

INFORMATIVE NOTE

Tirana, 15.02.2022

On the request of the High Inspector of Justice for disciplinary proceedings with the measure “dismissal from office” against judge T.T.

High Inspector of Justice has initiated the disciplinary investigation based on a complaint against magistrate T.T., serving as a judge at the Judicial District Court of Elbasan, for disciplinary violations committed in the adjudication of the request concerning the reduction of the sentence of convicted person A.G., who was sentenced to life imprisonment.

From the legal analysis of the facts established during the disciplinary investigation against judge T.T., it results that:

- Actions/omissions have been established, expressed in the issuance of the decision to reduce the sentence by 720 days for the convicted person A.G., in violation of Article 63 of Law no. 8328, dated 16.04.1998, “On the treatment of prisoners and pre-trial detainees”, as amended, thereby granting him an undue benefit in the reduction of the sentence and fictitiously increasing the time of serving the sentence; failure to comply with the requirements of Article 383 of the Criminal Procedure Code, with regard to the manifestly distorted presentation of facts and circumstances in the acts issued, as well as lack of reasoning of the decision, these actions being provided for as disciplinary violations under Article 102, paragraph 1, letter “dh”, as well as Article 102, paragraph 2, letters “b” and “c” of Law no. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, as amended.
- In issuing the decision, the magistrate did not refer to the facts contained in the case-file documents but manifestly presented distorted facts and circumstances solely in order to meet the formal requirements of Article 63 of Law no. 8328/1998, as amended.
- High Inspector of Justice analyzed the magistrate’s four-year decision-making (2017–2021), concerning sentence reductions, and finds that the judge acted differently in issuing 155 other decisions, of which 7 requests were from persons sentenced to “Life Imprisonment”, where the formal legal criteria were respected.
- The actions/omissions carried out in violation of the law by the judge directly resulted in the undue benefit to convicted person A.G. of a sentence reduction in the amount of 720 days, as well as undermining the integrity of the magistrate in particular and undermining public trust in justice.
- The actions/omissions of magistrate T.T. constitute a very serious disciplinary violation, which discredits the position and image of the judge during the exercise of his duty.

For the foregoing, it was requested to HJC is requested to accept the request of the High Inspector of Justice for the imposition of the disciplinary measure “*Dismissal from office*” against magistrate T.T., serving as a judge at the Elbasan District Court of Judicial District, for the disciplinary violations provided for by Article 102, paragraph 1, letter “dh” and Article 102, paragraph 2, letters “b”, “c” of Law no. 96/2016 “On Status”.