

INFORMATIVE NOTE

Tirana, on 7 June 2021

Regarding the request of the High Inspector of Justice for the suspension and dismissal from office of magistrate E.K.

On 30.05.2021, High Inspector of Justice initiated, on his own initiative, a disciplinary investigation against magistrate E.K., serving as Deputy Chairperson of the Elbasan Judicial District Court, simultaneously exercising the duties of Chairperson of this court. The investigation was initiated following the widespread publication in the written media, visual media and social networks, of several videos bearing the logo of the social network “Tik Tok”, in which magistrate E.K. appeared, in the premises where she performs her duty and inside a vehicle, with provocative movements and behavior, accompanied in the background by music inappropriate for the image of a magistrate. The disciplinary investigation of the High Inspector of Justice was carried out in compliance with the 3-day deadline for the suspension of the magistrate, in the case of disciplinary proceedings (Article 152 of Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, as amended).

From the legal analysis of the established facts, as well as from the administered documentation, it is proven that:

- The magistrate used the Office of the Chairperson of the Court for other purposes different from those related to the exercise of the judicial or managerial activity of the court.
- The footage from the videos, the examination of which is also documented in the minutes of the responsible inspectors, confirms totally inappropriate behavior by the magistrate, carried out with direct intent by her herself, on different days, in different premises. The magistrate continued both in the use of the premises of the chairperson's office to make these types of videos, as well as in the videos made in the BMW-type vehicle.

The disciplinary investigation proves that magistrate E.K. violated the provisions relating to the principles of integrity and self-restraint:

- The “Principle of Integrity” and the “Principle of Appropriate and Self-Restrained Conduct”, provided for in the Code of Judicial Ethics, were repeatedly and intentionally violated.
- The conduct and actions of the magistrate carried out outside the exercise of her duty, but in the premises where she exercises her duty, discredit the image and position of the magistrate and damage the public's trust in the judicial system, being provided for as a very serious disciplinary violation.
- The videos reflecting the magistrate's behavior also received media attention and the specific case was used as an example for labeling the negative behaviors of members of the entire judiciary in Albania, through various reports, analyses and programs.

In the assessment of the High Inspector of Justice, it is fundamental that a judge must maintain and apply high standards of conduct and personally respect these standards, both during the exercise of duty and in private life, to preserve the integrity, dignity and citizens' trust in justice.

Based on the conclusions of the disciplinary investigation, High Inspector of Justice has proposed to the High Judicial Council *the suspension from duty* of magistrate E.K., until the conclusion of the disciplinary proceedings, and the disciplinary measure “*Dismissal from office*” provided for by Article 111 of Law No. 96/2016 “On Status”, as amended, for the disciplinary violations provided for by Article 140, paragraph 2, letter “a” of the Constitution of the Republic of Albania”, Article 103, paragraph 1, letter “dh” of Law No. 96/2016 “On Status”, as amended, as well as violations of the Code of Judicial Ethics approved by the High Judicial Council by Decision No. 171, dated 22.04.2021: Section “C” “Principle of Integrity”, letters “a” and “b”, Section “Ç” “Principle of Appropriate and Self-Restrained Conduct”, point 9, letter “c”.