

INFORMATION NOTE

Tirana, 26 December 2023

On the request of the High Inspector of Justice for disciplinary proceedings with the measure of “Dismissal from Office” against magistrate K.Dh.

The High Inspector of Justice (HIJ) has concluded the disciplinary investigation against magistrate K.Dh., judge at the Administrative Court of First Instance of Vlora, for very serious professional violations which discredit the position and figure of the judge during the exercise of his duties, in continuation of the disciplinary investigation initiated by the former High Council of Justice (HCJ) in 2018 against this magistrate, concerning delays in the preparation of written court decisions; whereas the HIJ has consolidated the verification and disciplinary investigation files and the investigative proceedings initiated in relation to the judicial activity of judge K.Dh.

From the HIJ disciplinary investigation, which extended over several years of work and concerned 292 decisions of the magistrate, it resulted that:

- The magistrate prepared 32 decisions with delay during the period of March 2018, with delays ranging from 1 to 6 months; he prepared with delay, during the periods 24.06.2021–29.07.2021 and 29.07.2021–30.03.2022, 189 decisions, with delays ranging from 1 month to 26 months.
- From the evidence obtained during the disciplinary investigation, it results that the judge, by acting with delay in the preparation of the identified decisions, beyond any reasonable and objective deadline, consequently caused the unjustified prolongation of judicial proceedings, as well as the delayed performance of other procedural actions within the framework of these proceedings.
- From the data administered during the investigation, it results that the cases adjudicated, for which a decision was rendered by the magistrate and which were reasoned with delay, by virtue of the nature of the subject matter of the claim or request, do not appear in any way to be of a complex or difficult nature, to such an extent as to justify the delay, also taking into account the judge’s 19 years of experience.
- Such delays prejudice the right of the parties to a fair trial, infringing upon their right to have a reasoned decision and to lodge an appeal, while significantly damaging the image of justice and public confidence in it, insofar as exceeding logical and normal time limits is almost equivalent to the absence of justice.
- It is established that magistrate K.Dh., through his actions and omissions, has committed serious professional violations, which constitute a “Very Serious Disciplinary Violation”, and which discredit the position and figure of the judge in the exercise of his duties.

In light of the foregoing, the High Inspector of Justice requests that the High Judicial Council administer the evidence submitted in these disciplinary proceedings and accept the proposal for the disciplinary measure of “*Dismissal from Office*” against judge K.Dh., for the disciplinary violations provided for under Article 140, paragraph 2, letter “a” of the Constitution of the Republic of Albania, and Article 102, paragraph 1, letter “d” of Law No. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended.