

INFORMATION NOTE

Tirana, 11 May 2023

Regarding the HIJ's request for disciplinary proceedings with the measure "Reduction of salary by up to 40% for a period of up to 1 year" against Judge B.M. and "Public Reprimand" against Judge R.A.

The High Inspector of Justice (HIJ) has completed the disciplinary investigation concerning the prolongation of judicial proceedings for more than two years against judges I.M., B.M., Z.Sh., R.A., M.Ç., and Z.V., who served at the former Elbasan District Court at the time of the alleged violations. The investigation was initiated by the former Inspectorate of the High Council of Justice in March 2017, based on information provided by the President of the Elbasan District Court for December 2016. The case file was transferred to the HIJ for further consideration in February 2021. Since the investigation established that, in general, there were no elements constituting disciplinary violations, the disciplinary investigation was closed with respect to magistrates I.M., Z.Sh., M.Ç., and Z.V., who served as judges at the former Elbasan District Court at the time of the alleged violations. Regarding judges B.M. and R.A., the initiation of disciplinary proceedings was ordered in connection, respectively, with civil cases registered with the court on 23 July 2009 and 24 September 2014.

Upon completion of the disciplinary investigation, the High Inspector of Justice (HIJ) addressed the High Judicial Council (HJC) with a request to initiate disciplinary proceedings against magistrates B.M. and R.A., serving as judges at the Elbasan District Court, for the disciplinary violation provided for under Article 102, paragraph 1, subparagraph "d" of Law No. 96/2016 "On the Status of Judges and Prosecutors in the Republic of Albania," as amended. Pursuant to Article 105, paragraph 1, subparagraph "c", Article 107, and Article 108 of Law No. 96/2016 "On the Status," the HIJ requested that the following disciplinary measures be imposed:

Against Judge B.M.: *"Temporary reduction of salary by up to 40% for a period not exceeding one year."*

Against Judge R.A.: *"Public Reprimand."*

At the hearing convened by the High Judicial Council (HJC) on 12 March 2025, the High Inspector of Justice (HIJ) presented the circumstances whereby, in the context of the disciplinary proceedings against former judges B.M. and R.A., the High Judicial Council had initially decided to suspend the proceedings pending the completion of the transitional re-evaluation process. Subsequently, the Special Appellate College (SAC) upheld the decisions of the Independent Qualification Commission (IQC) ordering the dismissal from office of both magistrates. Consequently, pursuant to the Constitution and the legislation governing the re-evaluation process, the dismissal took immediate effect, and both individuals lost their status as magistrates.

Since B.M. and R.A. no longer hold the status of magistrate, they are no longer subject to the disciplinary jurisdiction of the High Judicial Council. For this reason, also referring to Article 95 of the Code of Administrative Procedures, according to which an administrative procedure is concluded without a final decision when the object or purpose for which it was initiated has become impossible, it is requested that the HJC: *terminate the disciplinary proceedings against former judges B.M. and R.A., without issuing a final decision on their disciplinary liability.*