

Union of Albanian Judges

National Association of Judges



National Association of Prosecutors

Albanian Helsinki Committee

**To: Mr. Bamir Topi
President of the Republic of Albania**

**Ms. Jozefina Topalli
Speaker of the Assembly of Albania**

**Mr. Sali Berisha
Prime Minister**

**Mr. Enkelejd Alibeaj
Minister of Justice**

Parliamentary Political Parties

MPs of the Assembly of Albania

**From: Union of Judges of Albania,
National Association of Prosecutors,
National Association of Judges,
Albanian Helsinki Committee**

Tirana, July 25, 2008

Subject: Open Letter on Justice Reform

Honorable Madams/Sirs!

We, representatives of the Union of Judges of Albania, the National Association of Prosecutors, the National Association of Judges, and the Albanian Helsinki Committee, are following **with very great attention and concern the progress of reform in the justice system** and consider it very important for strengthening democracy, the rule of law, and respect for human rights and freedoms.

Appreciating the political will to undertake such a reform, we express our conviction that **this reform is indispensable, even delayed.** We support the indispensability of this process of reform and are willing to make our contribution in order to ensure a transparent, all-inclusive, and professional process.

We find that **to date, the preparation of justice reform, particularly the lawmaking process, leave much to be desired.** It involves a lot of formalism, lack of arguments, and non-engagement that would be real and timely in this process of the main actors of justice reform, such as: judges, prosecutors, lawyers, experts of academia, civil society actors, and other law enforcement subjects that are part of this reform.

Non-profit organizations, experts of the area **are not provided with the practical opportunities and sufficient time to make their contribution to the conduct of such justice reform** that would have a positive impact on strengthening the independence of the judiciary and other constitutional bodies, as well as respect for fundamental human rights and freedoms.

Justice reform is of special significance for the consolidation of democracy and is very closely linked with the country's goal of integrating into Euro-Atlantic structures. Nevertheless, if this reform is not qualitative, it will be of no service to this goal.

We find with regret that the methodology of drafting some draft bills related to justice reform, as a result of the defects mentioned above, **is accompanied by elements of subjectivism and narrow sectorial and conjectural interests.**

We applaud hearing sessions that may be organized by the relevant parliamentary commissions, but those are neither sufficient, nor fruitful if not preceded by the engagement of relevant actors from the drafting phase.

Furthermore, **the transparency that should characterize the process should have begun from the start with the identification of problems, priorities, and proposals for concrete solutions, by seriously ensuring the broad participation of actors of the justice system in the process from the initiation of initiatives to their final approval.** This is an obligation deriving from EU directives on legislative technique, which are binding.

Projects should be drafted following broad public debates in order to offer solutions for problems emerging from the debate and in order to open the way for progressive developments. Offered proposals and views should be considered seriously in the best way possible, avoiding any kind of formalism.

Honorable Madams/Sirs!

The Union of Judges of Albania, the National Association of Prosecutors, the National Association of Judges, and the Albanian Helsinki Committee make a public appeal to you to:

Seriously assess our concern that no fragmented reform is passed; that justice reform is conceived of as a whole, as a legal package, as that would avoid potential legal clashes or lack of coherence in legislation. The conduct of justice reform is a complex and complicated process; its fragmented approval would be accompanied by harmful and irreparable consequences.

We express our hope for your reflection, understanding, and good political will to realize the goals that are aimed at through justice reform.

We deem it indispensable to inform the public, the media, national and international organizations that monitor and assist with reforms in Albania about the contents of this open letter.