

INFORMATIVE NOTE

Tirana, on 13.12.2021

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

High Inspector of Justice has completed the disciplinary investigation, initiated following information from the General Prosecutor concerning procedural violations during the investigative activity, representation of the criminal prosecution during trial, as well as violations of ethical standards by prosecutor SH.K., prosecutor at the Prosecution Office at the First Instance Court of Pogradec.

From the disciplinary investigation conducted by the High Inspector of Justice concerning the investigative activity of the magistrate during the period 2018–2021, it is proven that:

- The magistrate has repeatedly refused to in administration files.
- He has repeatedly failed to participate in court hearings, causing adjournments of the trial, or directly impairing the person's right to seek his freedom, by failing to participate in hearings concerning the termination of the security measure.
- He has concluded cases by decision as a prosecutor, without proceeding with their submission to the court by means of a request.
- Failure, in 28 cases (2019–2021), to issue orders for the execution of judicial decisions imposing imprisonment sentences for which suspension of execution on probation had been applied.
- On the part of magistrate SH.K., there have been repeated and serious violations of the rules of solemnity, the rules of courtesy in relations with the parties, with the heads of the prosecution office, with judges, with judicial police officers, as well as with the administrative staff of the prosecution office and the court.
- The disciplinary violations by the magistrate, with 28 years of work experience, were committed with direct intent, which is reflected in his actions, in all the episodes described in the investigative report of the High Inspector of Justice.
- These repeated behaviors of the magistrate constitute an aggravating circumstance, under the conditions that a disciplinary measure of “Reprimand with warning of dismissal from office” had previously been imposed upon him, precisely for violations committed during the representation at trial of a criminal case and for communication with the head in violation of the rules on the ethics and conduct of prosecutors.
- The magistrate's conduct has resulted in serious professional violations and discrediting of the position and image of the prosecutor, as well as undermining public trust in justice.

For the above, it is requested that HPC accepts of the request of the High Inspector of Justice for the initiation of disciplinary proceedings against magistrate SH.K., serving as prosecutor at the Pogradec Judicial District Prosecution Office, for the disciplinary violations provided for by Article 148/d, paragraph 2, letter “a” of the Constitution of the Republic of Albania and by Article 102, paragraph 1, letter “b”, subparagraph “ii”, Article 102, paragraph 1, letters “ç”, “d”, “dh”, “g” and Article 102, paragraph 2, letters “a” and “dh” of Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, as amended, and to impose upon him the disciplinary measure “Dismissal from office”.