

INFORMATION NOTE

On the HIJ request for disciplinary proceedings with the measure “Dismissal from Office” against magistrate E.R.

The High Inspector of Justice has initiated disciplinary proceedings based on a complaint against magistrate E.R., a prosecutor at the Prosecution Office attached to the Fier District Court. The investigation verified several complaints submitted by three different citizens, alleging delays in preliminary investigations, violations in the investigation of criminal proceedings, failure to perform duties related to the collection of facts and evidence, and failure to provide information.

The investigation conducted by the HLD Inspectors into magistrate E.R. established the following:

- Repeated delays, or delays resulting in serious consequences, as well as unjustified delays in procedural actions and/or acts, which cannot be justified by other reasonable personal or family circumstances directly related to the magistrate.
- The disciplinary violation was committed by the magistrate with direct intent.
- The magistrate’s experience within the judicial system, which demonstrates his extensive knowledge and understanding of the obligation to perform his duties with discipline, as well as his professional evaluations.
- The consequences of the disciplinary violation concerning compliance with the statutory deadlines for completing preliminary investigations, in breach of the provisions of criminal procedural legislation.
- As a result of the magistrate’s failure to act, the prestige and standing of the office of prosecutor has been undermined, as has public confidence in the justice system.
- The inappropriate conduct is not limited to the magistrate who is the subject of the disciplinary investigation, but risks being followed as an example by other magistrates and creates an environment conducive to similar inappropriate conduct in other comparable cases.

The HIJ concludes that the actions/inactions undertaken by magistrate E.R. constitute a “Very Serious Disciplinary Violation” and proposes that the High Prosecutorial Council impose the disciplinary measure of “*Dismissal from Office*”, as provided for under Article 148/d, paragraph 2(a) of the Constitution of the Republic of Albania and Article 111 of Law No. 96/2016, in respect of magistrate E.R.