

INFORMATIVE NOTE

Tirana, on 28.12.2021

Regarding the request of the High Inspector of Justice for disciplinary proceedings with the measure “Dismissal from office” against magistrate B.Z.

High Inspector of Justice has completed the disciplinary investigation, initiated based on the complaint filed by the Prosecutor General, raising allegations of unjustified delays in procedural actions concerning three magistrates, XH.M., B.Z. and R.K., serving as prosecutors at the Prosecution Office at the First Instance Court of Dibër. From the disciplinary investigation conducted by HIIJ inspectors, regarding prosecutors XH.M. and R.K., the evidence was insufficient to prove the commission of the disciplinary violation, while the investigation continued with respect to prosecutor B.Z.

From the disciplinary investigation conducted by the High Inspector of Justice, in the analysis of the work of this magistrate during the period 2013–2021, it is proven that:

- Prosecutor B.Z. undertook actions and omissions that constitute an unjustified and repeated failure to fulfill her functions during the investigation, resulting in unjustified delays in procedural acts, which are mandatory for implementation by magistrates.
- As a consequence of the magistrate's actions and omissions, 33 criminal proceedings were not given a legal resolution, and no verification action was carried out in relation to 300 criminal reports.
- The magistrate delayed the preliminary investigations by failing to carry out investigative actions in a timely manner and dynamically over long periods of time, beyond the procedural deadlines and without having legal reasons.
- The magistrate committed the same violation during the period 2013–2021, causing the violation to be continuous.
- The procedural violations committed by the magistrate are proven to have been committed with direct intent. This is based on her education and extensive experience as a prosecutor, as well as the fact that, for these types of violations, the disciplinary measure “Reprimand with warning of dismissal from office” was imposed upon her in 2014.
- The actions of magistrate B.Z. have resulted in consequences for the administration of justice and have damaged the image of the prosecuting authority, reducing public trust in justice.

In conclusion, the actions and omissions of magistrate B.Z. constitute a very serious disciplinary violation, which discredits the position and image of the prosecutor during the exercise of duty, and the High Inspector of Justice has proposed to the High Prosecutorial Council the disciplinary measure “Dismissal from office”, provided for by Article 105, paragraph 1, letter “dh” and Article

111, paragraph 2 of Law No. 96/2016 “On Status”, as amended, as well as Article 148/d, paragraph 2, letter “a” of the Constitution of the Republic of Albania.