

INFORMATION NOTE

Tirana, 8 June 2026

Regarding the HIJ's request addressed to the HPC for the reconsideration of the request for disciplinary proceedings against magistrate A.K.

On 24 March 2026, the Administrative Court of Appeal admitted the appeal filed by the High Inspector of Justice (HIJ) against the decision of the High Prosecutorial Council (HPC) dated 2 October 2025, by which the HIJ's request to impose the disciplinary measure of "Public Reprimand" on magistrate A.K., prosecutor at the Prosecutor's Office attached to the First Instance Court of General Jurisdiction of Korçë, for the disciplinary violations provided for under Article 102, paragraph 1, subparagraphs "j" and "g" of the Law "On the Status," was dismissed. The Administrative Court of Appeal ruled as follows: 1. *Admit the claim.* 2. *Annul Decision No. 302, dated 2 October 2025, of the HPC.* 3. *Order the defendant, the HPC, to reconsider the HIJ's request for disciplinary proceedings No. 1371/2, dated 31 July 2025, against prosecutor A.K.* 4. *Court costs shall be borne by the defendant.* 5. *This decision may be appealed before the Administrative Chamber of the Supreme Court of Tirana within 30 days.*

The decision also sets out the respective duties to be performed by the HPC, specifically:

- To conduct a full and direct analysis of the specific circumstances established, clearly assessing their relationship to the magistrate's functional responsibility (i.e., responsibility should not be attributed solely to the Chief Protocol Secretary of the Korçë Prosecutor's Office).
- To avoid shifting the analysis toward other elements that are not directly related to the subject matter of the disciplinary responsibility.
- To interpret the applicable legal provisions in accordance with their wording and purpose, without introducing elements that are not provided for by the legislator (interpretation of Article 103 of the Code of Criminal Procedure).
- To provide full, clear, and coherent reasoning that makes it possible to verify the way discretionary power was exercised and the connection between the analysis conducted and the conclusion reached (the relevant part of the final report should be removed and all claims raised by the parties should be duly reasoned);
- To assess, in a reasoned manner, the relationship between the circumstances established and the disciplinary consequence, with a view to ensuring lawful and judicially reviewable decision-making (the principle of proportionality and the reasoning of disciplinary responsibility).

Further to the procedure for reconsidering the HIJ's request for disciplinary proceedings against magistrate Ms. Anjeza Kalanxhi, and pursuant to Decision No. 78, dated 8 May 2026, of the HPC, the HIJ requests that the High Prosecutorial Council decide as follows: "To accept the request of the HIJ for disciplinary proceedings against magistrate A.K., for the disciplinary violations provided for under Article 102, paragraph 1, subparagraphs "g" and "j" of Law No. 96/2016 'On the Status of Judges and Prosecutors in the Republic of Albania,' as amended," and impose upon her the disciplinary measure of "*Public Reprimand*."

