

## INFORMATIVE NOTE

### ***Regarding the request of the High Justice Inspector for the imposition of the disciplinary measure of “Dismissal from Office” on Judge M.K.***

High Inspector of Justice has initiated the disciplinary investigation against judge M.K. of the Korçë District Court on 2.04.2020, based on a request filed by the Minister of Justice, after the judge on 14.02.2019 decided/ordered the release of the convict sentenced to life imprisonment G.Gj, found guilty of a murder committed in 1997. The decision for the release was overturned by the Korçë Court of Appeals six months later.

The investigation conducted by High Inspector of Justice, for a disciplinary violation provided for by the Constitution of the Republic of Albania (Article 140, point 2, letter "a"), and Law No. 96/2016 "On status" as amended, (Article 102 point 2 letters "a" and "b"), concludes that the magistrate has committed actions and inactions intentionally, in a direct, continuous, voluntary, and unjustified manner within the same process. The disciplinary investigation has found, among other things, incorrect application of the provisions of substantive and procedural criminal law; contradictory references; non-compliance with the prohibitive criteria of parole for the recidivist convicted of crimes committed intentionally; reasoning not in accordance with the evidence administered in the trial, nor with the facts and circumstances proven during the judicial process. The latter were clearly presented in a distorted manner.

- The magistrate himself also ignored the practice followed by him during the handling of similar requests with the object "Parole", bringing several consequences:
- The nature and circumstances of the disciplinary violation of judge M.K. have produced a severe and continuous non-compliance with substantive and procedural criminal legislation.
- The consequences of the disciplinary violation brought about the release of a convict, who poses a danger to the community and society, and in contradiction with the provisions of substantive and procedural criminal legislation.
- The consequences of the disciplinary violation have caused damage to the image of the judicial system and public trust in the justice system.
- The inappropriate behavior of the magistrate carries the risk of creating a precedent to be followed by other magistrates as well, creating ground for inappropriate behavior in other similar cases.

All actions and inactions undertaken and evidenced in detail in the investigation report constitute a "very serious disciplinary violation", as they are assessed as acts that discredit the position and image of the judge during the exercise of duty and consequently make him unsuitable or unworthy to continue his function as a magistrate. Consequently, High Inspector of Justice has requested the High Judicial Council to accept the request for the initiation of disciplinary proceedings against the magistrate M.K., with the duty of judge at the Korçë Judicial District Court, for the disciplinary violations provided for by the Constitution of Albania (Article 140, point 2, letter "a") and Law

No. 96/2016 "On status", as amended (Article 102, point 2, letters "a" and "b"), and the imposition against him of the disciplinary measure "*Dismissal from office*".