

INFORMATIVE NOTE

Tirana, 15 February 2024

Regarding the request of the High Inspector of Justice for the imposition of the disciplinary measure of “Dismissal from Office” against Judge M.M.

The Office of the High Inspector of Justice submitted to the High Council of the Judiciary the arguments for initiating disciplinary proceedings ex officio against magistrate M.M., serving as a judge at the Durrës District Court, for the disciplinary violation provided for under Article 140, paragraph 2, letter “b”, of the Constitution of the Republic of Albania, as well as Article 104 of Law No. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended, on the grounds of her conviction for committing the criminal offense of “Passive Corruption of a Judge, Prosecutor and Other Officials of Justice Bodies,” committed in cooperation, as provided for under Articles 319/ç and 25 of the Criminal Code.

- Magistrate M.M. was found guilty by the Special Court of First Instance against Corruption and Organized Crime of committing the criminal offense of “Passive Corruption of a Judge, Prosecutor and Other Justice Officials,” committed in cooperation, a finding that was also upheld by the Court of Appeal.
- The judge was found guilty of conduct which, by its nature, is among the most serious forms of misconduct, namely corrupt acts connected with the exercise of her judicial function. The court accepted the existence of these facts and circumstances in connection with the commission of the criminal offense.
- The disciplinary investigation established that the magistrate engaged in active conduct by soliciting and accepting a sum of money, actions carried out in the exercise of her duties and with the purpose of obtaining an undue benefit from her position, by favoring a party to the proceedings through the issuance of a judicial decision. The criminal offense was committed with direct intent, with the primary motive of obtaining a sum of money in exchange for taking an action, specifically, mitigating the personal security measure imposed on a citizen.
- The improper exercise of her duties by the magistrate, as well as the very nature of the criminal conduct committed, had consequences for the administration of justice, seriously discredited her standing, authority, and dignity, and severely undermined public confidence in the magistrate and the justice institutions.

In light of the foregoing, the High Inspector of Justice requests that the High Council of the Judiciary initiate disciplinary proceedings against magistrate M.M. and impose upon her the disciplinary measure of “*Dismissal from Office*,” as provided for under Article 140, paragraph 2, letter “b”, of the Constitution of the Republic of Albania, and Articles 104, paragraph 3, and 111, paragraph 1, letter “b”, of Law No. 96/2016, “On the Status of Judges and Prosecutors in the Republic of Albania,” as amended.