

INFORMATION NOTE

Tirana, 7 March 2024

Regarding the request of the High Inspector of Justice for disciplinary proceedings with the measure “Confidential Reprimand” against Magistrate A.P.

The disciplinary investigation against prosecutor A.P. concerns the identification, during September 2019, of certain facts relating to violations of the rules of conduct toward the administrative staff of the Berat District Court Prosecutor’s Office, the head of the prosecutor’s office, and other magistrates. These individuals informed the High Prosecutorial Council of violations relating to unethical and unprofessional conduct by the prosecutor in the exercise of her duties.

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

- The magistrate violated the rules of conduct in her relations with the prosecutorial office’s administrative staff, the head of the prosecution office, and her colleagues, in breach of the principle of compliance with the rules of ethics and professional conduct.
- Although her actions were committed intentionally, they did not result in any identifiable consequences.
- The violation was committed for the first time, and the prosecutor’s unethical conduct was limited to the initial period and to the cases referred to, also because of her limited experience, since she had been newly appointed (in July 2019) to the Prosecutor’s Office attached to the Berat District Court.
- The conduct of the magistrate who is the subject of the disciplinary investigation cannot create a basis for similar inappropriate conduct in other cases, since the statements obtained during the investigation indicate that her relationships with the relevant persons have since been normalized and that this magistrate has not exhibited such conduct again.
- The violations identified are not related to her professional activities and may be relevant only for the purposes of assessing her ethical and professional conduct; however, they are of such a nature that the magistrate should bear disciplinary responsibility. In addition to protecting the public interest, the disciplinary measure also serves two preventive purposes: specific prevention, in the sense of ensuring that the magistrate does not commit further disciplinary violations in the future; and general prevention, in the sense that other magistrates understand that inappropriate conduct should not be engaged in because it is punishable by a disciplinary measure.

The disciplinary investigation concludes that the conduct and actions of magistrate A.P. constitute a “Minor Disciplinary Violation”, pursuant to Article 102, paragraph 2, subparagraph “dh”, of Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended. Accordingly, the High Prosecutorial Council is proposed to impose the disciplinary measure of “*Confidential Reprimand*” on prosecutor A.P., as provided for under Article 106 of Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended.

