

INFORMATIVE NOTE

Tirana, 18 March 2025

Regarding the request of the High Inspector of Justice for disciplinary proceedings, with the measure of “Public Reprimand,” against Judge A. Xh.

The High Inspector of Justice has initiated, on his own initiative, disciplinary proceedings against magistrate A. Xh., serving as a judge at the First Instance Court of General Jurisdiction of Kukës, for the disciplinary violation defined as the “repeated or serious violation of the rules of solemnity and the rules of conduct in relations with other magistrates,” pursuant to Article 102, paragraph 2, letter “dh” of Law No. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended. The investigation was initiated based on a review of the information recorded in the minutes of a general meeting of judges held in September 2024, during which discussions took place concerning several work-related matters at the court.

From the legal analysis of the facts established during the disciplinary investigation against Judge A. Xh., it appears that:

- Magistrate A. Xh., in her capacity as a member of the judicial panel, violated the rules of conduct in her relations with the other magistrates who were members of the judicial panel during a public hearing.
- The magistrate’s conduct continued throughout the entire hearing, undermining the confidence of the parties present at the hearing in the administration of justice, discrediting the position and standing of the magistrate, and compromising the integrity and reputation of the court.
- The disciplinary violation was committed by the magistrate with direct intent, as also evidenced by the statements she provided during the disciplinary investigation.
- Given that the relationship between the magistrate under disciplinary investigation and the two other magistrates has not been normalized, there remains a risk of inappropriate conduct in the future.
- Mitigating circumstance: The magistrate acknowledged that her conduct in the presence of the parties during that public hearing was not in accordance with professional ethics and that she should not have behaved in that manner in the presence of the parties.
- Mitigating circumstance: The magistrate has no prior disciplinary sanction and has limited professional experience, as the violation was committed during her first year of service as a judge.

The High Inspector of Justice concludes that the conduct and actions of Magistrate A. Xh. in the present case should be assessed as a “minor disciplinary violation.” The disciplinary measure itself serves the purpose of specific deterrence, in the sense that it is intended to prevent the magistrate from committing further disciplinary violations in the future, as well as general deterrence, in the sense that other magistrates should understand that such inappropriate conduct must not occur, as it is punishable by a disciplinary measure. In light of the foregoing, the High Inspector of Justice requests that the High Judicial Council accept his request to impose the disciplinary measure of “Public Reprimand” on Judge A. Xh., as provided for under Article 105, paragraph 1, letter “b,”

and Article 107 of Law No. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended.