



# KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

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Tirana, October 6, 2017

## **Report on some partial findings of the monitoring of support bodies for vetting**

In order to encourage transparency and accountability of bodies tasked with competences for the transitory re-evaluation of judges and prosecutors (vetting), on August 9, 2017, the Albanian Helsinki Committee (AHC) submitted an official request for information to **support bodies** of vetting (DSCI, HIDAACI, HJC, GPO), which contribute to the process with regard to the evaluation of assets, control of the figure and professional capabilities of judges and prosecutors.

The Directory for the Security of Classified Information (DSCI), the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interest (HIDAACI) and the High Council of Justice (HCJ) responded partially to the request of AHC for information regarding the conduct to date of this process. AHC was able to secure part of the information about the number of self-declaration forms submitted by judges, prosecutors and other subjects about their wealth, figure or professional capabilities, or other information regarding inter-agency cooperation and difficulties encountered in terms of enforcement of the law.

AHC understands the difficulties that these support institutions have been faced with as well as the impact that the arguments part of decision no. 2, dated 18.01.2017 of the Constitutional Court had as they may have influenced a slow down of the process and, therefore, failure to provide information based on the AHC request. Nevertheless, overall, AHC notes that there is not full transparency from these institutions, as long as their responses avoid providing information on the findings resulting from their verifications so far and that are of public interest. Namely, we refer to the evaluation of these support bodies with regard to whether judges and prosecutors, at this verification phase of the process, have passed successfully the test of wealth and figure. We emphasize that in every request for information, AHC has not sought to become familiar with the personal data of the subjects that have undergone verification by these institutions.

The response provided by the HCJ refers that the need has emerged to have detailed instructions regarding the criteria, standards and procedures for professional evaluation. However, while the HCJ inspectorate has encountered such difficulties, the General Prosecutor's Office, which according to information published by the media has established the relevant structures for the professional evaluation of prosecutors, has not responded to AHC's request for information yet. It is unclear whether similar difficulties have been encountered also in the activity of the Prosecutor's Office with regard to the evaluation of professional skills of prosecutors and other subjects that fall under its competence.

The reinstatement of public trust in the justice system requires transparency and broader engagement of the public in denouncing facts or circumstances that may represent evidence regarding vetting. AHC will continue to monitor the activity of all institutions with direct or indirect responsibility in the vetting process, in order to highlight the implementation of legal provisions, respect for the rights of persons to undergo vetting, and impartial and professional information for the public.



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These findings are presented pursuant to the monitoring conducted in the context of the initiative “Increasing transparency, inclusivity and responsibility in the vetting process,” supported financially by the Open Society Foundation for Albania (OSFA).