

## INFORMATIVE NOTE

Tirana, on 03.11.2021

### ***Regarding the request of the High Inspector of Justice for disciplinary proceedings with the measure “Public reprimand” against magistrate O.T.***

High Inspector of Justice has completed the disciplinary investigation, initiated ex officio against magistrate O.T., serving as a prosecutor at the Prosecution Office near Korça Judicial District Court, based on the indication submitted to the High Inspector of Justice by the investigative program “Stop”, on TV Klan, as well as based on the data obtained from the verification conducted. The investigative program broadcasted in October 2020 the case of the killing of an 18-year-old in the city of Korçë (an event that occurred on 14 June 2018), and the claims of the family members that the case had been altered through the manipulation of the killing as a suicide by hanging. Family members of the victim claim that prosecutor O.T., who took over the case after the court's decision for further investigation of the case, did not conduct investigations, but delayed the case, and closed and classified it as a homicide. The court again requested further investigations into the case.

From the disciplinary investigation conducted by the High Inspector of Justice, it is proven that:

- The magistrate unjustifiably delayed the procedural actions and acts related to the case, by failing to undertake the relevant actions to notify the victim's family members of the rights granted to them by law, and unjustifiably delayed the submission of the case to the court. This delay exceeded the reasonable time limit, for a period of 6 months and 25 days, which is provided for as a disciplinary violation (Article 102, paragraph 1, letter “d” of Law No. 96/2016).
- Failure to undertake these actions constitutes failure to fulfill the duty of the prosecutor, who has been granted the constitutional attribute to exercise criminal prosecution and to proceed with a decision/request, which is subsequently subject to judicial review.
- On the part of the prosecutor, during the disciplinary investigation of the High Inspector of Justice, it was not possible to justify the delay established. It results that throughout the period during which this delay was established, the prosecutor was also addressed with two written requests by the victim's family members, requesting information regarding the stage of the proceedings, and again the prosecutor did not act to complete the notification of the conclusion of the investigation and the submission of the case to the court, with the respective request.
- The failure to undertake these actions within a reasonable time constitutes evidence indicating that the magistrate acted with fault in the form of intent.
- The actions and omissions of magistrate O.T. have resulted in consequences for the administration of justice, impairment of the prestige of the prosecutor, as well as undermined public trust in justice.

Taking into consideration also her 2 years of experience in the position of prosecutor, High Inspector of Justice has proposed to the High Prosecutorial Council the imposition upon prosecutor O.T. of the disciplinary measure “*Public reprimand*” for the disciplinary violations provided for by Article 102, paragraph 1, letter “d” of Law No. 96/2016 “On Status”, as amended.