

INFORMATION NOTE

Regarding the request of the High Justice Inspector for disciplinary proceedings with the measure of “Dismissal from Office” against magistrate E.M.

The High Justice Inspector has initiated disciplinary proceedings, at the initiative of the complainant, the Head of the Prosecution Office attached to the First Instance Court of General Jurisdiction of Tirana, against magistrate E.M., a prosecutor at the Prosecution Office attached to the First Instance Court of General Jurisdiction of Tirana, for the disciplinary violations provided for under Article 102, paragraph 1, letters “ç”, “d”, “ë”, and “g” of Law No. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania”, as amended.

These provisions define as disciplinary violations: “*the unjustified or repeated failure to perform duties during adjudication or investigation*”; “*repeated delays or delays resulting in serious consequences or unjustified prolongation of procedural actions and/or acts*”; “*repeated and unjustified delays in the commencement of court hearings or prolongation of investigations*”; and “*serious or repeated violation of the legal and sub-legal provisions governing the organization and functioning of the courts or the prosecution office*”.

The alleged violations concern the period during which E.M. served as a prosecutor at the Prosecution Office attached to the Tirana District Court.

The High Inspector of Justice in the disciplinary investigation report concerning Magistrate E.M., concluded that:

- The magistrate committed disciplinary violations through negligence in the form of carelessness; and that an aggravating circumstance exists, given that the violations were committed more than once and concerned a considerable number of cases.
- The magistrate had 23 years of experience as a prosecutor, which, according to the report, demonstrates his extensive professional experience and knowledge of the proper exercise of his duties with discipline and due care.
- The conduct at issue undermined the image of the judicial system and public confidence in the justice system.
- There is a risk that the inappropriate conduct of the magistrate subject to disciplinary investigation could be followed as an example by other magistrates, not only within the same prosecution office, thereby creating conditions for similar inappropriate conduct in other cases and posing a serious risk to public confidence in the administration of justice.

Considering the absence of any specific circumstance beyond the magistrate’s control that could be attributed to dysfunction within the prosecution and judicial systems, the High Inspector of Justice concludes that the acts and/or omissions of Magistrate E.M., taken as a whole, constitute a “Very Serious Disciplinary Violation.” Accordingly, the High Inspector of Justice proposes that the High Council of Prosecution impose the disciplinary measure of “*Dismissal from Office*” on prosecutor E.M.