

17 July 2019

Press release

The Public Commissioner was present today at the Appeal Chamber, while continued the review of the appeal filed against the Decision no. 60/2018, of the Independent Qualification Commission, for the subject of re-evaluation Mr. Gentian Medja, magistrate/judge at the First Instance Administrative Court, Tirana.

During the hearing today, the Public Commissioner presented the viewpoints related to the draft mythology drawn up by the Appeal Chamber, in reference to his appeal. The Public Commissioner ascertained that from the structural aspect, the draft methodology is complete. Whilst, referring to the source of re-evaluation, the Public Commissioner ascertained that in the file of the administrated acts, there is lack of several of them, referred to Article 42 of law no. 84/2016 and Article 77 of law no.96 / 2016. Accordingly, the Public Commissioner requested from the Panel to administer in the quality of evidence the sources of re-evaluation as follows:

- Personal file of the magistrate Mr. Gentian Medja;
- The opinion of the Head of the First Administrative Court of Tirana, of the magistrate Mr. Gentian Medja;
- Written documents from the School for Magistrates, of the magistrate Mr. Gentian Medja.

The re-evaluation subject, during his opposing arguments, objected the draft methodology, claiming that the drafting and implementation of this methodology goes beyond the competences of the Appeal Chamber, and not in conformity with the opinion of Venice Commission on constitutional amendment.

The Adjudication Panel, consulted after the submissions of the parties, and decided to open the judicial investigation based on the request of the Public Commissioner, regarding the sources of re-evaluation of proficiency assessment.

In awaiting of the acts to be requested to the respective institutions, HJC and the School of Magistrates, the Panel decided to adjourn the next hearing session on July 26, 2019 at 13:00 p.m.

Pursuant to point 1, Article 16 of the Regulation “On the Activity of the Institution of Public Commissioners”, the appeal and elements of the case are published on the official website of this institution: <http://ikp.al/ankime/>

The Institution of Public Commissioners has been established and operates under Article 179/b 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”.

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