

INFORMATIVE NOTE

Tirana, 25.10.2022

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

High Inspector of Justice has concluded the disciplinary investigation against magistrate B.SH., initiated on the basis of successive complaints submitted to the High Inspector of Justice by the Chancellor, as the magistrate, in his position as Deputy Chairperson of the Administrative Court of First Instance of Vlora, was obstructing her in the exercise of her legal duties, thereby preventing the normal functioning of the court.

From the disciplinary investigation conducted by High Inspector of Justice, it has been established that:

- Magistrate B.SH., without justified reasons, failed to implement the decision issued by HJC concerning the Chancellor of the court and, repeatedly, during two meetings of the Court Council, failed to comply with the legal and bylaw provisions governing the organization and functioning of the courts.
- The undertaking of these actions by the magistrate constitutes a failure to fulfill the duty of the Deputy Chairperson, who is responsible for the proper functioning and operation of the court as an institution, and created confusion regarding the exercise of the Chancellor's powers, who is responsible for the management of judicial administration.
- The violations established are not related to his professional activity as a magistrate. They may be relevant to his ethical and professional assessment, but they are of such a nature that the magistrate must bear disciplinary responsibility.
- His failure, without reasonable grounds, as a head of the institution, to implement a decision issued by HJC is assessed as unprofessional conduct, which discredits the position of the head of a court and the image of the judge in particular.

At the conclusion of the investigation, High Inspector of Justice, taking into consideration, among other things, the nature of the disciplinary violation, the existence of the mitigating circumstance related to the fact that the violations were committed for the first time; the magistrate's cooperation during the investigation; as well as his active assistance in eliminating or reducing the consequences of the violation; reaches the conclusion that the actions/omissions undertaken by the Deputy Chairperson of the Administrative Court of First Instance of Vlora, B.SH., constitute a disciplinary violation provided for by Article 102, paragraph 1, letters “g” and “gj” of Law no. 96/2016 “On Status”, as amended; as a “Minor disciplinary violation”.

For the foregoing, High Inspector of Justice has requested to the High Council of the Judiciary the imposition of the disciplinary measure “Public reprimand” against judge B.SH., for disciplinary violations provided for by Article 102, paragraph 1, letters “g” and “gj” of Law no. 96/2016 “On Status”, as amended.

“Public reprimand” serves two preventive purposes: specific prevention, in the sense that the magistrate does not commit disciplinary violations again in the future; and general prevention, in the sense that other magistrates understand that inappropriate conduct should not be undertaken, as it is punishable by a disciplinary measure.