

25 February 2020

Press release

The Public Commissioner was present today at the Appeal Chamber, while continued the judicial review of the appeal filed against the Decision no. 63/2018, of the Independent Qualification Commission, for the subject of re-evaluation Mr. Arben Dollapaj, prosecutor, at the Prosecution Office in the Appeal Court, Shkodër, and member of the High Prosecutorial Council.

On commencement of the hearing session, the chairman of the adjudication panel requested to the respective parties in the trial, to be expressed whether they were aware of the content of the act forwarded by the Special Prosecution Office against the Anti-Corruption and the Organized Crime (SPAK), regarding the investigation of the eventual registered fact of any potential denunciation or criminal proceedings on behalf of the subject of re-evaluation from the Prosecution or former Prosecution Office by the First Instance Court for Serious Crimes.

Both parties in the trial confirmed the receipt of this act forwarded by the adjudication panel, while the Public Commissioner, due to the effect of transparency, also based on the fact that the investigation over this case was requested based on a public denounce, also requested that in reference to Article 287 of CPC, should either be informed of the request sent to enabling this information.

The subject of re-evaluation, in his position, after confirming the receipt of the act forwarded by SPAK, thorough his legal representative, in response to the tasks settled by the adjudication panel in the previous hearing, sought for several acts to be administrated: (a) a draft project of (1) floor building plan, (ii) anti fire alarm system , (iii) plumbing system , b) facility connection form with infrastructure network , and c) payment receipt at a second tier commercial bank in the city of B. Curri , impact tax on infrastructure.

Following the trial, after being acquainted with the request addressed to the Special Prosecution Office against the Anti-Corruption and the Organized Crime (SPAK), the Public Commissioner stated that the investigation related to the lack of denunciations and criminal proceedings on behalf of the subject of re-evaluation shall be considered comprehensive.

Meantime, regarding the acts filed by the subject of re-evaluation, the Public Commissioner underlined the fact that a part of the act were previously presented by the subject of re-evaluation

during the adjudication of this case, in conjunction with the objections to the grounds of the appeal.

In reference to the banking act providing the payment of the impact tax on infrastructure, filed by the subject and the relevant legislation, throughout the court, the Public Commissioner demanded from the subject of re-evaluation, to be filed the relevant act reflecting the value of the investment, by the time of the request to be granted the development permit, as one of the grounds of the appeal.

Regarding to this matter , the subject of re-evaluation stated that he had already declared the value of the investment in the Annual Declaration of Assets and the investment contract of the property in Valbonë, appears to be unavailable in the personal archive.

The attorney of the subject of re-evaluation, likewise claimed that his client has submitted the contract consisting of the value of the investment in the local government unit, when applied for the construction permit, and according to him, there was no legal basis required to the client to archive a copy of the documentation submitted for the construction permit purpose.

Following the administration of the information forwarded by SPAK, and by majority vote decided to evaluate the new evidence deposited by the subject of re-evaluation, the adjudication panel by intermediate decision, decided to close the judicial investigation and invited the parities to present their final conclusions at the next hearing, to be held on March 5, 2020, at 08:30.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”.

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