

INFORMATIVE NOTE

Tirana, 16.02.2022

On the request of the High Inspector of Justice for disciplinary proceedings with the measure “Public reprimand” against prosecutors F.G. and M.L.

High Inspector of Justice has finalized the disciplinary investigation, initiated ex officio, against magistrates F.G., serving as prosecutor at the Prosecution Office of the Court of Judicial District, Lezhë and M.L., for the period during which he exercised the duty as head prosecutor at the Prosecutor’s Office attached to the Lezhë District Court of Judicial District. The disciplinary investigation was initiated based on information presented in the media, concerning the tragic event of 28.09.2021, which occurred in the city of Lezhë, where, as a consequence of the actions carried out by citizen A.R., police officer S.H. lost his life. The written and visual media have reported information related to the problematic history of the perpetrator of the murder and his confrontation with the justice bodies.

In the analysis of the documentation administered within the framework of this investigative process, the High Inspector of Justice concludes that:

- As a result of actions and omissions in failing to fulfill his functional duty, as prosecutor during the preliminary investigations, F.G. caused the submission of the acts of the criminal proceeding to the court after the expiration of the detention period for the defendant, which consequently resulted in the court establishing the expiry of the security measure “imprisonment” against the defendant A.R. and imposing on him the security measure “house arrest”.
- This conduct constitutes a failure to fulfill the duty of the prosecutor, who has been granted the constitutional attribute of exercising criminal prosecution and controlling preliminary investigations, with the purpose of submitting the case to court, in compliance with the legal procedural deadlines in criminal matters.
- Prosecutor M.L., without reasonable grounds, failed to implement the mandatory Instruction of the General Prosecutor, thereby causing, in the case of this criminal matter, confusion regarding the time of submission of the acts by the prosecutor of the case and subsequently throughout the entire chain of the administrative functioning mechanism in the prosecution office for the transfer of the acts to the court.
- This conduct of prosecutor M.L. constitutes a failure to fulfill his duty, undermining the position and image of a head of a prosecution office, who, as the highest-ranking prosecutor for all the prosecutors of the office he heads, must be the first to respect the instructions of a higher-ranking prosecutor.
- The actions/omissions undertaken by magistrates F.G. and M.L. constitute a minor disciplinary violation, pursuant to Article 102, paragraph 1, letter “I” of Law no. 96/2016.

For the foregoing, it was requested that the High Prosecutorial Council accept the request of the High Inspector of Justice for the imposition of the disciplinary measure “Public reprimand” against magistrate F.G., serving as prosecutor at the Prosecution Office of the Judicial District Court of Lezhë, for the disciplinary violation provided for by Article 102, paragraph 1, letters “ç” and “dh” of Law no. 96/2016 “On Status”, as amended; and the imposition of the disciplinary measure “Public reprimand” against magistrate M.L., currently prosecutor at the Prosecution Office at Judicial District Court of Tirana, for the disciplinary violation provided for by Article 102, paragraph 1, letter “l” of Law no. 96/2016 “On Status”, as amended.