

INFORMATIVE NOTE

Tirana, on 17.06.2021

Regarding the request of the High Inspector of Justice for disciplinary proceedings with the measure of “dismissal from office” against magistrate E.S.

High Inspector of Justice has initiated disciplinary proceedings against magistrate E.S., serving as a judge at the Tirana Court of Appeal, for failure to appear for duty, upon complaint by the head of the Court.

The disciplinary investigation establishes that:

The High Council of Justice granted the magistrate, on 09.02.2018, leave from work for a period of 2 years, for health reasons. The judge did not report for duty upon the expiration of the leave. On 28.10.2020, the High Judicial Council refused magistrate's request for the granting of additional unpaid leave. Following the magistrate's complaint to the Administrative Court of Appeal, the latter decided on 02.02.2021 to overturn the decision of the High Judicial Council and return the case for reconsideration by the Council. On 29.03.2021, the High Judicial Council reconsidered the magistrate's request and again decided to refuse it. The magistrate became aware of this new refusal by the High Judicial Council on 31.03.2021 and continued to unjustifiably fail to report for duty. During the disciplinary investigation, it is proven that the magistrate failed to justify her absence from work based on the objective reasons claimed by her. Neither the High Judicial Council nor the Deputy Chairperson of the Court of Appeal has issued any positive decision regarding the magistrate's request concerning her alleged inability to justify her failure to report for duty after 01.04.2020, resulting in a failure to report for duty without justified reasons for more than 1 year.

From the above, it is proven that magistrate E.S. committed the disciplinary violation provided for by Article 102, paragraph 2, letters “f” and “gj”, of Law No. 96/2016 “On Status”, as amended, which expressly provides that: “Disciplinary violations during the exercise of the function are, in particular, but are not limited to, the following actions, omissions or conduct of the magistrate: ...[...]... f) unjustified absence from duty, according to the provisions of this law, for more than 3 working days per year”...[...]...gj) failure, without justified reasons, to implement decisions issued by the Council”.

High Inspector of Justice requested to the High Judicial Council to accept its request for the initiation of disciplinary proceedings against magistrate E.S., serving as a judge at the Tirana Court of Appeal, for the disciplinary violations provided for by Article 140, paragraph 2, letter “a” of the Constitution of the Republic of Albania and by Article 102, paragraph 1, letters “f” and “gj”, of Law No. 96/2016 “On Status”, as amended, and to impose upon the judge the disciplinary measure of “Dismissal from office”.