

INFORMATIVE NOTE

Tirana, 05.04.2023

On the request of the High Inspector of Justice for disciplinary proceedings with the measure “Public reprimand” against judge S.U.

High Inspector of Justice has initiated the disciplinary investigation against magistrate S.U., judge at Kukës District Court, based on the complaint of magistrate A.P., forwarded by the High Council of the Judiciary, concerning suspicions of violations of criminal procedural law that constitute disciplinary violations.

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

- In the decision to exclude magistrate A.P. from a case under adjudication, magistrate S.U. issued an unreasoned act, containing only conclusions regarding the applicable law, without setting out the factual circumstances, in all those cases where the law requires the issuance of the act in reasoned form.
- As a consequence of the disciplinary violation committed, one of the criteria of a due legal process appears to have been violated, concerning a fair trial, the most important part of which is the reasoning of judicial decisions issued by magistrates.
- His 32 years of experience in office as a judge is an indication of his very good knowledge of the role of exercising his duty with discipline and professionalism. Despite his experience, the judge has damaged the image of justice and public trust in it.
- The actions undertaken by the magistrate constitute a disciplinary violation pursuant to Article 102, paragraph 2, letter “c” of Law no. 96/2016 “On Status”, as amended, and fall within the category of a “Minor disciplinary violation”.

The complainant is filed by another magistrate who, by virtue of the position and function he exercises, represents not only himself in his capacity as a member of the judicial panel adjudicating a specific case, but also the body of other magistrates in relation to similar situations. Due to this fact, which concerns the independence that magistrates must enjoy in the exercise of their judicial functions, as well as the legal obligation to provide reasons for judicial decisions, in which the grounds that make it necessary to grant requests for their exclusion from the judicial panel must be analyzed in detail, the imposition of the disciplinary measure “Public reprimand” is the most appropriate disciplinary measure under the specific circumstances and serves the purpose of general prevention.

In conclusion, High Inspector of Justice has requested the High Judicial Council to initiate disciplinary proceedings against magistrate S.U., serving as a judge at the Kukës District Court, for the disciplinary violation provided for by Article 102, paragraph 2, letter “c” of Law no. 96/2016 “On Status”, as amended, and has proposed the disciplinary measure “*Public reprimand*” against him.