

## **DECISION- EXTRACT**

### **"On archiving after the initial review of the submitted complaint"**

The complainant has addressed the Office of the High Inspector of Justice with a complaint, in which there are raised allegations regarding the activity of a magistrate prosecutor in the Judicial District Prosecutor's Office as well as of magistrate judges in the Court of First Instance of the Judicial District and of the Court of Appeal, after the appellant was summoned to appear as a defendant in the preliminary hearing set by the court, based on the request of the Prosecution as well as taking the case to court and dragging out the process to the highest court.

The complainant alleges that he was unjustly arrested and that the magistrates acted contrary to the law against him, as revenge for the denunciations made by him on an investigative show. He also claims that for the case in question the prosecutor in cooperation with his lawyer, have requested an abbreviated trial, a request accepted by the court. The complainant has appealed to the Supreme Court, which has not reviewed it yet and is dragging the process out.

Referring to the conditions of admissibility of the complaint, it results that it was not made in the manner prescribed by article 120/1 letter "a" of law no. 96/2016 "On the status of judges and prosecutors in the Republic of Albania ", as it contains the generalities of the complainant, but it does not describe the circumstances of the alleged fact , and it does not identify the magistrates 'misconduct considered to be disciplinary violations, which are the subject of the activity of the High Inspector of Justice; the claims of the complainant, are allegations unaccompanied by concrete arguments and evidence related to the judicial or investigative activity of the magistrates, and do not reflect credible facts or data that any of the magistrates have committed disciplinary violations. In relation to the appealed court case in the highest court, the case is registered and the judge of the case has the current status "In processing".

On the other hand, in case of the decision of the Judicial District Court violation, for reasons which constitute at the same time a disciplinary violation provided by article 101, 103 of law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", as amended, the complainant must re-file a complaint.

Regarding the above, the complaint at the time of its review does not meet the criteria of its admissibility pertaining to the form and nature of the allegations which does not turn out to constitute a disciplinary violation, thus failing to meet the admissibility criteria of the complaint provided for in Article 120 point 1 letter "a", "d", "dh" of law no. 96/2016 "On the status of judges and prosecutors in Republic of Albania", amended.

For these reasons,

Pursuant to article 121 paragraph 2 letter "a" of law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, as amended, and in Article 214 of Law 115/2016 “On the Governing Bodies of Justice System”, as amended,

**DECIDED**

1. Archiving the complainant's complaint, registered with the High Inspector of Justice, against the activity of magistrates.
2. Pursuant to article 121 paragraph 3 of law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, as amended, this decision shall be notified to the complainant and magistrates within five days after receiving it.
3. Against this decision, the complainant may file an appeal to the High Judicial Council, and the High Prosecutorial Council within 1 week from the receipt of this decision.

This decision enters into force immediately.