

INFORMATIVE NOTE

Tirana, on 11.10.2021

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

High Inspector of Justice has completed the disciplinary investigation initiated ex officio against magistrate R.H., former judge at the Fier Judicial District Court, for the disciplinary violation provided for by Article 140, paragraph 2, letter “b” of the Constitution and Article 104 of Law No. 96/2016, as amended.

From the evidence administered, it results that, by the decision dated 17.10.2019, the First Instance Court for Serious Crimes in Tirana found R.H. guilty of the criminal offense “Passive corruption of judges, prosecutors and other justice officials”, initially sentencing him to 4 years and 6 months of imprisonment. Pursuant to Article 406 of the Code of Criminal Procedure, the final sentence was set at 3 years of imprisonment, together with deprivation of the right to exercise public functions for 5 years. The decision was upheld by the Tirana Court of Appeal for Serious Crimes, which rejected R.H.’s appeal, thereby making the finding of his criminal liability final.

Context: The criminal proceedings against magistrate R.H. were initiated primarily on the basis of information published on the investigative program “Stop” of TV Klan, on 08.01.2019. In his capacity as a judge of the Fier Judicial District Court, R.H. was adjudicating a family matter concerning the exercise of parental responsibility and custody of a minor child. During the trial, the judge, through psychologist E.M., requested a meeting with the defendant party and, according to the information in the proceedings, requested sexual favors from her, a request which she refused. Subsequently, within the framework of cooperation with the program “Stop”, the complainant recorded the communications with the psychologist, who instructed her to offer the judge a bribe of 500 euros in exchange for obtaining custody of the child. At a subsequent meeting, held in a separate location, the complainant handed R.H. the amount of 500 euros, a moment which was recorded on video. From the content of the conversation, it resulted that this amount was related to the specific family matter that the judge was adjudicating.

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

- Judge R.H. was found guilty of serious violations of a corruption nature, directly related to the exercise of his judicial function.
- His actions seriously discredited the image of the judge and undermined public trust in the judiciary, as he requested and accepted a bribe in exchange for influencing a judicial matter, as well as requested sexual favors from a litigating party.
- His conduct undermined the regular functioning of the justice bodies and the integrity of the judicial function.
- The offense was committed with direct intent, with the aim of obtaining financial benefit and sexual favors in exchange for a civil decision in favor of one of the parties.

In conclusion, High Inspector of Justice has proposed to the High Judicial Council the imposition upon judge R.H. of the disciplinary measure “Dismissal from office” for the disciplinary violations

provided for by Article 140, paragraph 2, letter “b” of the Constitution of the Republic of Albania and by Article 104, paragraph 3, and Article 111, paragraph 1, letter “b” of Law No. 96/2016 “On Status”, as amended.