

INFORMATIVE NOTE

Tiranë, on 08.01.2021

Regarding the request of the High Inspector of Justice for “The dismissal from office” of judge E.H.

The High Inspector of Justice decided on 16.07.2020 to initiate a disciplinary investigation ex officio (following the publication in the media of the killing of citizen H.B. on 11.06.2020), against magistrate E.H., serving as a judge at the Krujë Judicial District Court, for serious professional violations that discredit the position and image of the judge during the exercise of her duty.

From the legal analysis of the facts established during the disciplinary investigation, it results that magistrate E.H. undertook actions/omissions relating to:

- The unjustified failure to fulfill her functions during the adjudication
- Actions and conduct of the magistrate that brought an unlawful benefit to the parties in a judicial proceeding, contrary to the law
- Actions and conduct of the magistrate that brought an unlawful benefit to the parties in a judicial proceeding, contrary to the law, as well as serious and continued failure to comply with substantive and procedural criminal legislation.
- Serious and continued failure to comply with substantive and procedural criminal legislation in rendering the decision
- Issuance of unreasoned acts, in all those cases where the law requires the issuance of the act in reasoned form.

The disciplinary investigation of the High Inspector of Justice analyzed 6 decisions of magistrate E.H. from 2017 to 2019, from which it resulted that:

- On her part, one-sided proceedings were conducted in flagrant violation of the substantive and procedural criminal provisions.
- The actions/omissions of the magistrate in the matters under investigation were not carried out within
- the framework of her professional incompetence, but as a result of a direct and intentional action on her part.
- The criminal provisions of a mandatory nature were not respected, which provide for criteria of an objective and prohibitive nature and with a direct and easily understandable content for the release of the convicted person, where the magistrate's extensive professional experience in office allows her to correctly interpret and apply these provisions;
- These actions/omissions of hers were carried out directly, continuously, intentionally and unjustifiably in 5 judicial proceedings with the same applicant H.B. and in 1 other proceeding with applicant I.P.

Under these conditions, it is concluded that the disciplinary violations were committed by magistrate E.H. with “direct intent”. The High Inspector of Justice requests the High Judicial Council to administer the evidence submitted by the High Inspector of Justice in this disciplinary proceeding and to decide: “Acceptance of the request of the High Inspector of Justice for the initiation of disciplinary proceedings against magistrate E.H., serving as a judge at the Krujë Judicial District Court, for the disciplinary violations provided for by Article 140, paragraph 2, letter “a” of the Constitution of the Republic of Albania and by Article 102, paragraph 1, letters

“ç” and “dh” and Article 102, paragraph 2, letters “a” and “c”, of Law No. 96/2016 “On Status”, as amended, and the imposition upon her of the disciplinary measure “Dismissal from office”.