

MEDIA COVERAGE OF
THE JUSTICE REFORM
IN ALBANIA:
*between public interest and
political clientelism*

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Introduction

After more than a quarter of a century transition to democracy, Albania is still facing a wide range of problems, which are hampering and delaying the process of meeting the basic standards of a liberal democratic society, as well as hurting its chances of joining the European Union. Reports of international institutions and civil society point out that one of most serious problems facing Albania remains the malfunctioning and the high level of corruption in the justice system, which has negatively affected the fight against crime and corruption, and the development of the country in general.

In order to find a solution to this situation, in July 2016, the Albanian parliament with the assistance and support of western partners, drafted and approved a package of constitutional amendments which would provide the basis for a radical reform of the justice system. Among other things, legal changes also foresee the establishment of three important institutions of the new justice system, namely: the High Prosecutorial Council (HPC), the High Judicial Council (HJC) and

the Special Anti-corruption Structures (shortly known as SPAK), which would enjoy a wide degree of independence and have a fundamental impact in the fight against crime and corruption.

During the last two years the country has faced numerous challenges on the road towards the implementation of this reform. Media has played an important and irreplaceable role in informing the public on new developments, turning the reform of the justice system into the focal point of the public debate, while urging all parties involved in the process to step up the pace of reform. However, this research study identified certain problems in the media coverage of this process.

This study aims to introduce the context in which the justice reform was developing and analyze the media coverage on the progress and the issues related to the reform in general, as well as issues and developments relating to the establishment of the three new institutions: HPC, HJC and SPAK in particular.

The research carried out for the purpose of this report included the monitoring of four daily newspapers: Panorama, Tema, Shqiptarja.com and Shekulli; two national TV stations: Klan, and Top Channel, as well as two news portals in the internet: syri.net and javanews.al; during the period November – December 2017, to carry out a quantitative analysis of media coverage, as well as identify the main lines of the media

discourse regarding the reform of the justice system and problems with the media coverage.

Even though the latest developments - the selection of members for the two Councils in parliament – took place after the period of monitoring, we will refer to them briefly in the presentation of conclusions for this research. The formation of SPAK has not yet started, because it is institutionally dependant on the establishment of HPC and HJC, which are not yet functional.



The context of the reform of the justice system

At the beginning of this chapter, we will first focus on the main incentives that brought about the implementation of the reform of the justice system. In the second part of the context analysis we will examine the methods of operation of the two councils and SPAK structures, as well as their main functions and responsibilities.

2.1. Main incentives for the reform

The politicization and lack of independence, lack of accountability, and toleration of massive corruption in the system were the main reasons for the need to bring about a fundamental reform of the justice system.

First of all, the politicization of the system has various causes and dimensions, which are related to a large extent to the political culture of the country, the missing tradition of an independent and strong judiciary, and the criminalization of a portion of the

political establishment. However, shortcomings at the constitutional and institutional level have also played an important role, leaving the system open to politicization, sometimes at excessive levels, especially when it came to appointments of top level officials in institutions of the justice system. A special role in this regard was played by the institution of the President of the Republic.

In the 1998 Constitution, the position of the President as a “super partes” institution was conceived as a guarantor of the independence of the judicial system and other autonomous institutions. The President was supposed to have a primary role in the selection process of the top echelon of the judicial system and the prosecution office, including members of the Constitutional Court and the Supreme Court, as well as the Prosecutor General. Candidates selected by the President were then to be endorsed by a majority of the members of the parliament.¹

A precondition for the proper functioning of this formula was the election of a truly impartial head of state. The drafters of the 1998 constitution were fully aware that this would be quite a challenge for the young Albanian democracy; and they tried to solve this problem by adopting a fairly complex formula for

¹The president would also appoint regular judges and prosecutors nominated by the Supreme Council of Justice (KLD), and the General Prosecutor, respectively. Finally, the president acted as the KLD chairman and presided over its meetings.

the election of the president by a qualified majority in parliament, which in turn would persuade parties to select a compromise candidate. However, this constitutional formula caused so much discontent among the two dominant parties in Albanian politics (Democrats and Socialists) that in 2008 DP and SP joined forces together to change this constitutional formula, practically without any public consultation. The new formula would make it possible for the majority in parliament to elect the president with their votes alone, which with the passing of time produced presidents that did not enjoy multi-party support.

Obviously, this constitutional amendment undermined the original scheme of separation of powers, and brought about negative consequences for the judiciary, because the public opinion lost faith in the impartiality of appointments in courts and prosecution offices, which were greatly politicized. These processes turned so contentious that until recently no Prosecutor General was able to complete their full constitutional terms, as they would be voted out of office by the parliamentary majority of the moment. Likewise, in recent years a number of vacancies in the Supreme and Constitutional Courts were left unfilled for months at a time because of disagreements between president and parliamentary majorities of the other side. This was another major consequence of the 2008 changes: frequent institutional deadlocks that had no constitutional solutions. The system had only two modes of operation: either partisan appointments or lengthy deadlocks, which could only hurt the image of

the justice system and the faith of the public opinion in the judiciary. The 2008 amendments tore down even that thin wall that was supposed to insulate the judiciary from the extreme conflictual nature of the Albanian political environment.

This leads us to **the second** issue, which is the system of impunity within the judicial system and prosecution offices, which proved incapable of getting rid of “bad apples” in their midst. This was partly to blame on the problems mentioned above, because political appointments without proper checks and balances brought many problematic individuals into the judiciary. But they were also a result of some lingering institutional shortcomings (in retrospective) deriving from provisions of the 2008 Constitution: firstly, the formula for the selection of the High Council of Justice (KLD), the governing body of the judiciary, produced a climate of corporatism. Since two-thirds of the KLD members (10 out of 15) were elected by the judiciary itself, this institution developed a “guild mentality” with a large majority of judge members who protected their colleagues from disciplinary proceedings and other aspects relating to the integrity and the level of professionalism of the members of the judiciary.

² Of course, there were other contributing factors as well, because a positive critical mass within KLD could have played a different role. Furthermore, the fact that KLD was chaired by the President of the Republic, with the minister of justice as a member, and three other lay members (non-judges) elected by parliament, created premises for the politicization of this institution, which in the last few years was almost nonfunctional.

The situation was even more problematic in the system of prosecution offices, led by the all-powerful figure of the Prosecutor General (PG), with strong competences concentrated in the hands of one person. At the same time, the appointment of the Prosecutor General was a result of an entirely political process, based on the standard formula: selection by the President with the consent of parliament (with a simple majority). This formula generated the same binary situation that it created in the judiciary system: partisan appointments or total impasse. The fact that the Prosecutor General was appointed for a five-year term, but eligible for re-appointment, created an unhealthy culture of dependency on politics for this key position (on both sides of the political spectrum).

Meanwhile, the rest of the prosecution personnel were under the complete control of two persons: all lower-level prosecutors were appointed (as well as transferred and dismissed) by the president upon the proposal of the Prosecutor General. Therefore the control over integrity, level of professionalism and promotions were under the purview of this centralized chain of command, which failed to establish a system of meritocracy, paramount to the proper functioning of the prosecution system. As a result, the prosecution system was suffering from the same shortcomings as the judiciary (if not worse) with regard to politicization, corruption and inefficiency. Moreover, a weak prosecutor's office connected with "secret ties" to politics and organized crime was unable to play its

fundamental role in “cleaning up” and decriminalizing the whole Albanian political and economic system.

Thirdly, rampant corruption in the Albanian justice system was one of the main reasons for the reform, especially from the point of view of the public opinion. A lot has been written and said on this topic, but it will suffice here to point out some important elements of the institutional infrastructure. Courts and prosecution offices of serious crimes - at first instance and appeal levels - started functioning in 2004, initially focused on the fight against organized crime and later extended their jurisdiction over criminal offenses of passive and active corruption.³ This special prosecution-judiciary system appears to have yielded some positive results in the fight against organized crime, but there has been only modest and insufficient progress in the criminal prosecution of major corruption cases – in the political-economic system as well as within the judiciary itself.

The weakest link in the chain has been the prosecution system and its investigative branch, considering the fact that even the serious crimes prosecution offices were under the purview of a unified prosecution system, under the supervision of the Prosecutor General. This meant that serious crime prosecutors lacked legal and factual autonomy to criminally pursue cases of corruption “wherever they may lead.” At the same

³ See <http://www.gjykata.gov.al/apel-krimet-e-r%C3%ABnda/gjykata-e-apelit-krimet-e-r%C3%ABnda/gjykata/rreth-gjykat%C3%ABs/>.

time, they also lacked the support of an independent and dedicated investigative structure, separate from the present judicial police, which would maintain a healthy distance from the executive power that was supposed to be one the focal points of their activity.

All these shortcomings prepared the ground for the establishment of the so-called Special Unit of Anti-corruption and Organized Crime (SPAK), which includes the creation of a prosecution group independent from the Prosecutor General and the whole hierarchy of the general prosecution office; as well the establishment of the National Bureau of Investigation (BKH), as a specialized investigative institution in the service of SPAK.

2.2. Roles and scope of the new Councils and SPAK

Limiting the role played by political institutions (president, parliament, minister of justice, etc) in shaping and supervising the justice system, the constitutional amendments of mid-2016 have proportionally increased the role and importance of other institutions of the justice system, especially the two governing bodies of the justice system, the High Judicial Council (HJC) and the High Prosecutorial Council (HPC).

In the new system, justices of the Supreme Court are appointed by the President of the Republic, with

the proposal of the HJC, thus bypassing parliament altogether, to reinforce the idea that the Supreme Court should be a professional body, composed of the best career judges (80 percent), and top lawyers or law professors (20 percent).⁴

Along this same line, HPC will now play an important role in the selection of the Prosecutor General, presenting parliament with a three-person shortlist. Parliament elects one of the candidates with three-fifths of the votes. If parliament cannot muster the required majority within 30 days, the candidate ranked first by HPC is deemed elected.

Paradoxically, the establishment of the two new Councils and their newly acquired constitutional roles greatly increased the interest of political parties in the method of formation of these councils, which turned into “a bone of contention” and prolonged the process of adopting these constitutional amendments. As a matter of fact, this was one of the most contentious points of this process, which was resolved at the last minute after reaching a complicated compromise.

In the next section, we will briefly discuss the selection method for members of the two governing bodies and SPAK, as well as their main functions.

⁴ The role of the president is only ceremonial in this process, because a majority of the HJC can confirm the appointments of candidates that are rejected by the president (a sort of relative veto).

2.2.1. Selection of members and workings of the two Councils

HJC and HPC are composed of 11 members each; the method of selection of their members is practically the same: six of their members are elected, respectively, from the ranks of judges and prosecutors at all three levels (i.e. first instance, appeal, and cassation).

The other five lay members (non magistrates) are selected as follows: two of them are selected among licensed attorneys (Bar members), two members from among law professors (including one from the School of Magistrates teaching staff), as well as a representative of the organized civil society. All lay candidates should have at least a 15-year professional experience in the legal field, high level of professionalism and moral integrity. Candidacy is open to all, but the constitution and the respective law impose a series of institutional filters, which verify whether the legal criteria are met and carry out a pre-selection process, selecting at least three candidates for each vacant position.⁵

The final selection of lay members is done by parliament, with the assistance of a sub-committee of the parliamentary Laws committee, composed of five members (three from the majority, two from opposition). This subcommittee can endorse candidates with at least four votes, compile a single list

⁵ See Law no. 115/2016 “On governing institutions of the justice system”.

of five lay nominees for each council and submit their names to the full parliament. The parliament should approve the list with a vote of two-thirds of MPs; and if that fails, the parliamentary subcommittee should start the selection process anew.

Being fully aware of the history of blocking nominations and situations of deadlock for decisions requiring a qualified majority, the drafters of the Constitutional reforms agreed on the introduction of a double “anti-deadlock” mechanism: if the subcommittee fails to endorse any of the candidates in the list with four votes, a candidate is then selected by drawing lots (within the respective lists of lawyers, academics, and civil society). On the other hand, if the parliament fails to pass the list presented by the subcommittee with a two-thirds majority, after three consecutive votes, the third list is deemed elected.

This fairly complex formula is an indication of the importance assigned to the establishment of these bodies by the political camps and the drafters of the constitution to prevent these councils from falling under the control of one side or another, as well as other negative elements in the society (such as organized crime). However, the anti-deadlock procedures carry within them a certain paradox, because if consensus is not reached among the main parties, members of the two councils are selected by drawing lots. A lengthy and carefully crafted process, with numerous criteria and procedures, can potentially conclude not with

the selection of the best candidates, but one that is left to chance. It remains to be seen what will be the consequences for the functioning of these two Councils.

According to the constitution, the High Judicial Council (HJC) carries out these functions:

- a) appoints, evaluates, promotes and transfers judges of all levels;
- b) decides on disciplinary measures against judges from courts of all levels;
- c) proposes to the President of the Republic candidates for Supreme Court justices, according to the law;
- ç) adopts ethical regulations and supervises their implementation;
- d) manages and oversees the work of court administrations ...;
- dh) proposes and manages the budget of the council and courts;
- e) informs the public and parliament on the state of the judicial system;
- ë) carries out other functions as prescribed by law.

Functions and jurisdictions of HJC are more wide-ranging compared to the old High Council of Justice (KLD), especially when it comes to proposing candidates for justices of the Supreme Court, managing the budget of the judiciary, as well as the supervision of court administrations.

The High Prosecutorial Council (HPC) has also been transformed into an important institution, evolving from a consultative body in the general prosecution office into a fully functioning institution with important decision-making responsibilities. On the other hand, this means that duties and responsibilities of the Prosecutor General have been reduced, by decentralizing the governance of the prosecution system. The supervisory role of HPC over the prosecution office is almost identical to the HJC sway over the judiciary, with the exception that the administration of the prosecution system will be managed at the level of district prosecution offices.

Another important change with regard to the newly formed councils is that their members will serve full time in their new posts after resigning positions they held prior to their appointment.⁶ A full-time involvement in the workings of the council should improve collegiality and the level of professionalism, as well as reduce potential conflicts of interest for magistrate members who used to continue to perform their functions as judges and prosecutors in the previous governing bodies of the justice system.

Likewise, the Constitution and the legal framework allow for the establishment of decision-making

⁶ Magistrate members reserve the right to return to the judicial system or the prosecution system, at first instance or higher levels, after their term has expired.

committees within these councils, which would allow members to specialize in particular functions, such as disciplinary measures, professional evaluations, and promotions of magistrates.

2.2.2. Selection and functions of SPAK bodies

The main SPAK institutions are the Anti-Corruption and Organized Crime Courts and Prosecution Offices, at both first instance and appeal levels. These two institutions are separate from the rest of the judiciary and the prosecution system, and represent a closed system, in the sense that cases investigated by the special prosecution are tried by the special courts of first instance and appeal. The only connection to the rest of the judicial system is the Supreme Court, which can hear appeals against decisions of the special court of appeal regarding interpretation and implementation of the law (not re-examination of facts).

The constitution provides for the establishment of the special courts and prosecution offices, as well as providing terms and conditions for the appointment and dismissal of their members.⁷ Judges of the special courts are appointed by HJC, and can be dismissed only with a two-third vote by HJC members (8 votes out of 11). Prior to their appointment, candidates are fully vetted, including their assets and integrity,

⁷ Article 135 and article 148/dh.

give their consent to periodical checks of their bank accounts, and periodic surveillance of their private telecommunications. Their family members are also subject to such scrutiny during their term in office.

The special prosecution office is composed of at least 10 prosecutors, who are appointed by HPC for a single nine-year mandate. This office is assisted by the special investigation unit, the National Bureau of Investigations, which is under the direct control of the special prosecution office. It should be pointed out that these two institutions are independent of the Prosecutor General and are directly supervised by the special courts and HPC, which can dismiss special prosecutors with two-thirds of votes.⁸ Special prosecutors, investigation officers, administrative personnel and their family members should undergo the same process of initial scrutiny and periodic checks on finances and communications.

The material jurisdiction of special courts and prosecution is regulated by article 135 of the Constitution. Besides criminal offenses of corruption and organized crime, these institutions investigate and try other criminal charges against senior officials of the state administration, including the president, prime minister and ministers, justices of the Supreme

⁸ Special judges and prosecutors (just like normal judges and prosecutors) can appeal against a decision of dismissal in the Constitutional Court, and that latter decision is final.

Court, the Prosecutor General, members of parliament, and mayors.⁹

The National Bureau of Investigation (BKH) is a specialized structure of the judicial police, which investigates criminal offenses under the jurisdiction of the special prosecution office, under the exclusive direction and supervision of this prosecution office. The head of BKH is appointed by HPC upon the proposal of a committee composed by the Chief Special Prosecutor, and the two most senior members of the team of special prosecutors. The head of BKH serves for a five-year term, and can be elected for a second mandate.

Considering that the appointment of special judges and prosecutors is performed respectively by HJC and HPC, their selection process can start only after the formation and start of proper operation of these two councils.

⁹ They also have jurisdiction over criminal charges against members of the two councils (KLP and KLGJ), which are the responsible institutions for their appointment and dismissal, which creates a sort of institutional tension. However, the qualified majority of two-thirds of votes needed to dismiss special judges and prosecutors, as well as the eventual control of the Constitutional Court, serve to balance and minimize possible conflicts of interest.



3

Albanian media coverage of the justice reform

During the last few years, especially following the passing by Parliament of constitutional amendments in 2016, the reform of the justice system was and continues to be one of the hottest topics of the public debate in Albania. The media has devoted quite a lot of attention to reporting and analyzing the progress of the reform, thus becoming a key factor not only in informing the public, but also in pushing for its implementation.

In order to create a picture of the media coverage of the justice reform, main Albanian media outlets were monitored, being careful that the sample selected for monitoring is balanced. In Albania, unlike many other countries, distinctions between left and right, or liberal and conservative among political parties and media organizations are not easily identifiable. It is more realistic to classify Albanian media outlets as opposition media, closer to the opposition side, and pro-government media, which are considered supportive of the ruling party or parties.

With this methodological approach, the following newspapers were selected for the purpose of monitoring: Panorama, Shekulli, Shqiptarja.com and Tema. The same logic was applied to the selection of the two online media, respectively, syri.net and javanews.al. Also, two national television stations were selected for monitoring: Klan TV and Top Channel, which also reflect the aforementioned division, but in relatively subtler tones when compared to newspapers and online media.

The monitoring of the media lasted for two months, from November 1, 2017, to December 31, 2017. The newspapers monitoring included all the daily issues published within this period. In the case of TV stations, the monitoring process involved main newscasts at 19.30 for a week in November (from 15-th to 21-st) and one week in December (from 15-th to 21-st): one week involved a normal flow of events, while the other week of monitoring was selected at a time when the justice reform was at the peak of activities, such as the week in December during which the Prosecutor General was elected. The monitoring of online media was carried out through searching keywords, identifying and analyzing all the news articles on the justice reform published during November and December on these portals. Keywords used during the monitoring were the following: justice reform, HPC, HJC, SPAK, chief prosecutor and Prosecutor General.

Certainly, the reform of the justice system has continued even after the period of monitoring; moreover during January and February 2018 there were very important developments related to the subject of this research study, such as the marathon process on the selection of the shortlist of HPC and HJC members. However, a quick look at these developments leads to the conclusion that the general trend of media reporting and problems identified during the period under monitoring, which are reported and analyzed extensively in this research study, are identical or very similar to trends and problems identified during the period of January-February 2018. Therefore, we can state that the findings of this research study are applicable to the whole period of the justice reform, regardless of the stages of the process.

3.1. Data of quantitative research

The monitoring of four national daily newspapers revealed that in general they reported extensively on the reform of the justice system. The average of press articles on the reform of the justice system in all four newspapers for the period in question is 1.7 articles per issue. However, the number of news articles which mention or report on HPC, HJC and SPAK is relatively small, as they make up from 16 percent of stories on the justice reform in the Tema newspaper, to 36 percent on Shqiptarja.com.

Table no. 1: Number of stories on the justice reform in the Albanian press

Media	No. of stories on the reform	No. stories that mention HPC, HJC, SPAK	% of stories that mention HPC, HJC, SPAK
Tema	112	18	16%
Shqiptarja.com	108	39	36%
Shekulli	83	18	22%
Panorama	110	26	24%

If we narrow the search even further and identify the number of stories that only mention HPC, HJC and SPAK in the context of other developments, and compare it to how many stories are entirely dedicated to these institutions, then this number is even smaller. For example, Tema newspaper published 18 stories mentioning HPC, HJC and SPAK, but only one story focused entirely on developments related to the establishment and functioning of these institutions. This ratio on Shekulli newspaper is 5 out 18; on Panorama it is 9 out of 26 stories, while the ratio is slightly higher on Shqiptarja.com, where one third of the stories (13 out of 39) deal with developments or analysis of HPC, HJC and SPAK.

In the online media the percentage of stories that mention or report on HPC, HJC and SPAK is even smaller. As shown in the table below, on syri.net, only 14 percent of the stories on the reform of the justice system mention or discuss on the latest developments

relating to HPC, HJC and SPAK, while on javanews.al this ratio reaches to 16 percent.

Table no. 2: Number of stories on justice reform in online media

Media	No. of stories on reform	No. of stories that mention HPC, HJC, SPAK	% of stories that mention HPC, HJC, SPAK
Syri.net	175	24	14 %
Javanews.al	115	18	16%

A similar situation is reported with regard to the broadcast media. Out of a total of 32 minutes and 3 seconds devoted to stories on the reform of the justice system during the two weeks of monitoring TV Klan newscasts, only 6 minutes and 56 seconds were devoted to stories that mention or report on HPC, HJC and SPAK (22 percent of airtime). On Top Channel this number is even lower at 14 percent.

Table no. 3: Duration of news stories on the justice reform in TV stations

TV station	Duration of stories on the reform	Duration of stories on HPC, HJC, SPAK	% of airtime on stories on HPC, HJC, SPAK
Klan TV	32:03	6:56	22%
Top Channel	45:09	6:36	14%

The relatively small percentage of press stories and broadcast time related to HPC, HJC and SPAK,

reveals a tendency of the Albanian media to report more extensively on developments related to the political debate of the day, rather than considering the importance of each component of the justice reform.

An indication of this tendency is also the large number and percentage of stories related to the expiry of mandate of the former General Prosecutor and the selection of the interim chief of the general prosecution office.

As shown in the table below, press articles related to the General Prosecutor account from 42 percent of the total of stories on the reform of the justice system in Shqiptarja.com, to two-thirds of the stories in Tema, or 68 percent.

Table no. 4: Number of stories on the General Prosecutor in the Albanian newspapers

Media	No. of stories on reform	No. of stories on General Prosecutor's case	% of stories on General Prosecutor's case
Tema	112	76	68%
Shqiptarja.com	108	45	42%
Shekulli	83	48	58%
Panorama	110	63	57%

The coverage of the justice reform in the online media goes roughly along the same lines, while in the case of

javanews.al, stories on the Prosecutor General account for 77 percent of the total number of stories.

Table no. 5: Number of stories on the Prosecutor General in online media

Media	No. of stories on reform	No. of stories on Prosecutor General	% of stories on Prosecutor General
Syri.net	175	109	62%
Javanews.al	115	89	77%

These data show that the Albanian media are affected to a large extent by the political agenda of the moment and do not have a long-term approach or a follow up attitude on the most important developments.

To illustrate this conclusion we can mention the totally spontaneous method of reporting in the media on the selection of HPC members. For more than 10 months, since February 2017, the establishment of HPC was delayed because of failure to present a shortlist of candidates from the civil society, which led to this process being repeated five times. For a long time the media stayed silent on this serious deadlock situation, and reported on this issue only when politics would bring this topic to the forefront of the public debate.

The lack of a pro-active editorial policy and of a constant and continuous reporting on the justice reform is also confirmed by the fact that in periods

without any sensational developments, the number of stories on the reform was small, even though the process of reform was ongoing. During November the number of stories in newspapers was three times less than during December, the month in which there were some sensational developments regarding the mandate of the former Prosecutor General and the election of the new interim head of the general prosecution office. In the online media this phenomenon was even more accentuated during December, when six times more stories were published on the reform during that month than during November. This situation is depicted in the following two tables below:

Table no. 6: Number of newspapers stories on justice reform

Media	November	December
Tema	25	87
Shqiptarja.com	41	67
Shekulli	21	62
Panorama	14	96
TOTALI	101	312

Table no. 7: Number of online media stories on justice reform

Media	November	December
Syri.net	32	143
Javanews.al	9	106
TOTALI	41	249

TV channel reporting followed the same trend of disproportionate number of stories on the justice reform during the week of November and December. During the week of November, TV Klan broadcasted an average of 0.4 news stories on the justice reform per newscast, while in December this figure amounted to 2.86 stories per newscast. Similarly, on Top Channel each newscast reported 0.57 stories on the justice reform during the week of November, while during the week of December this number stood at 2.4 stories per newscast. These data are listed on the table below:

Table no. 8: Number of stories on the justice reform on Klan TV and Top Channel

Media	No. of stories on reform 15.11-21.11	No. of stories on reform 15.12-21.12
Klan	3	20
Top Channel	4	17
Totali	7	37

The overall data show that the Albanian media have reported extensively on the reform of the justice system in general, but they should have dedicated more time and space to other important elements of the justice reform, such as the establishment of HPC, HJC and SPAK, to ensure a comprehensive reporting of all aspects of the reform. Results of the monitoring also show that reporting on issues of major importance should be more consistent and topical rather than spotty and sensational. The editorial policy of media outlets should be more proactive with a long-term vision, and less influenced by the heat of the moment or the political agenda.

3.2. Main axes and problems related to media coverage of justice reform

During these years of transition the Albanian media have gained experience and expertise, have matured professionally, and have become increasingly engaged in their public mission. We can say without hesitation that there have been numerous cases of good, dedicated and honest journalism in Albania, which often set in motion the whole society and steer the public debate towards issues of major importance in the public interest. The majority of Albanian media outlets demonstrated this maturity and civic-minded approach during their reporting on the justice reform, positioning themselves in support of the reform and

reporting extensively on this topic placing it at the top of the public agenda.

The quantitative monitoring and the content analysis of reporting on the justice reform clearly showed two lines of communication: the praising discourse on the reform, as well as the discourse on the necessity and emergency of its implementation. In general, there were no negative stories in the media on the reform as such, but only on its implementation, about delays, deadlocks, or its politicization.

Several stories and authors present the reform as a historical *momentum*, when finally “the time of justice for Albanians”¹⁰ had arrived. They also consider these developments in a wider historical and social context.

The author of the opinion piece *How were Albanians blessed with justice* published on Panorama newspaper, noted that the present reform marks the third major effort to restructure the justice system in Albania, following a first attempt in 1930s during the rule of Ahmet Zogu, and a second push to reform during the first years after the collapse of the communist regime.¹¹ In similar glorifying terms another writer considered the reform of the justice system and the vetting process as “a second victory for the nation, after the declaration of independence” because

¹⁰ S.S.Kapiti, *Pas 100 vitesh filloi të punojë ora e drejtësisë*, Shekulli, November 5, 2017

¹¹ L. Lita, *Si u bënë shqiptarët me drejtësi*, Panorama, November 23, 2017

“with this victory of justice begins the consolidation of freedom, independence, progress, emancipation, democracy and Albania’s integration,”¹².

Besides the historical context, the reform is considered by some writers in a geopolitical context as well. “Interlocked in multiple relations with EU and NATO, Albania is a larger country than it looks on the map. It’s exactly these relations that do not allow one to see things the usual way anymore. Albania’s geographical position, access to roads, customs or agricultural exchanges, meaning the food of all of us, impress Europe on us in a radical and comprehensive approach,”¹³ was written in an opinion piece on the reform of the justice system published on javanews.al. Another editorial praised the role of the United States regarding the reform: “The USA realized that the local justice system was the main structural weakness of its strategic ally on the shores of the Adriatic.”¹⁴

Within this geopolitical context, media reports recognized the role of EU and US in initiating and supporting the reform of the justice system. The constitution changes of 2016 are considered by one writer as a direct investment of the United States of

¹² S.S.Kapiti, *Pas 100 vitesh filloi të punojë ora e drejtësisë*, Shekulli, November 5, 2017

¹³ <http://www.javanews.al/llogaritari-calaman-kryeprokurori-dhe-vdekja-e-klases-politike/>

¹⁴ L. Lita, *Si u bënë shqiptarët me drejtësi*, Panorama, November 23, 2017

America.¹⁵ Another story read: “Finally, thanks to the resolve and perseverance of the US and EU, now that the vetting process has begun, the clock and time starts to work for Albanians, the Albanian modern state and the Albanians nation”.¹⁶

The monitored media also reflected and presented the high expectations of the public on the outcome and results of the reform of the justice system. As pointed out by one writer, the implementation of the reform of the justice system is aligned with the expectations of the public and the nightmare of politics. Therefore, even though it is a legal process and reform, the expectations are focused on the transformation of politics. “In my opinion, it will uproot the whole political class”,¹⁷ wrote one author in his analysis on vetting and the justice reform. Meanwhile, this reform had already started and “it is a non-reversible process.”¹⁸

According to some other authors, on a wider context this reform was expected to have an impact on democracy and the state, and consequently the life and wellbeing of all citizens, their liberties and rights.

¹⁵ Ibid.

¹⁶ S.S.Kapiti, *Pas 100 vitesh filloi të punojë ora e drejtësisë*, Shekulli, November 5, 2017

¹⁷ <http://www.javanews.al/llogaritari-calaman-kryeprokurori-dhe-vdekja-e-klases-politike/>

¹⁸ <http://www.javanews.al/spak-makthet-e-politikes-dosjet-dhe-zyrtaret-e-shenjestruar/>

The monitoring of the media has also identified expressions of appraisal and concerns regarding the establishment of new institutions in the framework of the justice reform, such as HPC, HJC and SPAK, which are in the focus of this research study. The author of the article “*Expectations of 2018 on the justice reform / Who will pass through the filters of SPAK...*” wrote that “the initial results of the vetting process, the formation of the High Prosecutorial Council and the High Judicial Council, as well as the establishment of the Special Unit Against Corruption and Organized Crime, also known as SPAK, and the election of the Prosecutor General to a seven-year mandate are expected to reveal the political will on the completion of this reform.”¹⁹ The same author pointed out that the highest expectations fall on SPAK, the special unit which will investigate and hold politicians and senior state officials accountable.

That same opinion was shared by the author of the story *SPAK/ The nightmares of politics, dossiers, and targeted officials*: “When internationals say that politicians and the judiciary are afraid of reforms they refer to SPAK. At first the establishment of SPAK was sabotaged by delaying the vote on constitutional changes, but MPs who resisted were threatened to be blackballed by the US. After that, SPAK was again undermined by the core of judges and a portion of politics which were dragging their feet on vetting, challenging the law in the

¹⁹ <http://www.syri.net/kronike/122154/pritshmerite-per-2018-ne-reformen-ne-drejtisi-kush-do-te-kaloje-ne-filtrat-e-spak/>

Constitutional Court. Presently, the implementation of the law on SPAK is stalled due to delays with the establishment of HPC and HJC from politicians and the judiciary,"²⁰ wrote the author of the piece.

There were also skeptical voices in the media coverage of the reform of the justice system. Referring to the long experience with transition, a well known analyst pointed out that both sides of politics resent this reform. "They do not want this reform, they want to control the justice system. The need of both sides to control the justice system has led us to this already failed pseudo reform. The first step will be the failure of HPC and vetting. This is not the way to change the situation. Most believe that this is the work of the internationals. The intervention of internationals, this is also a failure on the part of international experts, but they are not responsible."²¹ The same author saw a real mess in the creation of HPC and HJC, and an unprecedented practice in any other European country.

The author of the article: *Justice reform: is it portraying us as a colonized country?* maintained that the control of reforms by internationals was akin to colonial practices.²²

²⁰ <http://www.javanews.al/spak-makthet-e-politikes-dosjet-dhe-zyrtaret-e-shenjestrUAR/>

²¹ <http://www.syri.net/politike/117773/analisti-reforma-ne-drejtisi-deshtoi-bashke-me-ambasadoret-hellip/>

²² *Reforma në Drejtësi, a po na përshfaq si vend "kolonial"!*, Tema newspaper, December 22, 2017

Despite some skeptical voices and comments the Albanian media in general have adopted a supportive approach to the reform of the justice system in their editorial policies. However, there have also been problems with the media coverage of this reform. Below we analyze some of these problems:

Politicized reporting and political clientelism

In an opinion piece on the justice reform an analyst wrote: "In our society each of us sees its own half. We perceive things in black or white. We judge according to the philosophy: with us, or against us."²³

This division of the society in two opposing camps produced by politics, and the perception of things in black or white appears to have also infected the media in their daily coverage of the reform of the justice system. In keeping with their pro-opposition or pro-government alignment, the media have often slipped into a one-sided or politicized coverage of developments related to the reform.

A typical case in the framework of this research is the case of reporting or handling by media of the several months of delay in the adoption of constitution amendments and the establishment of HPC. According to the law, as previously mentioned in this report, HPC

²³ *Gjysma e gotës plot dhe gjysma bosh, në përplasjen për Kryeprokurorin*, Panorama, December 19, 2017

is composed of 11 members. Six of them are selected from the ranks of prosecutors, two should be licensed lawyers, two other members should be legal academics, and one from civil society.

Even though HPC plays a very important role in the functioning of the justice system its foundation was delayed beyond all deadlines, thus resulting in a deadlock. One of the reasons for this delay was the failure to elect a representative from the civil society.

In reporting on this situation some of the media were aligned in support of political statements by one or the other side of the political spectrum. The pro-government media portrayed the delay of the civil society candidate as “a failed plot of the Democratic party.”

“Only a few days after the ruling coalition initiated the process of election of the interim Prosecutor General, suddenly the committee of the civil society with the ombudsman stated that the process can now resume and that the required number of suitable candidates has been achieved. It looks like DP is behind this move in order to speed up the establishment of HPC, to ‘burn’ the interim chief prosecutor;”²⁴ was written in an editorial.

In the meantime the opposition media reported that the delay with the candidate of the civil society stalled

²⁴ *Lufta për kryeprokurorin: PD zhbllokoi KLP, lëvizje për ‘djegjen’ e kryeprokurorit të ri*, Shqiptarja.com, December 15, 2017

the establishment of HPC “to prepare the ground for the majority to have the Prosecutor General into its pocket, by electing an interim one!”²⁵ Another news analysis piece published in some of the opposition media pointed out that “the absence of HJC and HPC allows the ruling party to operate in a constitutional fog, making it easier for them to exert control over the election of the General Prosecutor, the selection of KED (Justice Appointments Council) members, which evaluate the work of the members of the Constitutional Court and the Supreme Inspector of Justice. And above all, in postponing forever the establishment of the High Prosecutorial Council, the ruling party also postpones the creation of the Special Prosecution and the National Bureau of Investigation, which are intended to fight organized crime and corruption among Albanian senior state officials.”²⁶

The media also assigned particular attention to the dichotomist rhetoric in answering questions such as: Who is against the reform, the majority or the opposition? Who is trying to capture justice, the majority or the opposition?

In keeping with political alignments, one of the media close to the government conveyed the message:

²⁵ *Reforma në drejtësi, ambasadorët dhe shoqëria civile* !... Link: <http://www.syri.net/op-ed/116657/reforma-ne-drejttesi-ambasadoret-dhe-shoqeria-civile/>

²⁶ <http://www.syri.net/politike/115268/akuzat-e-pd-ja-si-gramoz-ruci-po-kap-drejtisine-me-vendimet-e-tij/>

“US/EU and the Socialist Party are on the side of the constitution”,²⁷ while “DP and LSI are against USA&EU”. Another media outlet on the same side of the spectrum considered the preannounced opposition protest rally as an act of protest against the reform.²⁸

On the other hand, an editorial in an opposition media read: “...we have a Prime Minister leading the government ...who is so scared of true justice, that in order to secure and reinforce this criminal regime, needs to exert control over the justice system.”²⁹ In the case of the election of the interim Prosecutor General, the opposition media talked about the government and prime minister Rama capturing the justice system, a captured chief prosecutor, etc.

A considerable amount of media coverage was devoted to the discourse related to the fear from justice syndrome, a kind of syndrome generated by the political debate. Even here, parties and media were set against each other and accused the opposing side of being scared of justice.

“Is Edi Rama afraid of the justice reform?”³⁰ asked the headline of an opinion piece in an opposition media,

²⁷ <http://www.javanews.al/pse-llalla-eshte-fatlum-qe-po-iken-procedure/>

²⁸ *Protesta është beteja e vërtetë e opozitës kundër reformës!* Tema newspaper, December 17, 2017

²⁹ *Opozita mes Prokurorisë së kapur dhe ndërkombëtarëve të kapur,* Panorama, December 22, 2017

³⁰ <http://www.syri.net/politike/121816/a-ka-frike-edi-rama-nga-reforma-ne-drejtesi-kryeministrit-meket-dhe/>

alluding that the prime minister was the one afraid of the reform. On the other side of the spectrum, in the pro-government media a headline read: “Fear of arrest, DP backs down from immunity”.³¹

The political divide and the political clientelism of the media have hurt the objectivity of their coverage and have undermined the trust of the public in them. The politicization of the media during the coverage of the justice system reform, not only did not help the reform, but in the contrary it created an unfavorable climate for its implementation and has sown confusion in the public.

Media as an intermediary of the political ping pong

The monitoring of the content of stories related to the justice system reform identified in one media two stories starting with the phrases: “Rama responds to Basha...” and “Basha responds to Rama.” It is not difficult here to discern a game situation, similar to ping pong, but this time played in the battlefield of communication by opposing sides of politics. The media in this case was just “a mediation table” where the political ping pong was played.

The problem identified in this case and many other instances of media reporting is the transformation of

³¹ *Frika nga arrestimet, PD tërhiqet nga imuniteti*, Shqiptarja.com, November 21, 2017

the media in “a battle ground” where the two sides of politics fight each other. In the absence of a pro-active editorial policy, the media reported on the reform of the justice system only when politicians or other actors had something to say about it. In other terms, what we have here can be summarized in one sentence: When politics talks, there is news. If politics stays quiet, there is no news!

This is also confirmed by some of the data that were mentioned earlier in this report: in months with heated political debate, there are more stories on the topic. So, during November when there were no important developments the number of stories published or broadcasted turned out to be three to six times less than the month of December when politics initiated a heated debate for the election of the attorney general.

Also the monitoring showed that there were very few “civilian” non-political stories to inform and educate the public on the reform and the context in which it is taking place. Legal experts being interviewed in the media are very few and far in between. In four newspapers we found only five such experts. Opinion pieces, editorials and commentaries were usually written by political analysts or those that write about anything and everything, even though they could not possibly have the expertise to assess everything.

Another problem identified during the monitoring process is the access allowed by the media to verbal

violence and political conflict. In newspapers and portals we find stories with headlines such as: “Rama has a gun on the table today,” or “Vasili to Rama on the justice reform: You ended up like a beaten stray dog,” etc. It was not professionally justifiable for those stories to be included in the media, and moreover there was no reason for such headlines to lead the news.

By putting itself in that position the media was not simply mediating political communication between parties; but it was also acting as an intermediary of conflict and political verbal violence, which only served to sadden and de-motivate the public, which is weary of the constant political bickering during these 27 years of transition.

The international factor: praise and prejudice

The USA and EU have been influential partners in Albania’s efforts to implement the present reform of the justice system. They pushed for the adoption of constitutional amendments in July 2016, which would pave the way for the new justice reform. As previously mentioned, the media in general have acknowledged and appreciated the role of western allies in this process. However, under the influence of politics there have also been stories containing accusations and prejudices in the media on the role and participation of representatives of the United States and EU in Tirana.

The harshest accusations and extreme prejudices come from media close to the opposition, as a reflection of the language used by politicians of that side of the political spectrum. However, there has also been criticism and prejudice from the media close to the government, as well as in some opinion pieces written by analysts who are considered nonpartisan.

In prejudging the role of the American ambassador in Tirana, Donald Lu, as well as the EU ambassador, Romana Vlahutin, an opposition media published an opinion piece by a political analyst and changed the headline to: “Lu and Vlahutin, are puppets in Rama’s hands” (the original headline of the piece was *The ridiculous farce of the couple Lu – Vlahutin*) and even accompanied the story with a montage picture, which was photo-shopped adding elements to convey the idea of puppets. Another story in the same media outlet carried the headline “Donald Lu takes sides,” implying that he took the side of the prime minister in the process of electing the chief prosecutor.

The opposition media also conveyed statements of opposition politicians against the American ambassador and the EU ambassador, with headlines mentioning the names of the two ambassadors as well as accusations against them, in headlines like: “Vasili explodes: Lu and Vlahutin, you are acting like conquerors,” Çlirim Gjata on Syri.net: “Lu and Vlahutin, you are stuck with the justice reform...”, etc. Even though the text of the story made no mention of the ambassadors’ names, but it implied

it was about them, the newsroom decided to use their names in the headline, adopting in this case an even more aggressive stance than the politicians criticizing the two representatives of western institutions. In this case we are dealing not only with politicization of reporting, but with a political clientelism which goes beyond any media standards.

Nonpartisan analysts also joined in the action occasionally. One of them wrote of “captured internationals” and even went on explaining how they had been “captured”: “Without going too deep into this story, I would say that it begins with corrupting certain ambassadors, with interests of states and their businesses, up to the point that the internationals, especially Brussels, have a vested interest in keeping alive the narrative that Albania has taken strides ahead in this interminable transition, instead of admitting the fact that nowadays we are no longer speaking of walking the path to democracy, but rather hitting the road to the installation of an antidemocratic regime rooted in criminal proceeds.”³²

After describing “a situation in which the regime of Rama’s gangsters is supported by internationals,” the same author concluded that “in these conditions the opposition of today is in a much more difficult position than previous oppositions, which as I mentioned

³² *Opozita mes Prokurorisë së kapur dhe ndërkombëtarëve të kapur*, Panorama, December 22, 2017

earlier, justice let them be. It is caught in pincers with the teeth of a captured prosecution in one side and the teeth of captured internationals in the other ...”³³

However, there were also reasonable voices keeping a cool head and maintaining equilibrium, even during these periods of intense political crisis. A news analysis on the situation with the election of the chief prosecutor and accusations against the ambassadors read: “Is there really any sense in thinking that the Americans and the Europeans are opening the black box of unpunished crimes in Albania with one hand, and with the other are giving Edi Rama a key to lock it down, or pick a case that suits him from that box? It just doesn’t make any sense.”³⁴

To this author “recent events and developments from the Prosecution front show that the opposition and the peoples cause for an Albania of the rule of law and free elections coincides with present and future engagements of our American and European partners, but we can only pull this off by working closely with them.”³⁵

However, it must be said that prejudice was not an exclusivity of the opposition media. A certain prejudice towards the stance taken by western partners surfaced on pro-government media as well, which referred to

³³ Ibid

³⁴ *Kryeprokurori i antikrimimit*, Panorama, November 24, 2017

³⁵ *Kryeprokurori i antikrimimit*, Panorama, November 24, 2017

“the majority which enjoys the support of the US and EU” or to some kind of alignment on the side of the ruling majority of the United States and the EU, when they wrote: that “...just like they did with the justice reform, the Socialist Party, US and EU have taken the side of the Constitution”.³⁶

The media was also not short of conspiracy theories. It is fairly well known that conspiracy theories are often thrown into the mix to create confusion and to divert the attention of the public from the real issues at hand. The monitoring revealed that some media were quick to jump on conspiracy theories regarding different aspects of the reform of the justice reform.

The presence of such theories were pointed out by the author of the opinion piece *The half full glass and the half empty glass in the clashes over the Prosecutor General* who wrote that over the course of media coverage on the Prosecutor General: “...there were some who saw behind this whole racket the next conspiracy theory with strings beings pulled by invisible hands which started from Edi Rama, went up the Elbasani Street, through the EU headquarters to take a journey far, far away to Brussels and Washington.”³⁷

Prejudice in the media did not spare even FBI and its role in the reform of the justice system and the

³⁶ <http://www.javanews.al/pse-llalla-eshte-fatlum-qe-po-iken-procedure/>

³⁷ *Gjysma e gotës plot dhe gjysma bosh, në përplasjen për Kryeprokurorin*, Panorama, December 19, 2017

future workings of SPAK. An opposition newspaper articulated its suspicions and doubts regarding the FBI representatives' role, due to the fact that "they are paid with funds unknown to American taxpayers."

The monitoring process also identified controversial opinions on particular aspects of the reform. One of the media monitored for the purpose of this study published an article with the headline "How will judges and prosecutors be spied upon" which referred to the system of reporting by the public on cases of corrupted judges and prosecutors. In the Albanian language, the use of the verb "to spy" not only implies a certain prejudice to the system, but it also negatively affects the public, de-motivating it from reporting on cases of corruption and bribery, which could ultimately result in undermining the effectiveness of the justice reform.

Prejudices and conspiracy theories often come up with suppositions and conjectures that convey a distorted image to the public. The use of baseless speculations is contrary to all professional and ethical standards of the media, which are supposed to pass on to the public information based on facts and not opinions. For this reason, their presence in the media damages their reputation and creates a gap between them and the public.

Tabloidization and personalization of information

Media reporting on the justice reform, as it also happens with reporting in general, was not short of instances of shallow reporting, or cases when authors got lost in minute and pointless details, thus engaging in tabloid reporting. A summarized analysis of this situation was presented by the author of an article previously mentioned in this report, which examined media coverage on the election of the interim Prosecutor General. He wrote that:

“We have heard influential media personalities who, without seeing a shred of evidence, understood at once that the new Prosecutor General had become “an instrument of the Renaissance” before she could even utter a single word. As soon as she opened her mouth and said “I SWEAR” obviously she was totally playing for Edi Rama’s team. There were others who only picked on anti-constitutional elements of the election process in parliament, or... discussed at length about the knee boots of Mrs. Kryemadhi: their brand, shape, price, foot size, whether they were bought here or abroad. Some even went so far as to meddle with the maternity hospital of the baby of the new chief prosecutor; with her mother who apparently never misses a DP rally; with her ancestors who turned out to have been nationalists and progenies of an illustrious family,”³⁸ etc.

³⁸ *Gjysma e gotës plot dhe gjysma bosh, në përplasjen për Kryeprokurorin,*, Panorama, December 19, 2017

In some of the stories, whether news stories or analysis, the monitoring identified also a personalization of the debate. Instead of focusing on the process, writers diverted their attention to particular individuals, thus digressing from the subject matter and dealing with issues of little importance.

The story “Tiku’s pathetic retreat” is a clear example of such a personalization. Even the use of the diminutive form of the name of former chief prosecutor Adriatik Llalla in the headline is an indication of comments and criticism on the chief prosecutor as a person, not on his position.

In another story, the election of the new chief prosecutor is perceived as “Lu’s revenge against Llalla”.³⁹ Along these same lines, the story *The “Llalic movement” of the opposition, the new revolution against “American imperialism”* read: “This movement which was kick-started in 2016 by a portion of Albanian politics to support chief prosecutor Adriatik Llalla, who confronted the US embassy in Tirana for denying entry visas to the US to Llalla himself and his main collaborators.”⁴⁰

Along this same personalization line, several media articles associated the reform of the justice system

³⁹ <http://www.syri.net/politike/113088/hakmarrja-e-lu-ndaj-llalles-si-bekim-per-prokurorin-e-ri-te-edirames/>

⁴⁰ *Lëvizje llalliste” e opozitës, si revolucion i ri kundër “imperializmit amerikan”,* Tema newspaper, December 17, 2017

to particular individuals, alleging that the reform is undertaken with the sole scope of punishing “x” or “y” politician.

But, as an analyst wrote, the reform of the justice system “is not a question of second class or first class citizens. ...This time around things are different. Europeans and the Americans have raised the bar to another level, and this whole thing is not about punishment on individual level, as part of the opposition and even some politicians in the ruling coalition believe.”⁴¹

⁴¹ <http://www.javanews.al/llogaritari-calaman-kryeprokurori-dhe-vdekja-e-klases-politike/>



Conclusions

The reform of the justice system has undoubtedly been one of the most intensive institutional processes in the history of Albanian transition. It has lasted for more than three years, produced a major constitutional reform, introduced dozens of new laws and bylaws, established a series of new institutions and was followed at each step by controversy and incessant political tension. And yet we are still in the initial phases of its implementation. Under these circumstances the media coverage of this process would have been a serious challenge even for countries with a highly developed information industry.

How did the Albanian media respond to this challenge? The results of this research study present a mixed picture.

On the positive side, the media devoted considerable attention and resources to coverage of reform, keeping the public informed on key moments and positions of main actors, both domestic and international. The approach to reform was generally positive, at least

in principle, without challenging the need to “cure” the serious problems plaguing the Albanian justice system and the expectations of the public in this direction. There have also been some serious efforts to objectively discuss some of the more complex elements of the reform, and shed light on the new infrastructure of the justice system.

Meanwhile, as clearly shown by the above analysis, the media coverage of the reform was problematic, especially with regard to the establishment of the three institutions which are at the center of this research. The greatest sins involved two aspects that are correlated: intense politicization and shallow reporting.

Thesetwo problems presented themselves most clearly in the lack of objective and sophisticated reporting on a subject matter not without complexities (legal elements, parliamentary procedures, institutional aspects, etc). It is a well known fact that very few Albanian media outlets, even among those with significant resources, hire (full-time or part-time) journalists or analysts with sufficient experience or education in legal matters and the gift to break down complex juridical concepts into a language easily understandable by the public at large.

Because of the lack of specialized journalists and analysts (besides those covering crime), media discussions on these topics tend to remain within the domain of the same “all-knowing” analysts and

politicized “experts” filling newspaper pages and TV screens day after day. Besides failing to properly inform the public, this lack of professional expertise creates an even more serious problem for the media: the inability to hold politicians accountable.

As a result, much of the media coverage becomes politicised (even when this is not intentional) and reduced to banal shallowness. An example to illustrate this point is the case of delays in the formation of the two councils (especially the High Prosecutorial Council) as a result of the failure to secure the appropriate number of candidates from the ranks of the civil society and the academia. This was a real and serious problem, which resulted in the weaving of a series of conspiracy theories and coffee-shop conjectures in the media.

What was missing was a serious and clear analysis on the causes of these problems, which did not derive from the (supposed) shortcomings of the committee on the evaluation of candidates or any other conspiracies -- besides the fact that, for whatever reasons, the number of qualified civil society candidates who applied for the job was so low that the Committee could not fulfil its legal obligation to send to parliament a three-candidate shortlist for each vacancy. It would have been much more constructive if the media debate had focused on the reasons for this weak response by the civil society, instead of conspiracy theories; as a matter of fact, not a single media conducted a serious discussion on this subject.

The same problems surfaced – on even a larger scale – during the process of selection of the lay members of the two Councils, which took place in Parliament during the period January - February 2018. The constitutional formula, which was agreed upon in the last minute and passed unanimously in parliament in July 2016, was based on the principle of a wide consensus between political parties for the election of non-magistrate members, considering the fact that candidates are supposed to be endorsed by an ad hoc subcommittee with four out of five votes, and confirmed with two thirds of votes in plenary session. The process could be repeated three times to give parties more opportunities to reach a compromise. The same formula also provides for drawing of lots as a way to break the deadlock for cases when a consensus is not possible on a particular candidate: a necessary “legal evil” to avoid deadlock in exceptional situations.

However, the exception became the rule. The fact that all the lay members of the two councils ended up being elected through lots suggested that one of (or both) political sides were not interested in selecting consensual candidates, disregarding the spirit of the constitution they helped approve. The election by lots left a bad taste for the general public (and in all likelihood, of future potential candidates as well), because it replaced the logic of selecting the best candidates, based on merits, with randomness. This political game has already tainted the credibility of the two councils and may produce negative long-term

effects for the implementation of an important part of the reform of the justice system. In this context, the media missed an opportunity to go beyond being merely an enabler of political ping pong, perhaps in the name of a false impartiality: it failed to carry out any in-depth research on the causes of the failure of consensus and hold responsible those accountable for the utter failure of the political process.

If the mission of the media in a democracy is “to speak truth to power;” it would appear that it is Albanian politics that manages to shove “their alternative truths” all over the pages and screens of the national media.

Finally, a point of interest is also the media coverage of the role played by international institutions (especially representatives of the European Union, several European embassies, and the United States), which became involved in an unprecedented way in this process, not seen at least since the turmoil of 1997. It is worth mentioning that this engagement was not only at a political level, but also technical: each of the seven pillars of the Reform Commission had an international co-chair, and some of them were actively involved in the drafting of constitutional amendments.

Taking into consideration this extraordinary engagement of the international factor, it was to some extent inevitable (and fair) that they would be the target of added media attention throughout the course of the reform, going above and beyond normal

diplomatic niceties. The findings of our research show that the excessive politicization of the media coverage did not spare even international institutions. To the extent that Albanian media are an unfiltered extension of national politics, diplomats accredited to Tirana would need to develop the “thick skin” that the difficult sport of public life in this country demands.