



Organization for Security and
Co-operation in Europe
Presence in Albania

**HEAD OF PRESENCE'S REMARKS AT A GRADUATION CEREMONY
ORGANIZED BY THE SCHOOL OF MAGISTRATES**

22 December 2011

Chief Judge Beçaj,
Director Semini,
Prosecutor General Rama,
Excellencies,
Dear colleagues,
Ladies and gentlemen,
Good morning.

Rule of Law is a centrepiece of our OSCE mandate, of our mission. It is therefore especially meaningful to be here with you today at the School of Magistrates, which I, which my OSCE Presence here in Albania consider the very heart of "justice in the making", where the course is set and has been set for the past years for a justice system in full compliance with international standards.

A sound legal education is an absolutely must: for professionalism and any real improvement in the justice sector as much as for a personal career. Ethics is an important part of your toolbox. It prevents you from opting for impunity – even when you would think to get away with it.

It is no secret that a transparent and trusted justice system is the backbone of any peaceful and democratic society, when providing an independent counter-weight in the system of checks-and-balances of the three powers of government Montesquieu has described.

While the enactment of sound and well-drafted laws by a transparent parliamentary process forms the basis of the rule of law in the country, they remain dead letter, if nobody is aware of them, knows them and applies them.

Applying law in a fair, equal and independent manner is the primary prerogative of the judiciary.

In my view, the School of Magistrates provides the strongest of foundations for an efficient and transparent justice system in Albania by facilitating a combination of both theoretical and practical training and thus fostering knowledge and skills to future magistrates.

High expertise at all levels and professional work, however, are not achieved through professional training alone. In order to fulfil the high social responsibility vested in judges and prosecutors, highest ethical standards are required.

Once appointed to judicial office, you wield immense power and discretion, many times far beyond the capacities of most men and women. You are vested with power to decree freedom or captivity; the power to decide who wins and who goes away empty-handed.

This immense power is to be wielded cautiously, applied judiciously and enjoyed rarely, all and only in the public interest.

American Judge Ringera said in 2007: “When judges grow into their positions and fail to distinguish between their *persona* as individual and their office as an institution, there arises the beginning of misappropriation of power and promotion of anarchy.”¹

I would like to add prosecutors to the judges I just mentioned in the citation.

With the high social responsibility of the office of judge and prosecutor comes not only the freedom to be independent but also the duty to act independently, the duty to use this office for seeking justice, not personal gain.

As I have said before, a firm and transparent handling of cases involving alleged corruption, regardless of the status of those accused, remains a key indicator of judicial independence.

Let me stress: corruption in the judicial system can be cleaned only through the judiciary. And it MUST be cleaned through the judiciary.

To this end, accountable and efficient inspection systems and disciplinary proceedings for judges are crucial, and strong co-operation within the judicial sector, in particular with the prosecution office is required to clear efficiently the sumptuous garden of justice of the weeds of corruption.

Esteemed Dignitaries,

In concluding my comments, I would like to say something to the graduates directly.

Dear graduates,
now that you leave this esteemed academic institution, you will be part of the judicial system.

As graduates of the Magistrates School you bear a special responsibility for the rule of law and thus for the overall well-being of your country. The protection of a state ruled by the principle of law lies in your hands. Make ethics part of it at all times.

It depends on you. It can dwindle with you. With you it can, and I wish, it will rise.

This is a heavy responsibility, but also a great honour.

I would like to congratulate you to this path you have chosen.

I wish you all the best for your future professional careers.

Thank you very much.

¹ „Corruption in the Judiciary“, Presentation of Judge Aaron G. Ringera, Director and Chief Executive of the Kenya Anti-Corruption Commission, 25 April 2007, The World Bank, Washington D.C.