

Achievements and challenges about 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 conducted 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.

The results provided so far by the Qualification Commission, The Special Appeal Chamber, have increased public confidence in the cleansing of the judiciary by judges and prosecutors who do not deserve to be part of the judiciary, but at the same time there have been delays in litigants, to get a faster and better service due to vacancies created in the system and the loss of real independence that must demonstrate magistrates who have not yet been re-evaluated. The purpose of implementing this reform is not only to meet one of the standards related to the integration of this country in the European Union but also to increase the quality of service in terms of ensuring the fair justice in favor of citizens and business groups. It remains to be seen how this reform guarantees these goals with a positive character, based on the results that have been produced during these four years, as well as on what is intended to be achieved in the future, for its final implementation.

Keywords: Achievements, Process of judges and prosecutors, Republic of Albania.

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