Extract of the Decision

Regarding the admissibility criterion, based on Article 120, point 1, letter "b", of Law. No. 96/2016, as amended. (when the limitation period is not met)

(Extract dated 07.05.2025)

The complainant lodged four complaints with the High Inspector of Justice, in which allegations were raised concerning against magistrate, judge serving at the District Court at the time of the alleged misconduct. The complaints have been consolidated for examination, as they relate to the same facts and concern the same magistrate.

The complainant contests the extract date 09.12.2014, of the District Court, which has been final at 08.01.2015. By this decision, the claim was upheld, and the complainant and her late husband were ordered to vacate and surrender a plot of 700 m² of arable land on which an unauthorised construction had been erected. The complainant alleges that they were not notified of the court proceedings and considers the decision-making to have been unfair. The complainant also raises allegations of collusion between the judge and the expert appointed in the case. In one of the complaints, the complainant requested the suspension and postponement of enforcement actions pretending the conclusions of the other proceedings relating to the same matter.

According to the Article 120, of Law 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended it is provided that, in order for a complaint to be accepted for examination and to proceed to verification and/or disciplinary investigation, it must meet the criteria expressly set out in point 1, letter (a) to (dh) of this Article. Failure to meet one or more of these criteria shall result in the archiving of the complaint.

According to the admissibility requirements based on the Article 120 of Law. No. 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended, it appears that the complaint has been submitted in the form prescribed by Article 120, point 1, letter "a" since it contains the complainant's personal details and address, describes the circumstances and facts alleged to have occurred, and provides the first and last names of the magistrates, as well as the court in which they serve.

Upon examination of the complaint, it is established that the allegations raised concern facts relating to the judicial decision, which became final on 08 January 2015.

The Article 117 of Law 96/2016 '2016 "On the status of judges and prosecutors in the Republic of Albania" as amended, provides that disciplinary violations are subject to a five-year limitation period. When the complaint is submitted after the expiry of this period, calculated from the time when the alleged misconduct was committed, the High Inspector of Justice shall not proceed with its examination on account of the expiry of the limitation period. In this case there is no evidence to justify the extension of the limitation period. The complainant's allegations relate to a judicial

decision rendered in 2014, which became final in 2015, whereas the complaints were submitted in 2022 and 2023, respectively.

In this case, the complaints do not meet the admissibility requirements according ti Article 120, point 1, letter "b" of Law. No. 96/2016, as amended, that's why the examination of the other admissibility criteria cannot proceed.

FOR THESE REASONS

According to the Article 117, Article 120, point 1, letter "b" and Article 121, point 2, letter "a" of Law 96/2016 "On the status of judges and prosecutors in the Republic of Albania", as amended and the Article 214 of Law 115/2016 "On the governance bodies of the justice system" as amended.

DECIDED

- To archive, following the preliminary examination, the consolidated complaints submitted by the complainant against the magistrate.

- Pursuant to Article 121, point 3 of Law 96/2016, as amended this decision shall be notified to the complainant and the magistrate within (5) five days of adoption.

Against this decision, the complainant may appeal to the High Judicial Council within (1) one week of receiving this decision.

This decision shall enter into force immediately