

INFORMATION NOTE

Tirana, 19 May 2025

Regarding the request for disciplinary proceedings with the measure “Public Reprimand” against Judge A.P.

The High Inspector of Justice initiated an investigation ex officio against magistrate A.P., a judge at the First Instance Court of General Jurisdiction of Tirana, based on the findings of the thematic inspection report of the High Inspector of Justice “On the procedure for the issuance and reasoning of judicial decisions of the First Instance Court of General Jurisdiction of Tirana (Civil Chamber) and the Administrative Court of First Instance of Tirana,” concerning the final decisions rendered by these courts during the period 1 September 2022 – 30 December 2022. This inspection was followed by the initiation of verifications concerning the judges of the First Instance Court of General Jurisdiction of Tirana in relation to decisions that had been announced and whose reasoned versions had been submitted to the court registry more than 120 days after their announcement.

Context of the Inspection: Following a case-by-case analysis, the inspection established that at the First Instance Court of General Jurisdiction of Tirana, 89% of the decisions were submitted within the 120-day deadline. This deadline was assessed as the reasonable period required for a judge/court to submit the final reasoned decision, since only this period can provide a meaningful distinction and serve as a reasonable timeframe in the specific circumstances, considering the workload, staffing levels and number of magistrates, as well as the type of cases adjudicated. This assessment seeks to balance the need to reason and submit all judicial decisions within the deadline prescribed by Article 308 of the Code of Civil Procedure, against the current capacity and resources of the First Instance Court of General Jurisdiction of Tirana to comply with that deadline. The disciplinary investigation against Judge A.P. concerning the failure to comply with the reasonable deadline for submitting reasoned decisions included 21 decisions that were submitted late. Regarding the delay of 2 years and 4 months, the High Inspector of Justice requested the initiation of disciplinary proceedings, while for the other delays, the HIJ closed the investigation and forwarded the materials to the High Judicial Council the professional evaluation of the magistrate. The investigation established that:

- The magistrate committed the disciplinary violation through negligence in the form of carelessness.
- Significant delays were identified in the reasoning of three judicial decisions.
- The delays in reasoning the judicial decisions were not justified by reasonable personal, health-related, or family circumstances, notwithstanding the fact that such circumstances were directly related to the magistrate.
- As a result of the judge’s failure to act, the prestige of the judicial office was undermined, as was public confidence in the justice system.
- The magistrate has more than 19 years of service as a judge, demonstrating her extensive knowledge/understanding of the importance of exercising judicial duties with ethics and discipline.

Taking into consideration the fact that the magistrate has not previously been subject to any disciplinary measure and her cooperative conduct during the disciplinary investigation, the HIJ report concludes that her actions/omissions constitute a “Minor Disciplinary Violation.” So, HIJ proposes that HJC impose the disciplinary measure of “Public Reprimand” on Judge A.P., as

provided for under Article 105, paragraph 1, subparagraph “b”, division “i”, and Article 107 of Law No. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended.