

INFORMATIVE NOTE

Tirana, on 16.11.2021

Regarding the request of the High Inspector of Justice for disciplinary proceedings with the measure “Temporary salary reduction of up to 40%, for a period not exceeding one year”, against magistrate R.K.

High Inspector of Justice has completed the disciplinary investigation, initiated ex officio against magistrate R.K., serving as a judge at the Mat Judicial District Court, following a complaint by citizen N.P., who claimed that the judicial decision had been reasoned and issued in final written form by the magistrate beyond all procedural deadlines, thereby preventing him, as the plaintiff, from exercising his right to appeal before the higher courts. The citizen had sued the Mat Municipality for unlawful termination of the employment.

From the disciplinary investigation conducted by the High Inspector of Justice, it is proven that:

- Magistrate R.K. has a delay of 5 months and one day in reasoning the decision, as referred to by the complainant citizen, (Dismissal of N.P.'s lawsuit as unfounded in evidence and law), exceeding the 20-day deadline provided for in Article 308, second paragraph, of the Code of Civil Procedure, a deadline which was exceeded by a full 6 times, with a delay of 131 days from the announcement of the final decision, as well as the 15-day deadline provided for by Article 443, first paragraph, of the Code of Civil Procedure for the exercise of the parties' right to appeal.
- From all the evidence obtained during the disciplinary investigation, including evidence concerning other decisions of the magistrate, it results that the failure to reason judicial decisions in a timely manner is not only repeated and continuous, but is also unjustified.
- The magistrate undertook actions that constitute a failure to properly fulfill his duty, in violation of the civil procedural deadlines for reasoning the judicial decision, exceeding the deadlines beyond all logic, regardless of cases of an average level of difficulty.
- The actions of magistrate R.K. were committed at least through negligence in the form of carelessness, also resulting from workload, repeatedly in the cases analyzed during the investigation. It was not proven that these delays were committed intentionally, with the purpose of creating delays for the parties in exercising their right to appeal the judge's decisions or for other purposes.
- The magistrate's actions resulted in an evident risk of delay in the exercise of the right to appeal and the possibility of a denial of justice.
- Because of the disciplinary violation committed by the magistrate who was the subject of the disciplinary investigation, the image of the judge's position was impaired, and public trust in justice was also undermined.

For the above, High Judicial Council is requested to accept the request of the High Inspector of Justice for the initiation of disciplinary proceedings against R.K., serving as a judge at the Mat Judicial District Court, for the disciplinary violation provided for by Article 102, paragraph 1, letter “d” of Law No. 96/2016 “On Status”, as amended, and to impose the disciplinary measure “Temporary salary reduction of up to 40% for a period not exceeding one year”.

