

05 February 2019

Press release

The Public Commissioner was present today at the Appeal Chamber, where continued the examination of the appeal filed by this Institution against the Decision no. 32/2018, of the Independent Qualification Commission, for the subject of re-evaluation Mrs. Alma Brati, Judge at the District Court, Tirana.

The Adjudication Panel of the Appeal Chamber in the beginning of the session announced to the parties on deposited evidence of two official documents by: the Tax Directory of Durrës, and the Immoveable Property Registration Office in Durres, as of information regarding the tax income of the diseased father of the subject of re-evaluation Mrs. Alma Brati, during the period of 1999-2003, as well as the registration file of her owned apartment.

The Adjudication Panel announced that has not yet effectively provided the official information from the Italian tax authorities on the other related persons to the subject of the re-evaluation, in the capacity of the lender. The chairman of the hearing confirmed that the Albanian judicial authorities have submitted the official document on December 28, 2018, to assist in mitigating proceedings, requested from the subject of re-evaluation to submit the evidence herself.

The Public Commissioner in his comments regarding the submitted and those missing evidence at the Appeal Chamber, requested that the panel could pass the burden of proof to the subject of re-evaluation, enabled declare model 730, in which among incomes, the expenses were declare separately. Under these circumstances, considering that this is an obligation of the lender in the capacity of related persons to the subject of re-evaluation, the Public Commissioner asked to overrule the decision in order to obtain the *ex officio* declaration from the College.

The Panel disapproved the request of the Public Commissioner to overrule the decision in the adjudication of this case and adjourned the hearing on March 11, 2019, to obtain new evidences from the Italian authorities, or by the subject of re-evaluation.

The Institution of Public Commissioners has been established and operates under Article 179/b of the Annex of the Constitution of the Republic of Albania and Law No. 84/2016, “On the Transitional Re-evaluation of Judges and Prosecutors in the Republic of Albania”.

Public Commissioners represent the public interest during the process of re-evaluation of judges and prosecutors in the Republic of Albania.