

# **HIGH PROSECUTORIAL COUNCIL**

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**NEWSLETTER, JUNE 2022**

# HPC's Activity in Plenary Sessions - June 22

Under the proposal of the Career Development Commission, the High Prosecutorial Council, discussed on the 6<sup>th</sup> of June, the draft act regarding the opening procedures about the selection process for the Head of Prosecutions at the Courts of First Instance in Berat, Dibër, Gjirokastër, Kukës, Fier, Lushnjë, Përmet, Pogradec, Pukë and Sarandë. The Council decided by a majority of votes to announce the beginning of the procedures for filling the vacancies, through the promotion procedure, except for the Prosecutor's Office of Puka.

The Council approved 2 (two) temporary appointments, one for the appointment of prosecutor Genci Mane, as the Head of Prosecution at the Fier Court of First Instance, as well as the temporary appointment of prosecutor Afërdita Ndoi, prosecutor at the Prosecution Office at the Tirana's Appeal Court as a prosecutor in the Prosecutor's Office near Gjirokastër's Court of Appeal for a 5-day period. The meeting continued with the approval of the draft act for the tenure of Mr. Kasëm Berberi, prosecutor in the Prosecutor's Office at the First Instance Court in Tirana, until he reaches the age of 70 and the approval of the draft act for the completion of the transfer procedure with consent in the position of the prosecutor at the Prosecutor's Office of the First Instance Court of Gjirokastër.

The council also unanimously approved 4 (four) reports on the "Analysis of the professional ability of the subject of the revaluation", specifically, Ms. Deniona Katro, Ms. Shqiponja Milla, Mr. Julian Xhengo and Mr. Hyrjet Lamaj. In the following, after becoming familiar with the official record proposed by the Ethical and Professional Activity Evaluation Commission, the Council approved the draft act for starting the procedure regarding the verification process of assets and image, for the candidate Arens Çela, in the framework of the candidacy for the promotion to the office of the heads of the Prosecutor's Office at the Court of First Instance in Tirana. Afterwards, the lot was cast for the appointment of the Relator member, from which was chosen the member of the Council, Mr. Ludovik Dodaj.

The Council decided to approve the draft act for starting the procedures for the verification process of the assets and image of the candidates for admission to the initial training program of the School of Magistrates, during the academic year 2022-2023, and also casted lots for the appointment of the Relator member for the start of the procedures. During this plenary meeting, was also discussed the draft act for the approval of the program that defines the list of prosecutors, for whom the ethical and professional evaluation will be carried out throughout the year 2022, where the Council made a decision to return it to the committee and to discuss it during the next meeting next plenary meeting, held on Monday, 06.06.2022.

After discussions, the council, by majority vote, decided to overturn the proposals of Mr. Zeqir Hoda, member of this Council, for changes in the regulation on the temporary appointments of prosecutors.

In conclusion, the Council discussed Decision No. 36, dated 24.05.2022, of the Tirana Administrative Court of Appeal, which has arrived today at the Council with reasons. This decision deals with the lawsuit of a prosecutor candidate who could not win the race for the Special Prosecutor's Office held by the Council at the end of 2021, and sued the Council. In their discussions, the members analyzed the fact that the final decision contains three positions from the three members of the judging panel (one member for the absolute nullity of the HPC's decisions, one member for the annulment of the decisions and the relator member for treating the lawsuit as a lawsuit that cannot stand up). In the end, the Council decided to exercise the Recourse to the Supreme Court against this decision, in the conditions of bad application of the law by the court, together with the request for the suspension of the execution of this decision.

## Plenary Session

02.03.2022

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# PLENARY SESSION



The High Prosecutorial Council held its next plenary session on Monday, June 6, 2022, in the presence of 9 (nine) members and representative guests from the OPDAT program. In the absence of the head of the HPC, Mr. Alfred Balla, due to his participation in the annual reporting of the Prosecution of the First Instance and the Appeal Prosecutor Office of Vlora, the meeting was held under the direction of the Vice-Chairman, Mr. Tartar Bazaj.

In accordance to the agenda's points, the Council unanimously approved the draft act for the approval of the program that defines the list of prosecutors, for whom the individual ethical and professional assessment will be carried out throughout 2022, as well as the one for the approval of the quarterly planning of the ethical and professional assessment. The drawing of lots for the appointment of the relator and the legal advisor responsible for the evaluation procedure of the prosecutors, was decided to take place at the next plenary meeting of the Council.

In conclusion, regarding other discussions outside the agenda, the Council decided to continue with the procedure for the exercise of Recourse to the Supreme Court, against the Decision of the Administrative Court of Appeal, No. 36, dated 24.05.2022.

The High Prosecutorial Council held its next plenary session on Wednesday, June 8, 2022, in the presence of 10 (ten) members and representative guests from the OPDAT program.

In compliance with the agenda, the lot was cast for the appointment of the relator and the legal advisor responsible for the evaluation procedure of prosecutors according to the list of annex No. 2, of Decision No. 141, dated 06.06.2022, for "Approval of the quarterly planning of individual ethical and professional evaluation of prosecutors, during the year 2022".

# Plenary Session, 15.06.2022

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Under the proposal of the Career Development Commission, the draft decisions were unanimously approved for the temporary appointment of the Head of Prosecution at the Courts of First Instance, namely:

Neritan Hoxha, Head of Prosecution at the First Instance Court of Pogradec

Dritan Gripshi, Head of Prosecution at the First Instance Court of Berat;

Elion Mustafaj, Head of Prosecution at the First Instance Court of Lushnje;

Rifat Kojku, Head of Prosecution at the First Instance Court of Dibër;

Kleanth Zeka, Head of Prosecution at the Vlora's Appeal Court.

The Council, with the proposal of the Career Development Commission, unanimously approved the draft decisions on the temporary appointment of Mrs. Elida Hoxhaj as a prosecutor in the Prosecution Office at the First Instance Court of Fier, as a prosecutor in the Prosecution Office at the Appeal Court in Vlora, as well as Mrs. Pranvera Gruda as a prosecutor in the Prosecution Office at First Instance Court of Durrës as a prosecutor in the Prosecutor's Office at the Appeal's Court in Shkodra.

Subsequently, after getting acquainted with the report prepared by the Ethical and Professional Activity Evaluation Commission, the Council unanimously approved the report on "Analysis of the professional ability of the subject of the re-evaluation, Mr. Ols Dado".

Under the proposal of the Strategic Planning, Administration and Budget Commission, the Council unanimously approved the out-of-office activity for the prosecutor at the Special Prosecutor's Office against Corruption and Organized Crime, Mrs. Doloreza Musabelliu. The head of HPC announced that the discussions on the approval of the new judicial map will take place in a special meeting, after the administration of the material in official form by the relevant institutions, specifically, The Ministry of Justice and/or the Supreme Judicial Council.

He also informed the Council's members about the preparation of a special appeal by the State Bar, after its authorization by the KLP, against the decision of the Administrative Court of Appeal, for not accepting the appeal against decision No. 36, dated 24.05.2022, of this court, with a prosecutor of the system as plaintiff and HPC as defendant.

Also Mr. Hoda, member of the council, asked for the review and approval of the draft regulation for the appointment of prosecutors, as well as the necessary changes in the regulation for parallel movement due to the recent legal changes, acts which were agreed to be dealt with in a as soon as possible with the OPDAT mission through the representative in the hall. In the end, the head of HPC recalled that the mandate of the Director of the Special Prosecution against Corruption and Organized Crime ends in December 2022, and raised the question of whether the Council reserves sufficient time for the initiation of legal procedures regarding the appointment of the new Director. taking into account the vacation period and the vetting procedure to which candidates who express interest are subjected.



# 27.06.2022



The above-mentioned period of time will serve to take on organizational infrastructural and logistical measures by the General Prosecutor, a preliminary phase that follows with the performance of the relevant transfers of prosecutors by the HPC.

During this meeting, the Council, unanimously approved the qualification of candidates who meet the conditions for running for promotion to the position of manager, in the prosecutor's office at the First Instance Court of Fier, where determine the qualification of the candidates as follows:

- Ervisa Hyka
- Genci Mane
- Elida Hoxhaj
- Sino liberation
- Elion Mustafaj
- Suela Beluli

Based on the explanatory report prepared by the Career Development Commission, it approved with 8 (eight) votes in favor, the qualification of candidates who meet the conditions for running for promotion to the position of manager, in the prosecutor's office at the First Instance Court of Saranda, where the qualification of the candidates was decided as follows:

- Kledian Llaho
- Ilir Hoxha

Further on, the Council discussed and unanimously approved the draft act for closing the promotion procedure for the position of the head of the prosecution at the courts of first instance in Berat, Dibër, Gjirokastër, Kukës, Lushnjë, Përmet and Pogradec, due to the non-candidacy for these advertised positions. The Council unanimously approved two draft acts related to the prosecutor Xhevahir Lita, for whom the temporary transfer was first decided with consent to the Prosecutor's Office at the Court of First Instance in Kukës, while the second was for the temporary appointment to the position of the head of the Prosecutor's Office at this court.

The Council also unanimously approved the draft act for the professional practice of candidates for magistrates from the School of Magistrates, in the profile "Prosecutor", for the academic year 2022-2023, where it designated the Prosecutor's Offices, specifically at the Courts of First Instance in Tirana, Fier and Shkodër, which will serve to carry out this practice, as well as the leading prosecutor magistrates.

Also, based on the proposal of the Ethical and Professional Activity Evaluation Commission, the Council unanimously approved two reports for the analysis of the professional skills of the re-evaluation subjects, namely Mr. Robert Kote and Mrs. Franceskina Lekani.

The meeting started with the discussions of the members about the reorganization of the judicial districts approved by decision of the High Judicial Council, which was forwarded to the Council by the Ministry of Justice. The chairman of HPC, Mr. Alfred Balla, made a presentation of the judicial districts that are expected to be merged, the official letter of the HPC addressed to the Attorney General regarding the impact that this reorganization will have on the prosecutor's offices, as well as quoted the latter's response to HPC.

He also presented the treatment of the case from the procedural side and agreed with the members that their opinions on the subject of discussion will be forwarded in the form of an administrative letter.

In the end, HPC spoke in favor of the project proposed by HJC and Minister of Justice for the reorganization of judicial districts for the reason that, due to the way it is composed, it does not conflict with the interests of the prosecution system, also due to the fact that in the consultations carried out with interest groups and international missions during the drafting of the act, representatives from the General Prosecutor's Office participated, which reflected the full agreement of the General Prosecutor. The detailed final opinion of the HPC will be officially forwarded to the Ministry of Justice the next day. Mr. Balla informed that, after receiving the opinions of the institutions provided for in the law, the project is expected to be approved by the Council of Ministers and, if there are no changes in the act, the prosecutor's offices of appeals that merge in Tirana will undergo the merger process after 6 months, while the prosecutor's offices near the judicial districts of the first instance will be subject to it after 9 months.

# Chairman of HPC attends the annual analysis of the Prosecutor's Office at the First Instance Court and the Appeal Court of Tirana, for 2021



Chairman of HPC, Mr. Alfred Balla together with the Council's member Ms. Eloida Goxhi, participated on June 21<sup>st</sup>, 2022, in the annual analysis of the work of the Prosecutor's Office at the Court of First Instance and the Tirana Court of Appeal.

This meeting was attended by the prosecutors and judicial police officers of the reporting structures, Mr. Olsian Çela, General Prosecutor, as well as Mr. Artur Metani, High Inspector of Justice.

The Temporary Director of the Tirana Prosecutor's Office, Mr. Arens Çela, and the Director of the Tirana Appeals Prosecutor's Office, Mr. Genti Xholi, reported on aspects of the activities of the structures they lead for 2021.

During his greeting speech, the head of HPC, Mr. Balla, congratulated the teams of both reporting prosecutions for completing a large volume of investigative work throughout 2021, which was also carried out under the pressure of the media, direct politics and indirect, criminality, as well as the fact that half of the country's population lives in Tirana.

"The reporting prosecutor's offices are lacking prosecutors due to the vetting process and appointments in the new justice institutions, but the appointment of 22 new magistrates, as well as the professional and ethical assessment of prosecutors, a process recently initiated by the Supreme Council of the Prosecutor's Office, will enable the realization of parallel movements to fill vacancies, as well as the development of careers as leaders, prosecutors in the appeal prosecution, or in the General Prosecutor's Office," said Mr. Balla.

In conclusion, Mr. Balla informed about some discussions, about changes and/or possible improvements of the legislation in force, with the Ministry of Justice, the Prosecutor General, as well as the OPDAT mission, with whom it has been agreed in principle that each prosecutor will have an assistant/advisor as well as a judicial police officer.

## **Chairman of HPC attends the annual analysis of the prosecutor's office at the First Instance Court and the Appeal Court of Vlora, for 2021**



Chairman of HPC, Mr. Alfred Balla, participated in the meeting held on the 6<sup>th</sup> of June 2022, on the annual analysis of the work of the Prosecutor's Office at the First Instance Court and the Appeal Court of Vlora.

This meeting was attended by prosecutors and judicial police officers of the reporting structures, as well as Mr. Olsian Çela, Prosecutor General, Head of the Vlora Local Police Directorate, Mr. Gentian Berberi, as well as the Deputy President of the Court of First Instance Vlorë, Mr. Enkel Peza.

The Head of the Prosecution of the Court of First Instance Vlora, Mr. Aurel Zarka and the Temporarily Appointed Head of the Vlora Appeals Prosecution, Mr. Kleanth Zeka reported on the aspects of the activity of the structures that lead, on the internal organization, the condition, the progress, the problems and intended support.

In his welcoming speech during this annual analysis, the chairman of the HPC, Mr. Balla, congratulated for the large volume of investigative work carried out by both reporting prosecutors, as well as invited all prosecutors to run for the positions announced for promotion. in the prosecutor's offices of Fier, Lushnje, Berat, Pogradec, Saranda, etc. He emphasized that a better cooperation between these two bodies is needed to regularly discuss the issues arising during the practical implementation of the law reform laws.



# Joint meeting of the permanent Evaluation Commission between HPC and HJC

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The High Prosecutorial Council under the direction of the Chairman, Mr. Alfred Balla, held on Monday, June 20, 2022, a joint meeting with the High Judicial Council in the framework of the exchange of experiences related to the process of professional evaluation and ethics of magistrates, as long as the Council has approved the regulation on professional evaluation and ethics for prosecutors of the general jurisdiction, as well as has drawn the names of 10 (ten) of them that will be subject to this evaluation, during the second 6 months of 2022.

The members of the respective responsible Commissions, as well as the advisors attached to these Commissions, participated in this meeting. Part of the discussions of the meeting was the exchange of institutional experiences regarding the process, underlining the commonalities, but also the peculiarities in relation to the magistrates, prosecutors and judges.

The evaluation analysis was oriented towards ways of determining the necessary and correct practical methods in order to increase the effectiveness of this process.

In conclusion, it was agreed on the continuation of inter-institutional cooperation between the governing bodies of the justice system in order to unify the practice for the evaluation of magistrates.



# HPC Activity during June 2022

**5 Plenary Sessions**

**8**  
Analysis Reports of  
Revaluation  
Subjects

The beginning of the procedures for verifying the assets and the figure of the candidates to be admitted to the initial training program of the School of Magistracy in the academic year 2022-2023.

**11**  
Temporary  
Appointments

**Strategic Planning,  
Administration and  
Budget Commission**

**Disciplinary  
Commission**

**Ethical and  
Professional Activity  
Evaluation Commission**

**Career Development  
Commission**

# HPC TRANSPARENCY, JUNE 2022

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In fulfillment of the relevant legal obligation, the High Prosecutorial Council has updated real-time and within the legal deadlines, the plenary meetings held during the month of June 2022.

Also, all the necessary information about the Plenary Sessions, Decisions taken during these sessions, Minutes, etc., has been published for the media and public opinion, on the Council's official website, [www.klp.al](http://www.klp.al)

The work activity of the Council during June 2022 is also reflected in the institution's official account on the Twitter platform.

Contact HPC through social networks on the official website,  
[www.klp.al](http://www.klp.al); Twitter and Youtube accounts:

[https://twitter.com/KLP\\_al](https://twitter.com/KLP_al)

[https://www.youtube.com/channel/UChNFVsMbta9js1WUP3cI  
Gcw](https://www.youtube.com/channel/UChNFVsMbta9js1WUP3cIGcw)

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Or write to us via postal address:

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