

DECISION- EXTRACT

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

The complainant has filed a complaint with the High Inspector of Justice in which there were made no allegations related to the activity of magistrates, but related to the head of the regime of a detention center with the termination of his family meetings as well as his isolation in the 41 Bis regime, in the detention center where the complainant is serving his sentence given by the court. Also through this complaint, he raises the claim that he has been treated unfairly because he has no contact with incriminated people either inside or outside the prison, and he is not involved in any criminal activity.

Referring to the conditions of admissibility of the complaint, it results that it was made as prescribed in 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 and his address, as well as describing the circumstances of the fact that are claimed to have occurred.

As for the allegations of the complainant, it is assessed that they are not subject to the activity of the High Inspector of Justice, as there are no claims for activities exercised by magistrates, this referred to Article 147 / d of the Constitution of the Republic of Albania as well as article 194 of law no. 115/2016 "On the Bodies of Governance of the Justice System ", as amended, and consequently the complaint does not meet the criterion of admissibility referred to article 120, paragraph 1 of law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania ", and for this reason the complaint must be archived pursuant to Article 121 paragraph 2 letter "a" of this law.

For these reasons,

Based on article 120 paragraph 1, article 121 paragraph 2 / a of law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania ", as amended and article 214 of law no. 115/2016 " On the Bodies of Governance of the Justice System " as amended,

DECIDED

1. Archiving the complainant's complaint, registered with the High Inspector of Justice, against the activity of the detention center.
2. Forwarding a copy of the complaint for review to the Ministry of Justice.
3. 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 within five days after receiving it.
4. Against this decision, the complainant may file an appeal to the High Judicial Council, and High Prosecutorial Council within one week from the receipt of this decision.

DECISION- EXTRACT

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

The complainant filed his complaint with the High Judicial Council, which, because of lack of jurisdiction, forwarded it to the Office of the High Inspector of Justice. He states in his complaint that it is a request-complaint for monitoring a criminal charge filed by him with the Special Prosecution Office against Corruption and Organized Crime against a former judge.

In his criminal charge the complainant alleges that the former judge with whom he is a co-owner of a building plot, through corrupt practices does not allow him to use the part of construction that belongs to him, and he has stolen the constructions developed on the land where he and the complainant are co-owners by using violence. The complainant also alleges that the former judge hired a person close to him, who attempted to kill him with blunt objects, and that the former judge is the leader of a structured criminal group who relies on illegal activity through the corrupt affairs of the former judge during the exercise of duty to generate income.

Referring to the conditions of admissibility provided in Article 120 of Law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", as amended, it results that the complaint was made as described in article 120/1 / a of this law, as it contains the generalities and the address of the complainant, describes the circumstances and facts that are alleged to have occurred and contains the name, surname and the court in which the former magistrate exercised his function.

Regarding the claims in the complaint, they are not related to any decision or directly to the judicial activity of the former judge, but they relate to the activity off duty as a former judge.

Based on the initial review of the complaint in terms of verification of admissibility, it turns out that the former judge is no longer subject to verification, as he does not have the status of magistrate anymore, because he has resigned from the duty of the judge, and at the time when he was on duty no investigative disciplinary process had begun, by not fulfilling in this way the criterion of admissibility of the complaint referred to in article 120, paragraph 1, letter "ç" of law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania" as amended.

As for the complainant's allegations for monitoring a criminal report made by him to the former judge, this claim is not subject to verification of the activity of the High Inspector of Justice, this referring to article 194, point 1 of law no. 115/2016 "On the governing bodies of the system of justice ", as amended.

As for the complainant's allegations for monitoring a criminal charge made by him against the former judge, this claim is not subject to verification of the activity of the High Inspector of Justice, this referring to article 194, paragraph 1 of law no. 115/2016 "On the Governing Bodies of the Justice System", as amended.

Regarding the above, the complaint does not meet the criteria of its admissibility provided for in Article 120 paragraph 1 letter "ç", paragraph 1 of law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", as amended as well as its object related to article 194, paragraph 1 of law no. 115/2016 "On the Bodies of Governance of the Justice System", as amended and therefore the complaint must be archived pursuant to Article 121, paragraph 2, letter "a", of the aforementioned law.

For these reasons

Based on article 120 paragraph 1, letter "ç", 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 article 194, paragraph 1, as well as article 214 of law no. 115/2016" On the Bodies of Governance of the Justice System " as amended,

DECIDED

1. Archiving the complainant's complaint, registered with the High Inspector of Justice, against activity of the magistrate.
2. This decision is ordered to be notified to the complainant.

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.

The complainant may file an appeal against this decision to the High Judicial Council, within one week from the receipt of this decision.

DECISION- EXTRACT

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

The complainant filed two complaints with the High Judicial Council, which were forwarded to the Office of the High Inspector of Justice for review. The complaints raise allegations of irregular proceedings made by the judicial body of the Judicial District Court, as well as by the judicial body of the Court of Appeals, because the decision to dismiss the lawsuit of the District Court was upheld by the Court of Appeals. The complainant also claims that the decisions given for the two court cases with different objects were as a result of incomplete investigations, of being bias in granting decisions and he also cites the fact that the court did not take into account the provisions of procedural and material law as well as the jurisprudence of the highest court.

Among other things, the complainant raises allegations of illegal actions by both the judges and the Judicial District Prosecutor's Office, as the latter has decided not to initiate criminal proceedings for a private bailiff. For these reasons the complainant is convinced that the judicial bodies of the above-mentioned courts cannot make fair decisions on matters under trial because they have violated his trust in Justice.

Given the fact that the complaints are filed by the same complainant and they are against the same magistrates about the same facts, the High Inspector of Justice approved the order to merge and review the complaints in the same act.

Referring to the conditions of admissibility provided in article 120 of Law no. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", as amended, it results that the complaints were made as described in article 120/1/a of this law, as they contain the generalities and the address of the complainant, they describe the circumstances and facts that are alleged to have occurred, the name, surname and the court in which the magistrates exercise their function.

As for the non-fulfillment of the admissibility criteria both these complaints are: 1. At the time of filing the complaints with the HJC, the 5-year statute of limitations for the disciplinary violation had expired. 2- The claims against the decision-making of the courts are claims which can be resolved by appealing at the highest court. 3- Referring to the interpretation of law no. 96/2016, any procedure performed by the High Inspector of Justice, when the disciplinary investigation has not started, concludes in case the magistrate does not exercises the duty any more by decision of the competent body, which brings the archiving of the complaint.

All the allegations of the complainant against the judicial activity presented during the trial have been subject to review, evaluation and decision-making of the respective courts: both the requests for their exclusion and the procedural requirements for the progress of the trial.

The High Inspector of Justice during the exercise of his jurisdiction, among others, is also led by the principle of respecting the independence of the magistrates while performing their duty, avoiding any kind of perception as an intervention in their competence or as an intervention to resolve a concrete issue.

Consequently, the complainant's allegations are not of a disciplinary nature pursuant to articles 101, 102, 103 and 104 of Law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”. In these circumstances, the complaints do not meet the admissibility criteria provided in article 120, paragraph 1, letter “b”, “ç”, “d”, “dh”, of law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania ”as amended; in the complaints there are no reasonable doubts which justify the initiation of disciplinary investigation against them for any concrete disciplinary violation, therefore the complaint must be archived pursuant to article 121, paragraph 2, letter “a”, of this law.

For this reason,

Pursuant to article 120, paragraph 1, letter “b”, “ç”, “d”, “dh”, of Law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania ”as amended and article 214 of Law 115/2016“ On the Governing Bodies of Justice System ”, as amended,

DECIDED

1. To archive 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. The complainant may file an appeal against this decision to the High Judicial Council, within one week from the receipt of this decision.