

09 September 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 and the subject of re-evaluation presented the final explanations.

The Public Commissioner argued that the judicial review, based on the grounds of the appeal, pointed out the deficiencies ascertained, in some of the elements of the proficiency assessment criterion during the judicial investigation by the Independent Qualification Commission.

The Public Commissioner considered that the investigation conducted by the Appeal Chamber established as in similar cases, when recognized by the factual and judicial circumstances, the seeking appeal of the Public Commissioner could be alternative against the jurisdiction control of the College, since specifically proved in the proficiency assessment criterion of the subject of re-evaluation, Mr. Gentian Medja, the Independent Qualification Commission had decided the confirmation in duty without previously administrating and analyzing all the legitimate source of the evaluation, provided in law no.96/2016, whereof this fact was remedied during the judicial investigation of the case in the College.

Also referring to the content of the recommendation of the three international observers of IMO, the Public Commissioner stated that, based on Article 66, paragraph 2, of law no. 84/2016, in the reasoning of the final decision the Appeal Chamber shall give indications to the Independent Qualification Commission, that in the criterion of the proficiency assessment should be use the relevant methodology, proposed by the Public Commissioner, this methodology, also reflected in the draft methodology, wherein the Panel presented to the parties for examination during the present adjudication of the case.

Referring to the application of this methodology, in the proficiency assessment criterion ,in analyzing all sources and elements of professional ability, which are part of it and were fully administrated during the investigation of the case in the Appeal Chamber, in reference to Articles 71-77 of law no. 96/2016, the Public Commissioner stated that the subject of re-evaluation, Mr.

Gentian Medja, demonstrated to have, insufficient knowledge, poor judgment to the pattern of work so weak that it endangers or violets the rights of citizens ,therefore assessed that the subject of re-evaluation achieves a minimally qualified score as “competent”, in the proficiency assessment, within the meaning of this score , Article 44, law no.84/2016.

Under these circumstances, the Public Commissioner requested to the Adjudication Panel of the Appeal Chamber to uphold decision no. 60/2018, of the Independent Qualification Commission, for the subject of re-evaluation, Mr. Gentian Medja, in the reasoning part of this decision, pursuant to Article 66, paragraph 2, of law no. 84/2016, shall give indications to the Independent Qualification Commission, to use the methodology applied in this reasoning of the proficiency assessment criterion for the subject of re-evaluation.

Meanwhile, the subject of re-evaluation, in his final explanations, stood for to his objections against the appeal of the Public Commissioner, in claiming unsubstantiated legal terms to applying of this methodology to the proficiency assessment criterion by the re-evaluation institutions, that according to him, this would be in contrary to the Constitution. The subject of re-evaluation requested to the Appeal Chamber to uphold the same reasoning of decision no. 60/2018, of the Independent Qualification Commission.

Following the objections of the final allegations, the Adjudication Panel decided to end the judicial review and notified the parties that the final decision shall be announced to the next hearing session held on September 13, 2019, at 9:00 a.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.