



**Doc. 14279**

28 March 2017

## **Election of Judges to the European Court of Human Rights**

### **List and curricula vitae of candidates submitted by the Government of Albania**

#### **Communication**

Secretary General of the Parliamentary Assembly



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## 1. List and curricula vitae of candidates submitted by the Government of Albania

*Letter from Ms Ardiana Hobdari, Ambassador of Albania to the Council of Europe, to Mr Wojciech Sawicki, Secretary General of the Parliamentary Assembly, dated 14 March 2017.*

[...]

With reference to your letter dated 11 October 2016, I have the honor to submit to you the list of the three candidates which have been nominated by the Government of the Republic of Albania for the election as judge at the European Court of Human Rights. This list is submitted in alphabetical order:

- ANASTAS Aurela
- BERBERI Sokol
- MUSKAJ Aleksander

Please find enclosed the *curricula vitae* of all three respective candidates.

The candidates were selected through a competitive procedure, according to Parliamentary Assembly Resolution 1646 (2009). I also enclose information on the details of the national selection procedure.

[...]

### *Information on national selection procedure for the position of a judge of the European Court of Human Rights*

The following report explains the rules and procedures for selecting three candidates for the office of the Albanian judge at the European Court of Human Rights (ECHR) in accordance with paragraph 4.2. of the Parliamentary Assembly Resolution 1646 (2009) and the Guidelines<sup>1</sup> of the Committee of Ministers for electing candidates for the office of judge to the European Court of Human Rights.

#### **Introduction**

Due to the expiry of the mandate of the current judge of Albania to the ECHR, Albania, as a High Contracting Party, should submit a list of three candidates initially for consultation on the appropriateness of candidates to the Advisory Panel of the Committee of Ministers and subsequently to the Parliamentary Assembly of the Council of Europe, in accordance with the requirements of Article 21 (1) in conjunction with Article 22 of the European Convention on Human Rights. The candidates should have a high moral personality and possess the qualifications required for appointment to the highest judicial offices or be jurisconsults of recognised competence.

The procedure of selection of the candidates for the office of Albania's judge to the European Court of Human Rights was conducted in accordance with Resolution no. 1646 (2009) of the Parliamentary Assembly of the Council of Europe, which sets out the criteria to be followed in selecting fairly and transparently the candidates for the office of judge to the ECHR.

The election procedure is preceded by a study on the best practices followed by other member countries to elect their national judges to the ECHR and the on-going consultations with the National Bar Association and the State Advocacy Office.

The process for re-conducting the selection procedures of the candidates for the office of judge of Albania to the European Court of Human Rights was administered by the Secretary General of the Council of Ministers.

The *Ad Hoc* Commission for conducting the selection procedures of the candidates for the office of Albania's judge to the ECHR (the Commission), established by Order no. 7044, dated 6.12.2016, is composed of members with integrity and representatives of a substantial professional experience (as mentioned in the point 3 below).

Upon receipt of full applications, submitted within the one month deadline made available, the Commission continued its review of the files of all the applicants. After the assessment made by each member of the Commission, the candidates were invited to the stage of orally structured interview, according to a standardized format, where candidates were also assessed for their language skills. Following the completion of the interviews, the Commission proposed a list of 3 candidates for the office of Albania's judge to the ECHR and sent it for opinion to the Advisory Panel of experts on candidates for election as judge to the European

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1. Amended in 1213th meeting (26 November 2014, the decision CM/Del/Dec (2014) 1213/1.5).

Court of Human Rights (hereinafter "the Advisory Panel"). Following the full completion of the consultation phase with the Advisory Panel, the Albanian Government submitted the final list of candidates to the Parliamentary Assembly of the Council of Europe, for further proceedings.

Aware of the importance of integrity and purity of the image of judges both in the Albanian justice system and the Albanian representatives to the international judicial bodies, during the conduct of selection procedures of the candidates for the office of Albania's judge to the ECHR, besides the assessment of candidates based on professional criteria, the Commission applied the constitutional principles underlying the check (vetting) process, which are related to the issue of the verification of declarations of assets and integrity, based on the legal framework governing these issues; the purity of the figure of high functionaries; ensuring the integrity of the persons elected, nominated or exercising public functions; for the declaration and check of the property, financial obligations of elected officials and certain public employees; to prevent conflicts of interest in exercising public functions.

As to the foregoing and determined to guarantee the profile of the candidates for judges, in accordance with the highest standards of professional competence and integrity, the Commission urged the applicants to submit a self-declaration that they are not convicted/convicted persons or against whom no security measures or sentence by inconclusive verdict has been rendered for having committed crimes, in accordance with the provisions of law no. 138/2015, "On ensuring the integrity of the persons elected, nominated or exercising public functions" as amended; and a self-declaration that private interests do not contain illegal financial resources, concealment of assets, false statements or conflict of interest, in accordance with the provisions of Law no. 9049, dated 10.4.2003, "On the declaration and check of the property, financial obligations of elected officials and certain public officials", as amended, and Law no. 9367, dated 7.4.2005, "On the prevention of conflict of interest in exercising public functions" as amended.

In order to guarantee that this process was as thorough and transparent, through letter No. 7036 Prot., dated December 6, 2016, the Council of Ministers addressed the High Inspectorate for the Declaration and Audit of Assets and Conflict of Interests (HIDAACI); the General Prosecution Office (PPO); General Directorate of Prevention of Money Laundering (GDPML); in order that from their verifications to send information, respectively; whether the applicants have problems with their declarations of private interests, concealment of assets or conflict of interest; whether there is evidence of interest about the applicant from appropriate checks, in implementation of the law no.138/2015 "On ensuring the integrity of the persons elected, nominated or exercising public functions" as amended, whether for the applicants there have been found, collected, analysed and disseminated to the law enforcement agencies, information on possible activities of money laundering and terrorism financing.

At the end of this process, no problem was identified for any of the candidates and as a result none of them was disqualified for legal reasons.

## **2. Preliminary Issues**

Given that the election of a judge in respect of Albania is scheduled for the Assembly's April 2017 part-session, the Secretary General of the PACE has invited the Albanian government to submit by 20 March 2017 the list of three candidates for this office.

In Albania there are no specific rules that provide for the follow-up procedure for the selection of Albanian judges in an international organization, given the fact that the national procedure which led to the selection of Albania's current judge to the ECHR was held prior to the criteria adopted in 2009.

In order to make sure that the national selection procedure of the Albanian judge to the ECHR was carried out in accordance with the standards of the Council of Europe, the Albanian Government took the following steps:

Submitted for publication, by letter, No. 6335 Prot., dated October 31, 2016 the Notice of Application to:

- The Official Publications Centre;
- The Ministry of Justice;
- The Ministry of Foreign Affairs;
- The Constitutional Court;
- The Supreme Court;
- The High Council of Justice;
- The General Prosecution Office;

- The School of Magistracy and all law faculties of public universities;
- The National Bar Association;
- The National Chamber of Notaries;
- The national newspapers with a significant circulation and high viewership media.

On November 1, 2016, the Notice of Application was published in almost all the above sources. The deadline for acceptance of applications was fixed 30 (thirty) days.

According to the call for application, applicants must meet the following criteria:

- To be Albanian citizens;
- To have a university degree in law;
- To have at least 15 years professional experience as a judge, prosecutor, lawyer, professor or lecturer of law, high level official in public administration, with a distinguished activity in the field of law, mainly in the field of human rights. Priority will be given to candidates with practical experience in the justice system;
- Not to have held political functions in the public administration or leading positions in a political party during the last 10 years, prior to nomination;
- To have a high moral personality in accordance with paragraph 1 of Article 21 of the European Convention on Human Rights;
- To master one of the official languages of the Council of Europe (English or French) and at least a basic knowledge of the other language. Mastering both official languages of the Council of Europe shall be deemed an advantage.

These criteria for application are set in line with the roadmap of the Committee of Ministers of the Council of Europe CM (2012) 40-add, dated 29.3.2012.

### **3. The Selection Commission**

The Commission for carrying out the selection procedures for the applicants to the office of Albania's judge at the ECHR is composed of the Chairperson and four members who have a significant professional experience. They are experts of the Public International Law and Human Rights, with knowledge of the English and French languages: a constitutionalist, a former representative of Albania at the Venice Commission, a former judge at the ECHR, the President of the Constitutional Court, the Dean of the Law Faculty (former member of the Supreme Court) and the Director of the Legislation Department of the Prime Minister's Office.

The Management Office of the Secretary General of the Council of Ministers was tasked to perform the functions of the technical secretariat, in support of the *Ad Hoc* Commission.

The composition of the *Ad Hoc* Commission is composed as follows:

Chairman of the Commission:

- Mr Luan Omari, constitutionalist, former member of the Venice Commission.

Members of the Commission:

- Mr Kristaq Traja, former judge to the ECHR in respect of Albania;
- Mr Bashkim Dedja, President of the Constitutional Court;
- Mr Artan Hoxha, Dean of the Faculty of Law, University of Tirana, former Supreme Court judge;
- Mr Artur Metani, Director of the Department of Legislation, Monitoring of Programs and Anti-Corruption, Prime Minister's Office.

### **4. The first stage of the selection procedure**

The Selection Commission held its meeting on 7 December 2016. Based on the criteria of public call for application and the characteristics of the candidates who appeared, the Commission decided to call all the candidates to continue to the next stage of the selection procedure, that of the interview. The number of candidates who passed the stage of interview was 11 (eleven).

With regard to language testing, the Commission examined the submitted documents and decided to include in the stage of the orally structured interview questions in one of the official languages of the Council of Europe (English or French).

#### **5. The second stage of the selection procedure**

On December 12, 2016, the Commission conducted the interviews with the candidates as per their alphabetic order. The orally structured interview with each candidate was conducted in the Albanian language. During the interview, each candidate was addressed questions in one of the official languages of the Council of Europe, English or French.

During the interview stage, each of them made also a brief presentation of her/his views on the role of the national judge to the ECHR. The Commission addressed to the candidates questions on certain problems and issues of law.

#### **6. The results**

After the conclusion of both stages of the selection procedure, the *Ad Hoc* Commission, based on relevant assessments and having consulted with the Advisory Panel, proposed the list of three candidates for the office of the Albanian judge to the ECHR as follows:

Ms ANASTAS Aurela;

Mr BERBERI Sokol;

Mr MUSKAJ Aleksander.

The selected candidates, listed above, were submitted for review by the Council of Ministers.

Following the review by the Council of Ministers, this three selected candidates, enclosing the relevant practice, were submitted to the Parliamentary Assembly of the Council of Europe within March 20, 2017 for further proceedings.

#### **Annex**

CV of the candidates in English alphabetical order

Anastas Aurela CV

Berberi Sokol CV

Muskaj Aleksander CV

[...]

## Appendix 1 – Aurela ANASTAS

### CURRICULUM VITAE<sup>2</sup>

#### I. Personal details

Name, forename: Anastas, Aurela

Sex: Female

Date and place of birth: 7 April 1965, Vlora, Albania

Nationality: Albanian

#### II. Education and academic and other qualifications

- 1983–1987 – Studies in Faculty of Law, University of Tirana, awarded the title “Jurist”
- 1990–1995 – “*Doctor*” in Law, Faculty of Law, University of Tirana
- 1999 – “*Associated Professor*”, Faculty of Law, University of Tirana
- 2005 – “*Professor*”, Faculty of Law, University of Tirana
- 2010 – “*Associated member*” of Academy of Sciences of Republic of Albania

Other relevant qualifications

- 25.4.1996 – Bar exam and received the title «*Advocate*», Albanian Bar Association
- 01.11–06.12.1995 – Course of study of Constitutional Law and History of Constitutional Law, Faculty of Law, University Rene Descartes, Paris V, France
- 01.9.–06.12.1996 – «*Cours de pratique du Droit du Développement*”, L’Institute International de Droit du Développement (IDLI), Rome, Italy
- 01.6.–30.7.2002 – Course of study «*Constitutional Autonomies*», Faculty of Law, Bari University, Italy
- 15.6–26.7.2007 – Course of study «*American politics and political thought*», University of Massachusetts, USA

#### III. Relevant professional activities

##### a. Description of judicial activities

- 12.5.1996–present – Advocate
- **01.09.2000–present – Advocate, Center for Legal Civic Initiatives (Albanian NGO), specialized in offering free legal services particularly, for vulnerable women**
- 2013–present – Member of Disciplinary Commission of Albanian Bar Association

##### b. Description of non-judicial legal activities

- **15.9.1987–present – Professor of Constitutional Law & Comparative Constitutional Law, University of Tirana, Faculty of Law**
- 2000–2007 – Head of Public Law Department, Faculty of Law, University of Tirana
- 2004–present – Trainer at the Albanian School of Magistrates, for continuous training of judges and prosecutors with regard to *Constitutional Review; Gender and Nondiscrimination law; Freedom of Expression; victims’ rights during court proceedings*
- 2013–present – Professor of Constitutional Law, Professional School for Advocates
- 2014–present – member of the International Association of Constitutional Law

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2. Text in bold indicates posts or missions held at present.

- 2000–present – Member of the Scientific Board of “*Studime Juridike*” scientific Review, Faculty of Law, Tirana University
- 2009–present – Member of the Board of “*Jeta Juridike*” scientific Review, Magistrate School, Tirana, Albania
- 2012–present – Member of the Board of “*Constitutio*” Journal, published by the Center of Parliamentary Studies, Pristina, Kosovo
- 2012–present – Member of the Board of “*Avokatia*, review Albanian Bar Association
- 1999–present – Team leader and expert of several working groups set up in order to improve relevant Albanian legislation. (The agreements between religious Communities and Counsel of Ministers; the law “On measures against domestic violence”; the law “On gender equality in society”, the law “For protection against discrimination”).
- 2015–2016 – High Level Expert in the Parliamentary reform for the Justice System
- December 2016–present – Member of Venice Commission of the Council of Europe

c. *Description of non-legal professional activities*

**IV. Activities and experience in the field of human rights**

- **1997–present** – Member of Albanian Helsinki Committee; participating in different projects on monitoring of Human Rights, monitoring of political elections; monitoring of the courts; preparing requests for judicial review of the laws before the Constitutional Court; preparing public declarations in the case of violence of human rights from state bodies
- **08.11.2004–present** – Executive Director “Center For Legal Civic Initiatives”; taking legal initiatives to improve laws and practices of the court; representing before the court strategic litigations regarding the protection of women’s rights; Initiating (for the first time in an Albanian court) a case for compensation of a victim of trafficking of human beings (2008). Initiating and representing before the Commissioner against discrimination different cases on gender and multiple discrimination; preparing different opinions on the new draft laws from the gender point of view, etc.
- **2000–present** – Preparing relevant reports and papers in various activities organized from international Organizations (OSCE-ODHIR, CEDAW Committee, UN Committee against Torture, etc.).
- 1999–present – Preparing several publications regarding the protection of human rights
- 2003–2004 – Head of the working group in the project on the monitoring of the implementation of the Constitution with regard to the electoral legislation of the Republic of Albania, a project of the Albanian Constitutionlists Association, Tirana
- 2003–2004 – Member of the working group on a quick evaluation of the mental health situation in Albania”, a project by the Stability Pact and the International Health Organization, Tirana
- 2005–2006 – Head of the working group for drafting and implementing the Law “*On gender equality in society*”, (OSCE- UNDP- Ministry of Labor)
- 2006–2007 – Head of the working group for drafting and implementing the Law “*On measures against domestic violence*”, 2006-2007
- 2005–2007 – Member of the working group for drafting the agreements between the Government and Religious Communities in Albania
- 2008–2009 – Member of the working group for drafting the law «On protection against discrimination».
- 2007–2008 – Drafting the syllabus of the new course “Gender equality and Law” (2008); inclusion of this course in the Curricula of Faculty of Law, University of Tirana
- 2015–2016 – Head of the working group for preparing the draft law on the legal citizens’ initiative

**V. Public activities**

- a. Public office
- b. Elected posts
- c. Posts held in a political party or movement

**VI. Other activities**

- a. Field
- b. Duration
- c. Functions

**VII. Publications and other works**

## I. Articles published in scientific reviews or other periodicals (English Language)

*Law making citizens' initiatives and the constitutional law in Albania (Legislation, jurisprudence, practice)*, published by "Krytyka Prawa. Njezalezne studia nad prawem", Tom VI, Akademia Leona Kozminkiego, ISSN 2080-1084, Warszawa, 2014

The execution of the court decisions with regard to the payment of alimony in favour of the children in cases of divorce (the case of Albania). Published by "In margine al Sinodo 2014. Riflessioni in punto di diritto su matrimonio e famiglia". Cacucci Editore, Bari. ISBN: 978-88-6611-292-1

*"Albanian Constitutional rights in the framework of the implementation of stabilization and association agreement with EU"*, published in "Integrazione e politiche di vicinato: Nuovi diritti e nuove economie", edited by Dammacco, G., Sietk, B.Uricchio, (2012) A. Cacucci Editore, ISBN: 978-88-6611-137-5

"Linguistic Rights in Albania", Co-author, published by "Shippensburg journal of modern languages" (SJML), Pensilvania (SHBA), 2009.

"Freedom of Religion in the Constitution of Albania", in "European Review of Public Law", Esperia Publications Ltd, Vol.17-No 1, spring/2005

*"Educational Rights in Albania"*, (scientific paper) co-author, in "No person shall be denied the right to education", published by Wolf Legal Publishers, November 2004 (10 pg). ISBN: 90-5850-098-5.

*"Les Garanties des Droits Fondamentaux dans La Contitution Albanaise"*, in the compilation: "The Albanian Constitution, the future Euro-Atlantic challenge of Albania", Luarasi Publishing House, a publication in Albanian, English, Italian, French,) Tirana, 2002.

## II. Monographs and Textbooks (Albanian Language)

Monograph, *"Rule of Law in the Albanian Constitution"*, Co-author, Tirana, 2011, published on <http://www.kas.de/albanien/sq/publications/22897/>, ISBN 978-99956-32-09-0

"Constitutional Law", textbook for the students of the Law Faculty. Co-author, Tirana, 2010, ISBN: 978-99956-01-41-6.

"Gender equality and non-discrimination", textbook for the students of the Law Faculty, Co-author, Tirana, 2012. ISBN 978-9928-162-04-5

**VIII. Languages**

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<b>a. First language:</b>									
Albanian	X			X			X		

<b>b. Official languages:</b>									
English	X				X			X	
French	X				X			X	
<b>c. Other language:</b>									
Italian	X			X			X		

**IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.**

I would like to follow an intensive French language course.

**X. Other relevant information**

**XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.**

Yes, I confirm that I will take up permanent residence in Strasbourg if I am elected as a judge.

## Appendix 2 – Sokol BERBERI

### CURRICULUM VITAE

#### I. Personal details

Name, forename: Berberi, Sokol

Sex: Male

Date and place of birth: 07.01.1967, Cairo, Egypt

Nationality/ies: Albanian

#### II. Education and academic and other qualifications

- 2015 – Doctor of Law (Ph.D.)
- 2003–2005 – LL.M., Constitutional Law, Law School, Tirana University

Pre-Mission Course for Human Rights Field Officers organized by the Foreign Affairs Department of Switzerland-May 2000, Geneva

International Legislative Drafting Institute-June 15-26, 1997 International Program on Legislative Drafting

The Public Law Center, New Orleans, USA

Institute of Social Studies-Development Law and Social Justice Program- September-October 1994, The Hague, Netherlands

Global Legal Information Network- February 3-21, 1997

The Law Library of Congress, Washington DC, USA

Graduate Public Administration Training Program-September 1995, Charles University, Prague, Czech Republic

Promoting Justice through Professional Development-May 1998, The leadership Institute, Memphis, USA

Participated in many international training programs and Seminars on Rules of Procedure, Constitutional Law and Human Rights

- 1986–1990 – Law Degree, Law School, Tirana University

#### III. Relevant professional activities

##### *a. Description of judicial activities*

- 2007–2016 – Member of the Constitutional Court of Albania
- 1990–1991 – Judge Investigator in Tepelena's District, Albania

##### *b. Description of non-judicial legal activities*

- 2003–2007 – Legal Advisor (part-time) to the President of the Republic of Albania, Tirana
- 2004 – Member of the Legislative Reform Commission

Advisory Body of the Minister of Justice of Albania, Tirana

- 1997–1998 – Legal Advisor to the Chairman of the Parliament of the Republic of Albania, Tirana
- 1991–1997 – Legal Advisor for Parliamentary Committees

Legal Advisor to the Parliamentary Committee on Human Rights, Tirana

*c. Description of non-legal professional activities*

- 2000–2007 – Executive Director of the Albanian Centre for Parliamentary Studies, Tirana
- 2003–2010 – Part-time Lecturer of Constitutional Law, Law School, “Luarasi” University, Tirana
- 2013 – **Part-time Lecturer of Legal Writing and Legislative Drafting, Law School, European University of Tirana**
- 1998 – **Part-time Lecturer of Legal Writing and Reasoning Magistrate School, Tirana**
- 2002–2007 – Director of the “Parliamentary Law and Legal Policies” Journal published by the Center for Parliamentary Studies (CPS), Tirana

**IV. Activities and experience in the field of human rights**

- 1991–1997 – Legal Advisor to the Parliamentary Committee on Human Rights
- 1999–2000 – Project Director

Project of the Albanian Helsinki Committee in cooperation with Netherlands Helsinki Committee for monitoring prison and pre-detention sites in Albania

- May, 1999 – Attended a training course on monitoring techniques and methodology provided by the Polish Helsinki Foundation on Human Rights
- 2002 – Member of the Steering Committee of the Albanian Coalition against Corruption (Comprising more than 100 NGOs), Tirana

Local Key Expert, World Bank Project on Judicial Reform

- 2004–2005 – Local Key Expert, TA and Training for the Ministry of European Integration Europe aid/ 113435/D/SV/AL
- 2003 – Director of the program “Public Participation in the Legislative Process”, supported by the Open Society Foundation (Soros)
- 2003 – Chief Trainer of Training program on legislative drafting for the legislative offices of the Ministries, supported by the Soros Foundation
- 2003–2004 – Director of the project “Monitoring the Parliamentarians” Drafted an Ethics Code for MPs, supported by MSI/USAID
- 2002–2003 – Expert in the working group for the Project: “On the Proposal of Policies and several rules for short-term and middle-term action to establish an acceptable system for juvenile justice in Albania”, established and funded by UNICEF, 2002
- 2002–2003 – Expert in the working group for the Project: “Assistance for Legislative Changes and Implementation of the Albanian Law on the Asylum Procedures”, funded by UNHCR, 2002
- 2001–2002 – Project Director, “Relations between MPs and electorate: Increasing the Representation and Trust in the Institutions”, funded by Open Society Foundation (Soros), 2001
- 2002 – Project Coordinator and trainer for the Project: “Local Government Autonomy Building, funded by Norwegian People-s Aid
- 2002 – Trained Local Administration staff on Implementation of Local Autonomy Principals
- 2002 – Expert in the working group for the Project: “Filling out legal gaps in the Asylum System; Drafting of regulations on Local Integration and lobbying strategy”, funded by UNHCR, 2002
- 2001–2002 – Project Coordinator and Chief drafter: “Drafting the law on parliamentary investigation as a constitutional obligation”, funded by World Bank and Institute of Contemporary Studies, 2001
- 2001 – Member of the working group for the Project: “Increase Youth Participation in the parliamentary and political life of the country”, funded by Democracy Grant Commission, American Embassy, 2001
- 1997–1998 – Chairman of the Parliament of Albania Appointee to follow and participate in the drafting process of the Constitution of the Republic of Albania
- 1997–1998 – Member of the working group for the drafting of the Rules of Procedure of the Parliament of the Republic of Albania

- 1996–1999 – Member of the working group examining the compatibility of the Albanian legislation with the European Convention on Human Rights – under the auspices of the Council of Europe
- 1997-1998 - Member of the working group for the drafting of the Law on Asylum - under the auspices of the UNHCR
- 1997-1999 - Member of the working group for the drafting of the Law on the Right of Information to the official documents and personal data protection
- 1998 – Trainer for lawyers on legislative drafting assisting the NGOs, supported by the ORT Democracy network. A manual on legislative drafting was produced at the end of the training
- 1999 – Co-Director of a temporary center established by seven NGOs working on collecting testimonies about the genocide and crimes committed during the war in Kosova

## **V. Public activities**

### *a. Public office*

- 2007–2016 – Member of the Constitutional Court of Albania
- 1997 – Legal Advisor to the Presidency of the Parliament
- 1991–1997 – Legal Advisor to Parliamentary Committees

Legal Advisor to the Parliamentary Committee on Human Rights

- 1990–1991 – Judge Investigator in Tepelena'd district
- 2004 – Member of the Legislative Reform Commission, advisory Body of the Minister of Justice of Albania
- 2003 – Legal Advisor (part – time) to the President of the Republic of Albania

### *b. Elected posts*

Member of the Constitutional Court of Albania

### *c. Posts held in a political party or movement*

None

## **VI. Other activities**

### *a. Field*

### *b. Duration*

### *c. Functions*

## **VII. Publications and other works**

- Doctorate thesis: “Constitutional structural limits of legislative power and constitutional control”, approved by the Scientific Council, 2015
- Two publications in the School of Magistrate Journal
- A publication in the Lawyers’ Journal
- Monograph, "*Legal writing and reasoning*", School of Magistrates, adopted by the Council of scientific publications, Tiranë 2012
- Monograph, “Principles and rules for drafting legal acts: legislative technique”, Morava Publishing House, 2011

- “Constitutional Boundaries of the parliamentary investigation power”, Curentul Juridic, The Juridical Current, Le Courant Juridique, 2014, vol.56, pg.33-42
- “Constitution as a living instrument and constitutional interpretation”, “Mendimi” Law Journal, “Luarasi” University, no. 2, 2014

**VIII. Languages**

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<b>a. First language:</b>									
Albanian	X			X			X		
<b>b. Official languages:</b>									
English	X				X		X		
French	X				X			X	
<b>c. Other language:</b>									
Italian	X					X			X

**IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.**

I confirm

**X. Other relevant information**

**XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.**

I confirm

## Appendix 3 – Aleksander MUSKAJ

### CURRICULUM VITAE<sup>3</sup>

#### I. Personal details

Name, forename: Muskaj , Aleksander

Sex: Male

Date and place of birth: 06 January 1969

Nationality/ies: Albanian

#### II. Education and academic and other qualifications

- 2015 – Graduated “Senior Managers in Government”, Harvard University
- 2013 – Graduated “Doctor”, at the Law Faculty in Tirana University
- 2005 – The “Second Level Master”, in Civil Right at Law Faculty in Tirana University
- 1987–1991 – Graduated “Lawyer” at the Law Faculty – Tirana University

#### III. Relevant professional activities

##### a. Description of judicial activities

- 2008 – And onwards – Judge at the High Court (judging administrative, civil, and criminal cases)
- 2003–2008 – Judge at Appeal Court of Tirana (judging administrative, civil, and criminal cases)
- 2002–2007 – Member of the High Council of Justice
- 1998–2003 – Judge at Appeal Court of Vlora (judging administrative, civil, and criminal cases)
- 1996–1998 – Judge at Appeal Court of Tirana (judging administrative, civil, and criminal cases)
- 1991–1996 – Judge at District Court of Tirana (judging administrative, civil, and criminal cases)

##### b. Description of non-judicial legal activities

- 2014 – Participation at the East and Central European Conference of the Chief of Justices
- 2013 – Participation and representation in the International Congress of the High Courts of the Francophone Countries AHJUCAF, by topics “A deontology for judges”
- 2007 – Member of the European Judicial Conference
- 2007 – Participation, representation and speaker in the Third Conference of the European Judges, organized by the European Networks of the Councils of Justice (ENCJ) at the Council of Europe, Roma Italy
- 2007 – Lecturer for topic “Evolution of the Legislation for the Constitutional Court” in Meeting organized by “CARDS Project”
- 2006 – Speaker in Commentary “Theoretic and practical aspects in the civil subjects and in commercial cases, for collection of evidence and of documentation”, Montenegro
- 2005 – Speaker in Commentary “Recognition of Civil Decisions of Foreign Courts” in Meeting organized by the Council of Europe. Croatia
- 2005 – Speaker in Commentary “The Constitution and the High Council of Justice” in meeting between the Macedonian Judicial Council and the High Council of Justice
- 2005 -Expert of Training Course of the Magistrates School

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3. Text in bold indicates posts or missions held at present.

- 2005 – Participant and representative in the General Assembly of the European Network of the Councils of Justice. Spain
- 2005 – Lecturer of Topic “Obligations deriving from damage. Compensation of damage” at the School of Magistrate Tirana, organized by the Council of Europe
- 2001 – Participant and Speaker in commentary “Problems of the Constitutional Right, of the civil, penal and procedural right” in meeting organized by UNICRI
- 1999 – Professor of the Civil Right at the Faculty of Justice University of Tirana
- 1994 – Participant and speaker in workshop with topic: “Essential rights of employees” in the framework of labor legislation, organized by Casa d’Europa “Aldo Moro”. Italy
- 1991 – Member of the National Judicial Conference

*c. Description of non-legal professional activities*

**IV. Activities and experience in the field of human rights**

**V. Public activities**

*a. Public office*

No

*b. Elected posts*

No

*c. Posts held in a political party or movement*

**VI. Other activities**

*a. Field*

No

*b. Duration*

No

*c. Functions*

No

**VII. Publications and other works**

- 2013 – PhD dissertation "Civil Responsibility of non-pecuniary damage."
- 2011 – “Civil procedural Instruments for Implementation of Subjective rights.” Scientific study referred and released on University of Struga
- 2011 – “Effective Appeal as a mean for realizing the right”. Study
- 2010 – “The approach of non-pecuniary damage”. Study
- 2010 – "Non-pecuniary Damage" – lecture on the topic at International scientific conference "Economic and Social Challenges and Problems Facing 2010 Impact of Global Crises". University of Tirana
- 2009 – Research work: “On the Constitutional Court”, Tirana
- 2009 – "Recognition of Decisions made by Foreign Courts" lecture on the topic at National scientific conference. University of Tirana

- 2009 – "Recognition of public acts and decisions of foreign courts" lecture on the topic at National Scientific Conference. Shkoder
- 2004 – Research work: "Recognition of Decisions made by Foreign Courts", Tirana
- 1998 – "The possession" Civil Right Paper

### VIII. Languages

Language	Reading			Writing			Speaking		
	very good	good	fair	very good	good	fair	very good	good	fair
<b>a. First language:</b>									
English	X			X			X		
<b>b. Official languages:</b>									
English	X			X			X		
French	X				X			X	
<b>c. Other language:</b>									
Italian	X				X		X		

**IX. In the event that you do not meet the level of language proficiency required for the post of judge in an official language [the second], please confirm your intention to follow intensive language classes of the language concerned prior to, and if need be also at the beginning of, your term of duty if elected a judge on the Court.**

I can read English very good and also I can write and speak it as well but, I may have some difficulties on official professional language of Court and because of that, I am following intensive English language classes, in order to be to meet the appropriate level of English language.

I also confirm my intention to follow intensive French language classes in order to meet the same level of the first language.

### X. Other relevant information

**XI. Please confirm that you will take up permanent residence in Strasbourg if elected a judge on the Court.**

I confirm that I will take up permanent residence in Strasbourg, if I will be elected a judge on the Court.