalism, integrity and legitimacy. On the contrary, an accountability system that functions only in a punitive and not a preventive aspect loses its educational role and contributes to the decline of public trust. The accountability of the judiciary should be perceived as a preventive and improvement mechanism, not as a mechanism of intimidation, intervention or punishment.

The role of the High Inspector of Justice should not be seen simply in a disciplinary aspect, but in a broader educational and preventive prism. The aim is to create a high ethical and professional culture in the justice system, where the sense of accountability is part of the consciousness of magistrates and not an external factor. If the accountability system, i.e. education at the School of Magistracy, secondments and promotions of magistrates by the Councils, the role of the highest courts in increasing the quality of judicial decisions, etc., functions fully, fairly and effectively, then the judicial power will

be organized and will function on a stable basis of professionalism, legitimacy and integrity. Otherwise, if this system does not function, the application of the system of accountability of magistrates (i.e. sanctions) may result as a delayed mechanism and reaction, not playing a preventive role, but only a punitive one, and resulting in not only undermining public confidence in the judicial power, but also the legitimacy or authority of this power.

This is the true dimension and philosophy of a legitimate reform in a justice system: building a justice system that self-regulates through its integrity. This discussion leads us to a universal dilemma, faced by many countries: the balance between independence and accountability. Even in Albania, where the justice system is still in the consolidation phase after a deep institutional reform, this balance requires special care. On the one hand, the functional independence of the magistrate must be protected, as the foundation of the rule of law, while on the other hand, it must be guaranteed that this independence does not turn into a lack of responsibility.

The greatest challenge of the High Inspector of Justice today is to preserve its institutional independence and ensure a constructive role in guaranteeing the independence of the judiciary, and not as a play on words or a shield for eventual irregularities that the system may commit, but as an important principle for the future of the country and as a principle that shows that the system accountable to magistrates is not a choice or emotion, much less of the High Inspector of Justice. It is a principle on which a legal state is based. In a context where direct or indirect interference with the judiciary is not unknown, the High Inspector of Justice has the obligation to demonstrate integrity, transparency and impartiality in every decision-making. This is a sensitive process, where

the institution must act as a defender of the principles of justice, but not as a factor that influences or orients the decision-making of the judiciary. In this process, the High Inspector of Justice will continue to apply with dedication, the highest standards of due process, as well as to be a guarantor of the balance between independence and accountability in the Albanian judicial system.

Today we are faced with an ambiguity regarding the role and function of the High Inspector of Justice, which does not only arise from citizens, who through complaints filed with the HIJ claim resolution of judicial disputes, interference in judicial processes, or influence on judicial decision-making, but is also encountered in the context of numerous claims from other public circles, including political actors, the media, or other public bodies themselves.

This phenomenon requires addressing from a systemic perspective. The Supreme Court, as the highest body in the pyramid of the judicial hierarchy, also has an essential importance in guaranteeing a quality justice system, not only through the resolution of conflicts, but also in ensuring the avoidance of divergences and maintaining consistency in the interpretation and application of the law. For this reason, the High Inspector of Justice requires special attention from the Supreme Court, to exercise its balancing role in establishing sustainable standards and practices.

At the same time, I believe that the process of legal education of the public constitutes a necessary prerequisite for consolidating trust in justice. An informed, aware and active public is the most valuable partner of justice institutions. Here, the Parliament and the Ministry of Justice must also play an essential role, within the framework of the Strategy for Legal Educa-

tion of the Public.

If citizens do not understand the role of justice institutions, magistrates, the limits of the institutions' competences and the complaint mechanisms, the justice system risks being perceived as closed and incomprehensible. Today we are facing a worrying situation, where the factors that have influenced its creation may be different but the lack of reaction and taking measures on our part to prevent these negative phenomena can bring serious consequences, not only for the justice system, but also for our society itself. For this reason, I personally believe that all our bodies should continue their efforts and invest in transparency, legal education and public communication, making justice closer to the citizen, clearer in its functions and more reliable in the results it produces or is legally obliged to produce.

The institution of the High Inspector of Justice offers maximum commitment regarding the culture of institutional cooperation and coordination, where all institutions of the justice system such as the HJC, HPC, the Supreme Court, the School of Magistrates, or other bodies, such as the Parliament and the Ministry of Justice, work on joint strategic action plans to improve the

quality of justice and strengthen the trust of citizens. This process requires a long-term vision, a structured implementation plan and a continuous assessment of the results, so that each recommendation becomes an institutional reality. The path towards an efficient and sustainable justice system requires institutional coordination, transparency and respect for the principle of separation of powers. Only through cooperation and shared commitment can we guarantee a justice system that serves the citizens and only in this way will Albanian justice be able to function on a solid foundation of professionalism, integrity and trustworthiness.

Thank you!

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PRESS RELEASE

The High Inspector of Justice expresses his deep shock in regard to the killing by gunfire of Judge Astrit Kalaja in the line of duty and the wounding of two citizens, within the premises of the Court of Appeal of General Jurisdiction in Tirana.

The High Inspector of Justice expresses his deepest condolences to the family, relatives, colleagues and friends of Judge Astrit Kalaja. I wish a speedy recovery to those injured in this horrendous act.

Today's tragedy, which took the life of a magistrate, affects the entire judiciary, the justice system, the rule of law and

every public institution.

Security must be an absolute priority for everyone. In the institutions of the justice system and every state law enforcement instance, we must engage without wasting time in guaranteeing the inviolability of every representative of justice who exercises his /her duty in the name of the law.

Expressing solidarity with the judiciary, I encourage every judge and every prosecutor, beyond this horrifying incident, to continue their duties by enforcing the law.



STRENGTHENING THE CAPACITIES OF THE HIJ IN DISCIPLINARY INVESTIGATION AND INSPECTIONS

The Inspectors Unit and the Assistant Inspectors Unit of the Office of the High Inspector of Justice conducted a two-day training on disciplinary investigation and inspections with concrete stages of the proceedings, with the practices of counterparts from Italy and Spain, based on the models of the HIJ's previous inspection work.

The training was conducted by two short-term international experts, prosecutor María del Carmen de la Fuente Méndez, part of the Spanish Inspectorate, and former prosecutor Annita Sorti, former

member of the Italian General Inspectorate, with the support of the EU4Justice mission.

The training focused on discussions and group work on the criteria for selecting prosecution offices for inspection, analysis of preliminary inspection data, case-load, staff performance, trends of complaints, preparation of inspection tools, communication with the offices subject to inspection before the visit and planning by identifying problem areas, etc.

The Spanish and Italian experience was



also used with the model for structuring the inspection report such as findings, evidence, importance of issues, term, medium-term and long-term recommendations, identification of best and positive practices, follow-up mechanisms and deadlines for implementation and division

of responsibilities, without neglecting the communication of findings with transparency, while maintaining institutional trust. The theoretical part was combined with case studies from European practices on thematic and institutional inspections.



PHOTOS FROM THE ACTIVITY





THE HPC DID NOT APPROVE HIJ'S REQUEST TO IMPOSE DISCIPLINARY MEASURES ON THE MAGISTRATE A.K.

At today's meeting the High Prosecutorial Council rejected the High Inspector of Justice's proposal to impose the disciplinary measure of a public reprimand on prosecutor A.K., of the Prosecution Office at the First Instance Court of General Jurisdiction in Korça, for violating the provisions regulating the organization and functioning of courts/prosecution offices, violating the rules of confidentiality and non-disclosure of information resulting from an ongoing or completed investigation or trial.

The investigative report of HIJ showed that magistrate A.K. has signed documents without having legal authority, has issued and sent to third parties copies of some docu-

ments, which were part of the file of a case under investigation, , disregarding the authority of the head of the prosecution office, damaging the integrity of the prosecution office, while the publication of procedural acts carries the risk of consequences to the detriment of the investigation and consequently the loss of public confidence in the functioning of the Prosecution Office according to the law and not the will of the magistrate.

In the investigative report of HIJ, it is evidenced that law no. 97/2016 "On organization and functioning of the prosecution office in the Republic of Albania" provides, among other, that:

Prosecutors and all prosecution personnel, during the exercise of their duties, as well as after their termination, are obliged to maintain confidentiality and protect state secrets regarding facts of which they become aware, except in cases where the law provides otherwise.

1- Prosecutors and all prosecution personnel, during the exercise of their duties, as well as after their termination, are obliged to maintain confidentiality and protect state secrets regarding facts of which they become aware, except in cases where the law provides otherwise.

2- The prosecution office is not allowed to make public or provide third parties with data that harms the case in the investigation or court process, which violate the dignity and private life of persons, the rights of minors, as well as data of a confidential or reserved nature.

3 – Prosecutors are prohibited from making statements or giving opinions on the activities of other institutions.

Taking into consideration the nature of the disciplinary violation, the existence of mitigating circumstances, being a violation for the first time, the 2-year experience as a prosecutor, the damage to the integrity of the prosecution office and the public's trust in the justice system, HIJ concluded that the actions/inactions of the magistrate constitute a "Minor disciplinary violation", according to article 102 point 1 letters "g" and "j" of law no. 96/2016 "On status", as amended, and proposed to the HPC the imposition of the disciplinary measure "Public reprimand" against Ms. A.K., a request that was rejected by the High Prosecutorial Council.

The prosecution office is not allowed to make public or provide third parties with data that harms the case in the investigation or court process, which violate the dignity and private life of persons, the rights of minors, as well as data of a confidential or reserved nature.

OCTOBER OF HIJ IN NUMBER

During **October 2025**, the Office of the High Inspector of Justice administered **188 complaints** which were submitted by **183 citizens** and **5 (five) by institution**. The Office ensured the standardized confirmation process of receiving complaints for newly submitted complaints in accordance with procedural requirements.

Complaints involving judges and prosecutors were assigned to Inspectors and are currently at different stages of processing, including initial review, archiving, verification, or draft decision issuance.

ARCHIVED	VERIFICATION	DISCIPLINARY PROCESS
<p>Out of 60 cases reviewed, 75 decisions were rendered:</p> <ul style="list-style-type: none"> • 44 archiving decisions after initial review • 16 archiving decisions after verification 	<ul style="list-style-type: none"> • 15 verification decisions 	<ul style="list-style-type: none"> • 3 decisions for the initiation of disciplinary proceedings concerning 3 magistrates (2 judges, 1 prosecutor);

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"**,

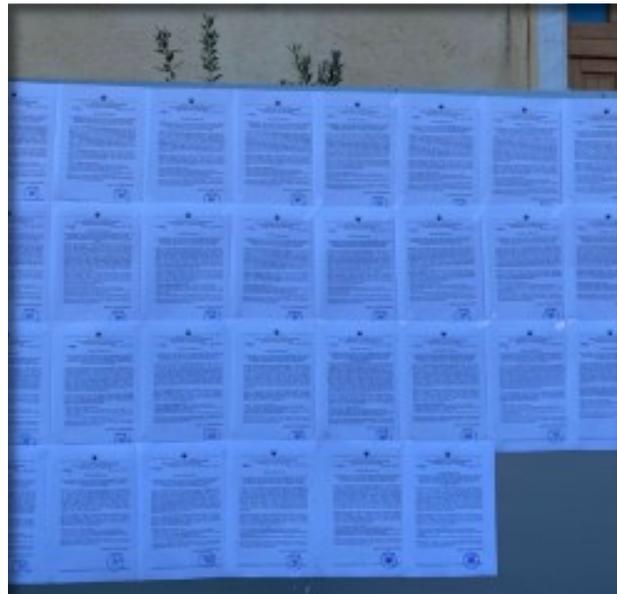
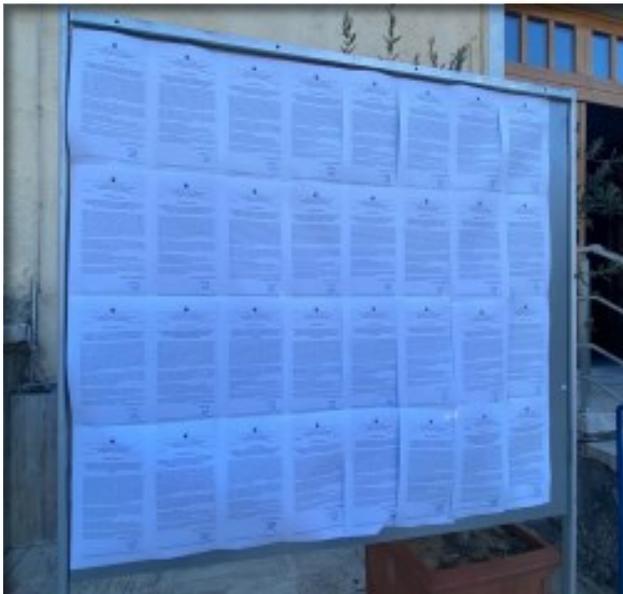
Building no.13, Tirana.

It can also be completed by being present personally at the Office of the High Inspector of Justice and if necessary, asking assistance by the team of the Complaints and Public relations Office. Within 5 days Upon receiving the complaint, the High Inspector of Justice confirms in writing its receiving.

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

PUBLIC ANNOUNCEMENT OF DECISIONS

Even during the month of **October 2025**, the Office of the High Inspector of Justice made public announcements of archiving decisions for **4 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 website and official address, the Office of the High Inspector of Justice has made available the phone number +355 4 2217217. Coordinator for the right to information is part of this sector.



During the month of October 2025, the Complaints and Public Relations Sector:

- ⇒ **Welcomed 44 complainants, who were present personally at the premises of the Office of the High Inspector of Justice, and**
- ⇒ **Has had 26 phone calls from citizens, who requested information on the stage of their complaints or Information on completing the 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 NUMBERS

*During **October 2025**, at the Office of High Inspector of Justice, **25 requests for information** were received, which were processed in all cases within 5 days (the law provides that a response must be return to the applicant within 10 days).*

HIJ ON TWITTER

Roli i Inspektorit të Lartë të Drejtësisë nuk duhet të shihet thjesht në aspektin disiplinor, por në një prizëm më të gjerë edukues dhe parandalues. #ILD #kuvend#veprimtariavjetore

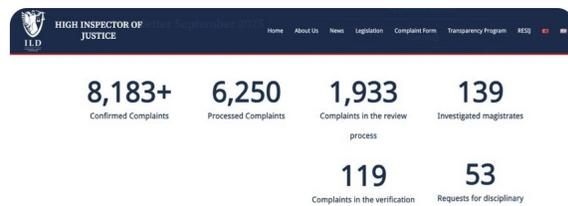
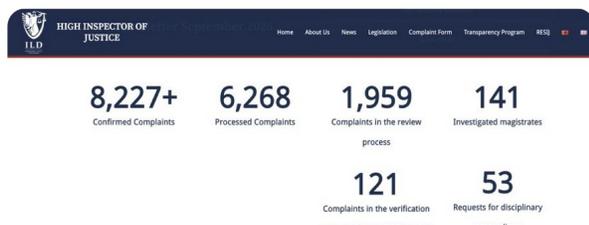


HIJ offers maximum commitment to develop a culture of institutional cooperation where all institutions HJC, HPC, Supreme Court, SoM, Parliament & MJ work on joint strategic action plans to improve the quality of justice&strengthen the trust of citizens.



- ✓ 8227 të konfirmuara
 - ✓ 6268 të trajtuara
 - ✓ 1959 në proces trajtimi
 - ✓ 121 në proces verifikimi
 - ✓ 141 magjistratë të hetuar
 - ✓ 53 kërkesa për procedim disiplinor
 - ? Keni patur eksperiencë me ne? Na thoni 👉👉
- ild.al/sq/ankete/

- ✓ 8183 të konfirmuara
- ✓ 6250 të trajtuara
- ✓ 1933 në proces trajtimi
- ✓ 119 në proces verifikimi pas shqyrtimit fillestar
- 👉 Më shumë ild.al
- ? Keni pasur eksperiencë me ne? Plotësoni anketën tonë 👉👉
- ild.al/sq/ankete/



#transparency #HIJ #parliamentofAlbania
Q&A session of the High Inspector of Justice, Mr. Artur Metani, with Members of Parliament.

The Italian and Spanish experience on #HIJ inspections. #Capacitystrengthening #EU4Justice



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

*Kliko për të ndjekur spotin
prezantues të ILD*



Më skano!