

INFORMATION NOTE

Tirana, 15 January 2024

Regarding the Request to Initiate Disciplinary Proceedings Seeking the Disciplinary Measure of “Dismissal from Office” Against Magistrate A.Ll.

The High Inspector of Justice has initiated disciplinary proceedings against Magistrate A.Ll., a judge at the First Instance Court of General Jurisdiction in Shkodër, following 11 complaints concerning the improper performance of her duties and violations of civil and criminal procedural deadlines. During the disciplinary investigation, the inspectors also identified additional facts, which were subsequently incorporated into the investigation.

The investigation conducted by the HIJ inspectors concluded that:

- The magistrate under disciplinary investigation engaged in acts and omissions constituting improper performance of her duties, including violations of the procedural deadlines applicable to civil and criminal cases for the reasoning of judicial decisions, as well as failures to take procedural action in civil cases. These delays substantially exceeded the applicable deadlines, to an extent that was unreasonable and persistent, and were almost tantamount to a denial of justice.

Findings of the Investigation

Among the findings set out in the report are the following:

- In numerous cases, following the registration of the cases and their assignment to the judge, no procedural action was taken for periods of approximately three years or more.
- Approximately 64% of civil cases on the merits in 2021, and 90% of such cases in 2022 and 2023 exceeded the statutory deadline for the reasoning and delivery of judgments. These cases primarily concerned matters such as the establishment of legally relevant facts, recognition of authenticity, divorce, recognition of ownership, and division of property.
- Similar delays were identified in relation to enforcement orders, with 78% of cases in 2023 exceeding the applicable deadlines.
- With respect to the issuance of immediate protection orders and the validation of such orders, up to 60% of decisions in 2023 exceeded the statutory deadline for reasoning and delivery.
- Regarding criminal applications, primarily appeals against prosecutors’ decisions not to initiate criminal proceedings, 85% of the decisions in 2023 had not delivered.

- In relation to criminal applications concerning security measures, including decisions authorizing or validating interceptions and searches, the proportion of decisions exceeding the statutory deadline for reasoning and delivery was 6% in 2021, 16% in 2022, and 66% in 2023. In 2023, undelivered decisions accounted for 43% of all decisions that exceeded the statutory deadline.
- The magistrate's actions and omissions were, at a minimum, attributable to negligence, and occurred repeatedly and continuously. In certain instances, they caused prejudice to investigative proceedings.
- The judge significantly damaged the image of the justice system and public confidence in it, despite having 24 years of professional experience, which, according to the findings, demonstrates that she should have been fully familiar with the proper and disciplined performance of her judicial duties.
- The delays in failing to advance judicial proceedings and in reasoning judicial decisions cannot be justified by reasonable personal, health-related, or family circumstances directly attributable to the magistrate.

Based on the extensive body of material collected, administered, and examined during the investigation, it was concluded that the judge's acts and omissions constitute a "Very Serious Disciplinary Violation," as provided for under Article 102, paragraph 1, subparagraphs "d" and "dh," of the Law "On the Status of Judges and Prosecutors." Accordingly, the High Inspector of Justice proposes that the High Judicial Council impose the disciplinary measure of "*Dismissal from Office*" on Magistrate A.Ll., who serves as a judge at the First Instance Court of General Jurisdiction in Shkodër.