

INFORMATION NOTE

Tirana, 1.12.2022

***On the request of the High Inspector of Justice for disciplinary proceedings with the measure
“Suspension from office for 2 years” against judge S.U.***

High Inspector of Justice has concluded the disciplinary investigation against magistrate S.U. for disciplinary violations in the exercise of his duty as a judge at the Tropojë District Court, based on the complaint of the Director General of Prisons and the Ministry of Justice, as well as for disciplinary violations in the exercise of his duty, based on the complaint of the Prosecutor General, when S.U. was serving as a judge at the Kukës District Court. The disciplinary investigation conducted by the High Inspector of Justice established:

- Actions and conduct of the magistrate that resulted in undue benefits for the parties in a judicial proceeding (a 270-day reduction of the sentence for a convicted person), in violation of the law, which constitute disciplinary violations.
- Serious and continuous failure to comply with substantive and procedural criminal legislation, as established by a higher court.
- Issuance of a decision in violation of the law, resulting in consequences for the party to the proceedings, by restricting the individual's liberty and the continuation of his stay in conditions of isolation for a period of 29 days.
- The court ruling beyond the request of the requesting party, thereby assuming the powers of a higher court, namely the court of appeal.
- Damage to the image of the judicial system and grounds for undermining public trust in the justice system; the existence of a risk caused by the disciplinary violation, since the inappropriate conduct is not limited only to the magistrate subject to the disciplinary investigation, but risks being followed as an example by other magistrates, as well as creating grounds for inappropriate conduct in other similar cases.

The investigation report assesses that the actions/omissions of magistrate S.U. constitute a “Very serious disciplinary violation” that discredits the position and image of the judge during the exercise of his duty. Consequently, High Inspector of Justice has proposed that HJC impose the disciplinary measure “*Suspension from office for a period of up to 2 years*” on magistrate S.U., as provided for by Article 110 of Law no. 96/2016 “On Status”, as amended.

