

07 July 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. 162/2019, of the Independent Qualification Commission, for the subject of re-evaluation Mrs. Manjola Kajana, prosecutor in the Prosecution Office of the First Instance Court for Serious Crimes, Tiranë.

The presiding judge, at the commencement of the hearing session, announced the filing by the Appeal Chamber of the documents required in the previous hearings from the Municipal Council of Fier.

The Public Commissioner and the subject of the re-evaluation also confirmed that they were familiar with the content of the official document of the Municipal Council of Fier that was read by the presiding judge. This document confirmed that no other act was available related to the spouse of the subject of re-evaluation approval list of names of eligible homeless families by the Municipal Council of Fier. The adjudication panel, as decided on the administration as evidence of the aforementioned document, closed the judicial investigation and invited the parties to the final deliberations.

The Public Commissioner, in his final arguments, underlined that, referring to the main ground of the appeal, which was related to the involvement of the spouse of the subject of re-evaluation in the beneficiary list for mitigating loan terms, regardless that, by the prosecution office of the First Instance Court of Fier, were being investigated officials of the Municipality Fier for committing unlawful acts during the process of distributing these loans, over the investigation requested by the Public Commissioner, the adjudication panel administered the entire court file concerning this criminal case.

Based on the acts of this court file of the First Instance Court of Fier, it was not proved that the subject of the re-evaluation had committed any criminal offense or was the lead prosecutor during the investigation and trial process of the officials of the Municipality Fier, for committing unlawful acts during the process of distribution of housing loans, as of 2012-2014, by that time the spouse of the subject of re-evaluation had applied to obtain mitigating loan terms, by the Municipal Council of Fier. Under these circumstances, it was not proved that the subject of the

re-evaluation had acted in terms of conflict of interest breaches and in violation of professional ethics. As for the other grounds of the appeal, as interdependent causes of the main reason, therefore the adjudication panel decided to further investigation, the Public Commissioner considered that the acts administered do not constitute elements that may affect the dismissal from office of the subject of re-evaluation.

In conclusion, the Public Commissioner requested to uphold the decision no. 162/2019, of the Independent Qualification Commission, for the subject of re-evaluation, Mrs. Manjola Kajana.

The subject of the re-evaluation, in her final arguments, also expressed the necessity to determine the grounds of the investigation, based on the sustainability of the evidence administered by the adjudication panel, requesting the Commission's decision to be upheld.

After hearing the final arguments of the parties in the trial, the panel adjourned the following hearing session for the announcement of the final decision on July 10, .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 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.