

INFORMATION NOTE

Tirana, 17.09.2026

On the request for disciplinary proceedings with the sanction of “Temporary reduction of salary by up to 40 per cent for a period of no more than one year” against Prosecutor A.P.

The High Inspector of Justice opened a disciplinary investigation into magistrate A.P., at the time of the misconduct a prosecutor at the Prosecution Office attached to the Berat First Instance Court of General Jurisdiction, following a complaint by the People’s Advocate concerning the manner in which the time served by a convicted person was calculated. The High Inspector of Justice’s investigation is based on the misconduct provided for in Article 102, paragraph 1, letters “ç” and “dh”, of Law no. 96/2016.

The disciplinary investigation established that the magistrate, in her capacity as execution prosecutor, committed repeated and unjustified actions and omissions in connection with the execution of criminal decisions and the aggregation of a convicted person’s sentences. Specifically:

- The magistrate repeatedly and without justification failed to carry out the procedural actions necessary to review the lawfulness of the execution of the criminal decision, as required by the applicable legal framework.
- The misconduct was committed through carelessness, in the form of negligence, and continued over time and across several stages of the procedure.
- The omission continued even after the magistrate had become aware of the extradition documentation and of the period of pre-trial detention the convicted person had served in Greece, and it was not corrected until after the People’s Advocate’s request.
- The misconduct directly infringed the convicted person’s fundamental right to personal liberty, with the result that they remained in prison for a long period beyond the date on which, according to the calculation established in the disciplinary investigation, the sentence should have ended.
- The conduct of magistrate A.P. poses a broader systemic risk, since failure to comply with legal obligations regarding the review and calculation of the execution of sentences may recur in similar cases and have direct consequences for the right to personal liberty of convicted persons.

The HIJ disciplinary investigation report concludes that, although the consequence was serious, the fact that the misconduct was committed through negligence, the absence of any intent to infringe the rights of the convicted person, her professional performance evaluated at the highest level, and her cooperative conduct during the investigation were considered mitigating factors.

In conclusion, the High Inspector of Justice considers that the magistrate’s conduct constitutes “serious disciplinary misconduct” within the meaning of Article 102, paragraph 1, letters “ç” and “dh”, of Law no. 96/2016, as amended, and proposes that the High Prosecutorial Council impose the disciplinary sanction of “*Temporary reduction of salary by up to 40 per cent for a period of no more than one year*” on Prosecutor A.P.