

INFORMATION NOTE

Tirana, 13 March 2024

Regarding the request of the High Justice Inspector for disciplinary proceedings, with the measure of “dismissal from office,” against magistrate H.S.

The High Inspector of Justice initiated a disciplinary investigation on his own initiative against Judge H.S., following the publication of a video produced by the investigative program “STOP,” broadcast by “Klan” Television, in which Judge H.S. was filmed in discussions with another person regarding the rental of an office owned by the judge. It appears that, by taking advantage of his professional position, the judge not only provides assurances to the person interested in renting the premises he owns, but also explains the advantages available to other parties, such as lawyers or experts, who are tenants in the same building.

During the disciplinary investigation, the High Justice Inspector requested and obtained documentation from the High Inspectorate of Declaration and Audit of Assets and Conflicts of Interest (ILDKPI), the General Directorate of Taxation, the State Cadaster Agency, the National Business Center, the Ministry of Justice, the High Judicial Council, and the First Instance Court of General Jurisdiction of Vlora.

Based on the evidence gathered during the disciplinary investigation, it was established that:

- In 20 judicial cases adjudicated and decided by the judge, the attorney representing one of the parties was a tenant in the property co-owned by the judge.
- In 12 judicial proceedings adjudicated by Judge H.S., in which the law required the ex officio appointment of counsel, the court appointed, on an ex officio basis, attorneys who had contractual tenancy relationships concerning premises located in the property co-owned by the judge.
- In 3 judicial proceedings, where the presence of an expert was necessary for the conduct of the proceedings, the court (Judge H.S.) appointed as an expert a person who had a contractual tenancy relationship with the judge’s wife.
- The magistrate undertook actions constituting a failure to properly perform his duties, in violation of the rules on incompatibility and in circumstances involving a conflict of interest, as well as by using his status as a magistrate for the purpose of creating benefits for third parties, thereby also violating the principle of safeguarding public confidence in the justice system.
- It was established that the magistrate repeatedly failed to comply with the rules requiring him to avoid conflicts between his private interests and his official duties.
- The use of the magistrate’s status for the benefit of third parties was established, through exerting influence to have, on an ex officio basis, attorneys/experts who rented premises in the property co-owned by the judge appointed or called to participate in judicial proceedings.

It is concluded that the actions/omissions undertaken by magistrate H.S. constitute a “Very Serious Disciplinary Violation,” and the High Justice Inspector proposes that the High Judicial Council

impose upon magistrate H.S. the disciplinary measure of “Dismissal from Office,” as provided for under Article 105, paragraph 1, letter “dh,” and Article 111 of Law No. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended.