Extract of the Decision

Regarding the admissibility criterion based on Article 120, point 1, letter "c".

(Extract dated 05.11.2021)

The complainant lodged a complaint with the High Inspector of Justice, raising allegations concerning the conduct of the magistrate, who was serving as a judge at the District Court at the time of the alleged disciplinary misconduct.

The complaint contests the judge's decisions repeatedly rejecting the application for interim measures, which the complainant considers having been biased and unprofessional. Furthermore, the complainant has raised allegations concerning the activities of the commercial entity 'X' sh.p.k., which is alleged to be operating without an environmental permit. Additionally, the complainant has submitted additional documentation to the Office of the High Inspector of Justice in support of the allegations raised.

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

Article 120 od Law No. 96/2016 "On the Status of Judges and Persecutors in the Republic of Albania" as amended, provides that, in order for a complaint to be accepted for examination and to proceed to verification and/or disciplinary investigation, only where the criteria expressly set out in paragraph 1, letters "a" to "dh" of this Article. A finding that one or more of these criteria have not been met shall result in the archiving of the complaint.

Upon the preliminary examination of the complaint against the admissibility criteria according to the Article 120 of the Law "On the Status of Judges and Persecutors in the Republic of Albania ", it appears that the complaint has been submitted in the form prescribed by Article 120, paragraph 1, letter (a), of this Law, as it contains the complainant's personal details and address, describes the factual circumstances alleged to have occurred, and includes the first and last name of the magistrate, as well as the prosecution office in which the magistrate serves. Consequently, the admissibility criterion laid down in Article 120, point 1, letter "a" of Law No. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania" as amended.

As regards the admissibility criterion relating to the limitation period, according to letter (b), paragraph 1, of Article 120 of Law No. 96/2016, "On the Status of Judges and Persecutors in the Republic of Albania", compliance with this criterion is assessed to the provisions of Article 117 of the same Law, pursuant to which disciplinary violations are subject to a five-year limitation period. Where the High Inspector of Justice (HIJ) receives information more than five years after the date on which the alleged violation occurred, no disciplinary investigation shall be initiated on account of the expiry of the limitation period. In any case, after this time limit

, the statute of limitation begins to run from the moment the alleged violation was committed.

The preliminary examination reveals that the same allegations against the same magistrate have previously been submitted by the same complainant through consolidated complaints.

These allegations have already undergone a preliminary examination by the High Inspector of Justice, at the conclusion of which their archiving was ordered by decision dated 12.05.2025. The content of the complaint currently under examination does not reveal any new facts or circumstances that would warrant verification by the High Inspector of Justice.

In this case, the complaint does not fulfill the admissibility criterion set out in Article 120, point 1, letter "c" of the Law 96/2016, as amended, as it contains allegations repeated by the same complainant, which have already been subject to a preliminary examination.

In these circumstances, taking into account the repetition of the allegations and the failure to fulfill the admissibility criterion, the complaint should be archived pursuant to Article 121, paragraph 2, letter (a), of Law No. 96/2016, as amended.

FOR THESE REASONS

According to the 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 the Article 214 of Law 115/2016 "On the Governance Bodies of the Justice System" as amended.

DECIDED

1. To achieve, following the preliminary examination, the consolidated complaint submitted by the complainant against the magistrate

2. Pursuant to Article 121, point 3 of Law No. 96/2016, as amended this decision shall be notified to the complainant and the magistrate within (5) five days of adoption.

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