

Re-Evaluation process of judges and prosecutors in the Republic of Albania

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Abstract

The constitutional reform related to the system of justice realized in 2016 in Albania, was welcomed with a positive enthusiasm by all stakeholders, civil society, business groups, including the political class who voted for this reform unanimously.

One of the goals of the implementation of this reform is not only the restoration of new justice institutions and the strengthening of existing ones but above all the re-evaluation of all judges and prosecutors who are part of the judiciary in three main aspects: - asset valuation, a background, and integrity check to discover the links to organized crime and a qualification assessment.

The total number of all judges and prosecutors in the Republic of Albania is over 800 subjects, starting from the courts of the first instance and the prosecutor's offices near them to the Constitutional Court.

The re-evaluation process is carried out by two new constitutional institutions that are established and function for a transitional period, the Independent Qualification Commission (IQC) as a first instance with a mandate of 5 years, and the Special Appeal Chamber (KPA) as an appeal body with a 9-year term.

More than three years have passed since the beginning of the activity of these two institutions and the results they have given are very significant when almost half of the entire body of veto magistrates has not gone through this process, while a considerable number of judges have resigned.

On the other hand, many constitutional and legal issues have arisen concerning the vacancies created in the Constitutional Court, the High Court, and other judicial and prosecutorial bodies, the quality of the new magistrates who will become part of the judiciary, and meritocracy or not by those magistrates who have stayed in the system to those who have left.

For all these results that have been produced so far, it is necessary to be careful that the cleansing of the judiciary by magistrates who do not deserve to be part of this system does not create undeserved subjective discrimination and at the same time go in the election as soon as possible of new members of the judiciary with persons who do not have the necessary qualifications which would seriously affect the quality of the judiciary in the Republic of Albania.

Keywords: Re-Evaluation process, Prosecutors, Republic of Albania.

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