

INFORMATIVE NOTE

Tirana, 15 February 2024

Regarding the request of the High Inspector of Justice for disciplinary proceedings, seeking the measure of “Dismissal from Office” against Judge K.A.

The High Inspector of Justice initiated disciplinary proceedings ex officio, following a complaint submitted by a citizen, against magistrate K.A., serving as a judge at the Tirana District Court, for disciplinary violations committed in the exercise of her functions. (On 10 September 2021, the IQC decided to dismiss the magistrate from office, a decision which was appealed before the SPC. Since there is still no final and legally binding decision by the SPC, this magistrate continues to retain her status as a magistrate for the purposes of any disciplinary proceedings.)

Based on the legal analysis of the facts established during the disciplinary investigation against Judge K.A., it has been determined that:

- The failure to act in a timely manner and the unjustified delay, exceeding any reasonable and objective timeframe (5 months and 22 days), by magistrate K.A. in providing the reasoning for the decision resulted in an unjustified prolongation of the judicial proceedings, of which the reasoned decision constitutes an integral part. It also resulted in delays in communicating the decision to the parties to the proceedings, in their submission of an appeal, and in the examination of that appeal by the higher court, which likewise forms an integral part of the judicial proceedings.
- The information obtained during the investigation concerning the period of delay indicates that this was not an isolated incident, as the magistrate had significant delays in issuing other reasoned decisions, ranging from 3 to 6 months. The disciplinary investigation established that the judicial decisions with the most significant delays in their reasoning concerned the issuance of immediate protection orders with delays exceeding 5 months and in some cases, exceeding 8 months.
- The delays identified in this case, exceeding any “reasonable time limit,” infringe not only upon the rights of victims of domestic violence, but also upon the trust that this vulnerable social group should have in the institutions of justice (in this case, the court), first and foremost through compliance with procedural deadlines and through the adoption of measures to ensure respect for their rights and personal integrity.
- Despite her extensive experience in office, the judge has significantly damaged the image of justice and public confidence in it, as the delays identified were repeated and ongoing. The judge’s actions clearly demonstrate negligence in the performance of her duties and in carrying out her fundamental function, namely, the delivery of a judicial decision.

Considering the foregoing, it is concluded that the actions/inactions undertaken by magistrate K.A. constitute a “Very Serious Disciplinary Violation”, the High Council of the Judiciary is requested to grant the request of the High Inspector of Justice for the imposition of the disciplinary measure of “Dismissal from Office,” as provided for under Article 105, paragraph 1, letter “dh”, and Article

111 of Law No. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended.