

03 September 2020

Press release

The Public Commissioner was present today at the Appeal Chamber, while continued 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.

At the commencement of the hearing session, the presiding judge stated that the previous hearing session dated on 27.07.2020, was adjourned at the request of the subject of re-evaluation, after the submission of a medical report. While the presiding judge informed that the parties were also aware about the decisions on the disapproval of the requests submitted by the subject of re-evaluation for the recusal from the adjudication panel of the judges Ina Rama and Natasha Mulaj.

During the verification of the presence of the parties in the court room, the subject of the re-evaluation stated that she would be represented in this trial also through a lawyer, a member of the Tirana Chamber of Advocates, who was present at the hearing.

The hearing continued with the submissions of the Public Commissioner, who was fully entitled by the adjudication panel that at the end of the session of 17.7.2020, presented his viewpoints regarding the acts presented in the objections of the subject of re-evaluation amid the grounds of the appeal.

The Public Commissioner, in his submissions, after analyzing the acts submitted by the subject of the re-evaluation during the objections, stated that they do not reflect any additional value on the probative burden of the facts set out in the appeal and embraced all the his grounds.

The Public Commissioner assessed that at this stage of the appeal court proceedings, the submission of the requests by the subject of re-evaluation related to the recusal of two judges from the adjudication panel, should be considered an attempt to detain the hearing and its re-evaluation process, such attitude, according to him, should be taken into consideration by the Appeal Chamber in the professional ethics evaluation and the overall evaluation of the subject.

Hereupon, by intermediate decision, the adjudication panel decided to open the judicial investigation and to administer in the quality of evidence the acts presented by the subject of re-evaluation during the submission of her objections against the appeal of the Public Commissioner.

Based on the request of the lawyer of the subject of the re-evaluation, who requested time to become acquainted with the administered evidence presented by the subject of the re-evaluation, along with the submissions of the Public Commissioner on their probative value, the adjudication panel decided to adjourn the next hearing on September 11, 2020, at 10.00 a.m., while inviting the parties to prepare for their the final deliberations.

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.