

INFORMATION NOTE

On the Request of the High Inspector of Justice for the Imposition of the Disciplinary Measure of “Dismissal from Office” against Magistrates P.Dh. and P.Ç.

On 24 February 2021, the High Inspector of Justice decided to resume the disciplinary investigation, which had been suspended on 20 March 2018, against magistrates K.S., P.Ç., and P.Dh. of the Durrës Court of Appeal, concerning serious breaches of judicial ethics.

The HLD also decided to change the subject matter of the disciplinary investigation initiated on 17 January 2018 against magistrates K.S., P.Ç., and P.Dh. for serious breaches of judicial ethics, to a disciplinary violation arising from the commission of a criminal offence for which each of the magistrates had been convicted by a final court decision.

P.Ç. and P.Dh., like their colleague K.S., were found guilty of the criminal offence of “Passive Corruption of Judges, Prosecutors and Other Officials of Justice Bodies,” pursuant to Article 319/ç of the Criminal Code, by Decision No. 69, dated 29 October 2019, of the Tirana Court of First Instance for Serious Crimes. This decision was upheld by the Special Court of Appeal by Decision No. 19, dated 21 September 2020.

Where a disciplinary violation consists in the commission of a criminal offence for which a magistrate has been convicted by a final court decision, it entails the dismissal from office of the magistrate as a measure resulting in permanent exclusion from the judicial system. Such a measure is permanent in nature and does not cease to have effect.

The HLD’s investigation report notes that, based on the legal analysis of the established facts and taking into consideration: the nature of the disciplinary violation, namely the commission of a criminal offence for which the magistrates were convicted by a final court decision, as provided for under Article 140, paragraph 2, subparagraph “b” of the Constitution of the Republic of Albania and Article 104 of Law No. 96/2016, **“On the Status of Judges and Prosecutors in the Republic of Albania,”** as amended; (ii) the fact that, in the present case, the disciplinary violation constitutes a **“Very Serious Disciplinary Violation”**; and (iii) the fact that magistrates P.Ç. and P.Dh. have been proven to have discredited the position and standing of the magistrate, seriously undermined the image of the justice system, and diminished public confidence in the administration of justice.

Consequently, the High Inspector of Justice proposes that the High Judicial Council:

- Impose the disciplinary measure of ***“Dismissal from Office”***, as provided for under Article 140, paragraph 2, subparagraph “b” of the Constitution of the Republic of Albania and Articles 104, paragraph 3, and 111 of Law No. 96/2016, in respect of magistrate P.Ç.;
- Impose the disciplinary measure of ***“Dismissal from Office”***, as provided for under Article 140, paragraph 2, subparagraph “b” of the Constitution of the Republic of Albania and Articles 104, paragraph 3, and 111 of Law No. 96/2016, in respect of magistrate P.Dh.