

INFORMATIVE NOTE

Tirana, on 16.03.2021

Regarding the request of the High Inspector of Justice for the dismissal from office of prosecutor B.M.

High Inspector of Justice decided on 15.06.2020 to verify the facts made public by the electronic and written media during the broadcasting of the news about the killing on 11.06.2020 of citizen H.B., concerning the judicial status of this citizen with a life imprisonment sentence by foreign judicial authorities, as well as the recognition of these decisions by the Albanian judicial authorities. After verifying the additional data administered by the Krujë Judicial District Court or other courts concerning the judicial proceedings conducted for the cases presented in the media, on 16.07.2020, the High Inspector of Justice ordered the initiation ex officio of the disciplinary investigation against magistrate B.M., serving as prosecutor at the Krujë Judicial District Prosecutor's Office, for serious professional violations that discredit the position and image of the prosecutor during the exercise of his duty. The Report of the High Inspector of Justice has found regarding the magistrate B.M., (the subject of the disciplinary investigation):

- Unjustified failure to fulfill his functions during and after the trial and actions/omissions and conduct of the magistrate, which brought an unlawful benefit to the parties in a judicial proceeding contrary to the law.
- Serious and continued failure to comply with substantive and procedural criminal legislation.
- Actions/omissions carried out directly, continuously, intentionally and unjustifiably in 4 judicial proceedings. The prosecutor's position in these hearings was to accept the request or leave them to the court's discretion, without exercising a judicial appeal.
- The failure by the prosecutor to appeal the judicial decisions resulted in the impossibility of exercising judicial control over decisions issued contrary to the law.
- The improper exercise of duty by the magistrate brought consequences for the administration of justice, impairment of the image not only of the court and the loss of trust, but also of the prosecution office, as representative of the public interest in the trial, thereby undermining public trust in justice.
- These erroneous standards may also be applied by other magistrates and may serve as a practice for many other convicted persons with a very high degree of social dangerousness to claim, contrary to the provisions of the criminal legislation in force, their early release on parole, benefit from amnesty, calculation of pre-trial detention time during the period of being convicted, or alternative applications of punishment without taking the essential evidence in the process.

Consequently, High Inspector of Justice proposes to the High Prosecutorial Council the disciplinary measure of “*Dismissal from office*” for magistrate B.M., provided for by Article 111 of Law No. 96/2016 “On the Status of Judges and Prosecutors in the Republic of Albania”, as amended, 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, letters “ç”, “dh” and Article 102, paragraph 2, letter “a” of Law No. 96/2016 “On Status”, as amended.