

INFORMATION NOTE

On the request of the High Inspector of Justice addressed to the HJC, for the dismissal from office of judge SH.M.

Tirana, October 20, 2020

High Inspector of Justice presented today before the High Judicial Council the arguments for the initiation of disciplinary proceedings against the magistrate SH.M., with the duty of judge at the Tirana Court of Appeals, for a disciplinary violation provided for by Article 140, point 2, letter "b" of the Constitution of the Republic of Albania and by Article 104/3 of Law No. 96/2016 "On status", as amended.

The magistrate SH.M. was declared guilty by the former Court of Appeals for Serious Crimes Tirana on 27.02.2019 for the criminal offense "Passive corruption of judges, prosecutors and other officials of justice institutions", provided for by Article 319/ç of the Criminal Code.

Referring to the facts and circumstances accepted by the court, it results that the actions of the judge have damaged the regular activity of the justice institutions through the actions of outside persons but also through his own actions as a justice official. These actions have damaged the trust of the litigating parties and the public trust in the justice institutions and their respect for the law, as well as severely discredited the position and image of the magistrate. The irregular exercise of duty by the magistrate brought consequences for the delivery of justice, severely discredited the position and image of the judge, as well as damaged public trust in justice.

Taking into consideration the nature of the disciplinary violation, that of committing a crime for which he was convicted by a final decision, provided for by Article 140/2 letter b) of the Constitution of the Republic of Albania, Article 104 of Law No. 96/2016 "On status", as amended; the fact that the disciplinary violation in this specific case constitutes a "very serious disciplinary violation"; it is proven that the magistrate Shkëlqim Miri has discredited the position and image of the magistrate, severely damaged the image of justice, and lowered public trust in the delivery of justice.

High Inspector of Justice requests the High Judicial Council the initiation of disciplinary proceedings against magistrate Shkëlqim Miri and the imposition against him of the disciplinary measure *"Dismissal from office"*.