

## INFORMATIVE NOTE

### ***Regarding the request for disciplinary proceedings seeking the measure of “Reduction of Salary by 40% for 1 Year” against Magistrate K.Ll.***

The High Inspector of Justice initiated disciplinary proceedings against magistrate K.Ll., a prosecutor at the Prosecutor’s Office attached to the Court of First Instance of General Jurisdiction of Sarandë, based on a complaint submitted by a citizen through the online form on the website of the High Inspector of Justice (HIJ), concerning delays in the investigation of criminal proceedings. The magistrate was investigated for the disciplinary violations provided for under Article 102, paragraph 1, letters “ç”, “d”, and “dh”, of Law No. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended.

The disciplinary investigation conducted by the High Inspector of Justice concluded that:

- Prosecutor K.Ll. undertook actions and omissions relating to the unjustified failure to perform his duties during the investigation, resulting in unjustified delays in procedural acts that are mandatory for magistrates to carry out.
- The prosecutor failed to take into consideration the tasks assigned by the court and to perform them within an optimal timeframe.
- The prosecutor’s omissions were committed with direct intent, as he failed to carry out the tasks assigned by the courts, leaving the investigative case file without action for a period of more than two years and ultimately causing the criminal prosecution to become time barred.
- As a consequence of the disciplinary violation committed by the magistrate subject to the disciplinary investigation, the prestige of the office and figure of the prosecutor has been undermined, as has public confidence in the justice system.
- The inappropriate conduct is not limited to the magistrate subject to the disciplinary investigation, but risks being followed as an example by other magistrates and creates conditions for similar inappropriate conduct in other cases.
- The magistrate has no disciplinary measure currently in force for a previous disciplinary violation and has not committed any other disciplinary violation.

The HIJ Investigation Report concludes that the actions/omissions undertaken by prosecutor K.Ll. constitute a “Serious Disciplinary Violation.” Accordingly, the High Inspector of Justice proposes that the High Prosecutorial Council impose the disciplinary measure of a “*Temporary Reduction of Salary*” in the amount of 40% for a period of one year’ on prosecutor K.Ll., as provided for under Article 105, paragraph 1, letter “c”, and Article 108 of the Law “On the Status [of Judges and Prosecutors].”