

HIGH COUNCIL OF JUSTICE, DECISION **KËSHILLI I LARTË I DREJTËSISË, VENDIM**

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Unofficial translation of the Decision of the High Council of Justice:

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DECISION

No. 278/2, date 19/07/2011

ON THE ACADEMIC ACTIVITY OF JUDGES

THE HIGH COUNCIL OF JUSTICE,

Pursuant to Article 147 of the Constitution of the Republic of Albania, Article 1 of Law no. 8811, dated 17.05.2001 "On the organization and functioning of the High Council of Justice", amended, in order to define the rules on academic activities of judges of courts of first instance and courts of appeal decides:

1. The function of a judge, in compliance with the Constitution of the Republic of Albania, is incompatible with other public or private activities.
2. 1. The judge is free to perform those activities that constitute the expression of basic freedoms, such as the freedom to express his thoughts in writing and verbally, in public, cooperation with newspapers, magazines, encyclopedias, scientific works or participating as a speaker at seminars, conferences, research meetings or similar activities that do not involve authentic employment. This goes for the international field activity too, for institutions or international authorities, where Albania takes part as a member. In addition, judges have the freedom to participate in volunteer activities, alone or in cooperation with private associations, non-profit organizations or foundations, if they are not employed in these organizations and are not involved

in their management or assets.

2. In each case, taking into consideration the specifics of this function, the judge must assess the compatibility of any event, considering the fact that they are carried out without sacrificing the needs of service
3.
 1. Participation as experts or continuous training facilitators at the School of Magistrates, is regulated by law no. 8136, dated 31.07.1996, "On School of Magistrates of Republic of Albania ", amended and bylaws in its implementation.
 2. In compliance with the provisions of this decision, the inclusion of judges in the process of teaching in public and non - public universities or at the School of Magistrates is allowed, based on the judge's professional standards and knowledge in specific areas of law.
4. Exercising the judge duty is inviolable and it prevails in relation to other academic activities. Involvement of judges in the teaching process can be done only if it complies with the judge's official duties, as well as during the days of weekends.
5.
 1. Judges may be involved in the teaching process within the week time limit up to 6 (six) academic hours within the official schedule, and the compensation should be in accordance with the usual reward for this kind of activity.
 2. The High Council of Justice has the right to assess whether the specific request for that activity is consistent with the timetable of the judge and whether the reward is appropriate, considering the usual reward for this kind of activity.
6. The Judge should submit to the High Council of Justice a request for authorization at least 45 days prior to the activity of teaching. The request for authorization shall contain the following information:
 - a) The university or other academic institution;
 - b) Details of rules that provide for appointment to the position in question;
 - c) The nature, duration, characteristics, manner and place of performing their duties, time commitment and specifying the number of hours during a calendar year;
 - d) Reward;
 - e) The number of cases reviewed during the last two years, specifying cases already finished and those to review;
 - f) Performance statistics for the past two years, compared with the work of other judges involved in the same section or court;

- g) An own statement that in judge's knowledge, there are no running criminal or disciplinary proceedings pending against him;
 - h) A request for the opinion of the Chairman of the Court.
7. The Inspectorate of the High Council of Justice monitors academic involvement of judges in the process of teaching and observance of the rules provided in this decision; gathers opinions of courts' chairmen and other documentation relevant to the decision on the authorization; makes the necessary investigation and prepares report to the plenary meeting of the Council.
8. 1. The High Council of Justice, based on the judge's request for inclusion in the process of teaching in the School of Magistrates, in public and private universities, according to provisions stated in this decision, decides to approve the request taking into consideration:
- a) Needs of the service;
 - b) Functions currently performed by judges;
 - c) Efficiency of judges seeking authorization for teaching;
2. The High Council of Justice, based on the report of the Inspectorate, the opinion of the Court's Chairman, as well as information provided in paragraph 6 of this decision, decides to give or not to give authorization, given the nature of activity, duration and involvement in its preparation and execution, and the amount of compensation.
3. The authorization is not granted to judges that are subject of criminal or disciplinary proceedings.
4. The authorization is not granted to the judges that have effective disciplinary measure.
5. Authorization shall immediately be revoked to the suspended judges.
9. 1. The High Council of Justice, if it finds that the judge fails to observe the rules provided in this decision, may revoke the authorization
2. If it is determined constant disrespect of these rules, the matter should be reported to a plenary meeting of the High Council of Justice
10. The High Council of Justice should make public the list of judges authorized by placing it in a special section on its web site. The list should be updated at the end of each six month period and organized following the name. It should contain the name

of the judge, the court where the judge exercises the function and the working hours that he is authorized to teach

11. This decision shall enter into force immediately

THE HIGH COUNCIL OF JUSTICE