



Analysis of Legal and Practical Aspects of The Vetting Process

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Abstract

Albania in the framework of the process to join the European Union, where the reform of the judicial system, among others, is one of the essential conditions to be fulfilled. Albania has demonstrated commitment to justice reform by continuously cooperating with the Venice Commission to improve the standards of independence, accountability and professionalism of the system. The two main pillars of the justice reform package include the amendment of articles of the Constitution and the adoption of a package of laws, including the law on the re-evaluation of judges and prosecutors, determine the creation of new judicial institutions¹. Through the re-evaluation process popularly known as “vetting process”, is the intention to fight corruption and clean up the justice system, restoring every citizen's trust in their independent and impartial institutions. Effectively, this process started at the beginning of 2018, materializing the first decisions on the evaluation of judges and prosecutors based on three criteria of declaring wealth, image and professional ability. We find it important to address an analysis of the investigation, administration and decision of the Independent Qualification Commission and the Special Appeals Panel for each criterion and the interpretation of the vetting law on a case-by-case basis. We also find with interest the treatment of the role and influence of the auxiliary organs, the Public Commissioner and the International Monitoring Body as a balance keeper for the realization of an orderly, transparent and impartial process. Without a doubt, the vetting process does not constitute a magic formula that will eradicate corruption once and for all from the justice system, but it is a very serious and unprecedented step in the history of our country and perhaps beyond. The short-term consequences produced by the vetting process by introducing the entire judiciary into the re-evaluation system, such as the freezing of the Constitutional Court, is a sacrifice of the rule of law to guarantee a justice system, above all of quality.

Keywords: Justice reform, membership, vetting process, Constitutional Court, International Monitoring Body

¹ https://drejtesia.gov.al/wp-content/uploads/2017/10/Analiza_e_sistemit_te_drejtesise_FINAL-1.pdf, pg.4