

INFORMATIVE NOTE

Tirana, 05.04.2023

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

High Inspector of Justice has referred magistrate S.U., judge at the Tropojë District Court, for disciplinary proceedings for violations of civil procedural law that constitute disciplinary violations, at the initiative of the complainant “Toka” Association and the Ministry of Justice, dating from 2018, which is part of the case-file fund inherited from previous institutions, and which it addresses as a priority due to the applicable limitation periods.

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

- The magistrate was found to have failed to fulfill mandatory legal obligations imposed by the Code of Civil Procedure in relation to the examination and resolution of a specific case.
- Violations concerning compliance with the orders of a final and binding court decision and misinterpretation of the content of the referenced court decision.
- Violation of procedural rules concerning the revocation/cancellation of actions carried out by the bailiff in violation of the law and the suspension of enforcement actions.
- Violation of procedural rules concerning the imposition of a security measure for the claim.
- Violation of procedural rules concerning the submission and examination of a request for the correction of a material error.
- As a result of the serious procedural violations committed, the public interest was infringed, by allowing the continuation of the construction works of hydroelectric power station “Dragobia”, Margegaj Municipality in Kukës.

The magistrate has approximately 32 years of experience in office as a judge, which is an indication of his very good knowledge of the role of exercising his duty with discipline and professionalism. Despite this, the judge has damaged the image of justice and public trust in it.

The magistrate was notified of the decision to initiate the disciplinary investigation by the High Inspector of Justice but did not submit any explanation/observation or position concerning the type and nature of the alleged violations for which the disciplinary investigation against him was initiated.

The actions undertaken by Mr. S.U. constitute “Very serious disciplinary violations”. Therefore, High Inspector of Justice has proposed to HJC the imposition of the disciplinary measure “Suspension from office for a period of two years”, provided for by Article 110 of Law no. 96/2016 “On Status”, as amended, for the disciplinary violations provided for by Article 102, paragraph 1, letter “dh” and Article 102, paragraph 2, letter “a” of Law no. 96/2016 “On Status”, as amended.