

**11 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. 84/2018, of the Independent Qualification Commission, for the subject of re-evaluation Mr. Besnik Cani, magistrate/prosecutor, at the Prosecution Office of the First Instance Court Elbasan, and also member of the High Prosecutorial Council.

In today's hearing session, the subject of re-evaluation through his legal representative, submitted to the adjudication panel a preliminary request for the suspension of the judicial review. The legal representative of the subject of re-evaluation claimed that in reference to Article 297 of the Code of Civil Procedure, the trial could not be continued until Prosecution Office and the Special Court could express to a criminal proceeding issued in this regard, as the Constitutional Court should have examined the request deposited from the subject of re-evaluation in line to the termination of the tenure of the two members of the panel.

After deliberation, the adjudication panel ruled out the request of the subject to the suspension of the judicial review considering it uncorroborated to the Article 297 of the Code of Civil Procedure, and the continuation of the process is decided, while invited the Public Commissioner to submit his position related to the objections of the subject of re-evaluation.

The Public Commissioner, in his submissions regarding the objections and acts submitted by subject of re-evaluation, assessed that all the grounds of the appeal shall be examined, since the arguments and acts claimed by the subject of re-evaluation, does not prove the contrary of the seeking appeal.

Forasmuch as the court members stated that they no longer had requests to submit additional acts or allegation with regard to the probative value, the adjudication panel by intermediate decision established to open judicial investigation by administrating in the quality of evidence the acts presented by subject of re-evaluation during the session. Subsequently, the panel considered judicial investigation closed and invited the parties to express their final conclusions in the following public hearing, on February 18, 2020, at 11:00 a.m.

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

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.