

17 July 2020

Press release

The Public Commissioner was present today at the Appeal Chamber, while initiated the judicial review of the appeal against the Decision no. 103/2019, of the Independent Qualification Commission, for the subject of re-evaluation Mrs. Donika Prela, magistrate /prosecutor, at that time lead of the Prosecution Office of the First Instance Court for Serious Crimes.

Prior to the commencement of the judicial review , the subject of the re-evaluation submitted two preliminary requests for the recusal from the adjudication panel of the presiding judge, Judge Natasha Mulaj, and the member of this panel, Judge Ina Rama, claiming that they are in conflict of interest due to her position as a prosecutor.

The adjudication panel, after deliberation, found that, with reference to Article 27, paragraph 2, of law no. 84/2016, the competence to review the requests of the subject of re-evaluation will be assigned to two other adjudication panels, which will be appointed by lot. The presiding judge also stated that, referring to Article 75, last paragraph, of the Code of Civil Procedure, the adjudication of the case is not suspended and that the two judges referred by the subject of the re-evaluation will not participate in the decision unless the claims on their recusal shall be reviewed.

Under these circumstances, the adjudication panel decided to continue the trial proceed.

The Public Commissioner, during his submissions, pointed out the grounds and the request for appeal and also referred to a public denunciation, whereon he was informed by the Appeal Chamber, in the month of June of the present year.

The subject of the re-evaluation, in her objections, requested the reopening of the judicial investigation and the administration of new acts, referring to the grounds of the appeal of the Public Commissioner.

In order to provide reasonable time to the Public Commissioner to express on the admissibility and probative value of these acts, the adjudication panel decided to adjourn the hearing session until July 27,2020, 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 and 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 transitional re-evaluation process of judges and prosecutors in the Republic of Albania.