DECISION EXTRACT

On the eligibility criterion of Article 120, point 1, letter "ç"
(Decision dated 03.06.2026)

The complainant has addressed the High Inspector of Justice with complaints, in which claims are raised against the judicial activity of magistrates serving as judges at the Court of First Instance of General Jurisdiction, at the time of the claimed violation.

In the content of the complaints, the complainant states that in 2018 he filed a statement of claim before the district court against citizen X, acting in the capacity of a lawyer, with the subject matter "repayment of a sum of money". According to the complainant, the court ordered the defendant to repay the amount given as a loan, together with default interest until the date of enforcement of the decision. On 31.10.2018, he declared the document entitled "Agreement" dated 10.02.2022, concluded between the parties, to be forged, and requested the prosecution office to initiate criminal proceedings against x.

The complainant states that, within the framework of the criminal proceedings, the Prosecution Office at the Court of First Instance of General Jurisdiction notified, by written notice, of the completion of the investigations, while, on 01.06.2022, a court hearing was held for the examination of the prosecution's request to commit the case for trial. According to the complainant, following several court hearings, the judge, by decision dated 29.06.2022, decided to return the case files to the prosecution for the completion of the investigations and subsequently resigned from her position as a judge.

In the course of the proceedings, the case was assigned to the judge who, by decision dated 18.07.2023, decided to suspend the proceedings until the conclusion of the civil case before the Court of Appeal. The complainant claims that the decision is contrary to the law and has resulted in delays in the adjudication of the criminal case. Furthermore, he states that the decision to suspend the proceedings was not made available to him for a considerable period of time and that its reasoning was issued on 19.03.2024. According to the complainant, the defendant appealed against this decision, and the Court of Appeal of General Jurisdiction, by decision dated 01.10.2024, decided to amend the decision of the Court of First Instance, lifting the suspension of the criminal proceedings and ordering their continuation.

It results from the documents admitted into the case file that the judges decision-making regarding the suspension of the proceedings was subject to review by the Court of Appeal of General Jurisdiction, which, by the above-mentioned decision, amended the decision of the Court of First Instance of General Jurisdiction. The complainant claims that as a consequence of the judges

decision-making the criminal case remained suspended for a long period resulting in delays in the proceedings.

The High Inspector of Justice, in the exercise of his legal powers, examines complaints against magistrates in accordance with the provisions of Part V, Chapter II, of Law No. 96/2016, "On the Status of Judges and Prosecutors in the Republic of Albania", as amended, as well as with the relevant provisions of Law No.44/2015, "Code of Administrative Procedures of the Republic of Albania".

Article 120 of the Law "On the Status" provides that in order for a complaint to be accepted for examination and for the verification and/or disciplinary investigation to proceed, it must meet the criteria expressly set out in point 1, letters "a" to "dh", of this Article. The finding that one or more of these criteria have not been met results in the archiving of the complaint.

From the preliminary review of the complaints, with reference to the eligibility criteria provided for in Article 120 of the Law "On the Status", it follows that the complaints have been submitted in the form prescribed by Article 120, point 1, letter "a", of this Law, as they contain the complainant's personal details and address, describe the factual circumstances claimed to have occurred, and contain the first and last names of the magistrates and the court at which these magistrates exercised their functions. Consequently, the eligibility criterion provided for in Article 120, point 1, letter "a", of the Law "On the Status" is met.

With regard to the eligibility criterion concerning the limitation period, provided for in letter "b", point 1, of Article 120 of the Law "On the Status" compliance with this criterion is assessed in relation to the provisions of Article 117 of this law according to which disciplinary violations are subject to a limitation of 5 years. From the content of the complaints, it is established that the claims raised refer to the examination of the criminal case adjudicated by the decision dated 18.07.2023 of the Court of First Instance of General Jurisdiction. Consequently, the complaints meet the eligibility criterion provided for in letter "b", point 1, of Article 120 of the Law "On the Status", as it was submitted within the 5-year limitation period.

The complaints do not contain abusive elements, are not manifestly unfounded or repetitive complaints submitted by the same complainant, and there is no previous decision of the High Inspector of Justice concerning these complaints. Consequently, they meet the eligibility criteria for complaints provided for in letter "c", point 1 of Article 120 of the Law "On the Status".

Regarding the claims against the magistrate, it results from the verification of the information published on the official website of the High Judicial Council that a decision has been made declaring the termination of the magistrates status due to his resignation from office. Furthermore,

the Independent Qualification Commission has decided to discontinue the transitional re-evaluation process for this subject.

Given that the magistrate no longer holds the status of magistrate he can no longer be subject to the activities of the High Inspector of Justice within the meaning of Article 147/d of the Constitution and the relevant provisions of Law No. 96/2016.

Consequently, the complaints insofar as they concern the claims against the former magistrate, do not meet the eligibility criterion provided for in Article 120, point 1, letter "ç" of Law No. 96/2016.

FOR THESE REASONS

Pursuant to Article 120, point 1, letter "ç" and, Article 121, point 2, letter "a" of Law No. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania", as amended and Article 214 of Law No. 115/2016 "On the Governance Bodies of the Justice System", as amended.

DECIDED

1. To archive, following the preliminary review, the joined complaints submitted by the complainant, in which claims are raised concerning the judicial activities of the former magistrate.
2. Pursuant to Article 121, point 3, of the Law "On the Status" this decision shall be notified to the complainant within 5 (five) days of its receipt
3. Against this decision the complainant can file an appeal to the High Judicial Council within 1 (one) week of receipt of this decision.

This decision shall enter into force immediately.