

06 October 2020

Press release

The Public Commissioner was present today at the Appeal Chamber while initiated the judicial review of the appeal filed against the Decision no. 187/2019, of the Independent Qualification Commission, for the subject of re-evaluation Mr. Elvin Gokaj, prosecutor/ at that time head of the Appeal Prosecution Office, Shkodër.

The presiding judge, after verifying the presence of the parties in the hearing, announced that in addition to the appeal of the Public Commissioner, shall also be reviewed the appeal of the subject of re-evaluation against the decision of the Independent Qualification Commission for temporary suspension from duty due to deficiencies found in professional skills.

The subject of the re-evaluation, during the submission of his appeal, opposed the findings of the Independent Qualification Commission related to professional skills and required the re-examination over this criterion. He also raised allegations about the legal basis of the appeal, conducted by the Public Commissioner, throughout presenting of the counter-argument of the appeal.

The Public Commissioner, at the request of the presiding judge of the session, provided his opinion with regard to the appeal of the subject of re-evaluation, predominately for the disciplinary measure, outlining it as a wrong interpretation of the Annex of the Constitution. Following the submissions of his appeal, the Public Commissioner sustained all the findings and requested from the Appeal Chamber to reopen the investigation and at the end of the adjudication to decide the amendment of decision no. 187/2019, of the Independent Qualification Commission and dismissal from office of the subject of re-evaluation Mr. Elvin Gokaj.

The subject of the re-evaluation, through his attorney, rebutted the grounds of the Public Commissioner's appeal and requested to submit additional evidence accordingly.

The adjudication panel, with an intermediate decision, decided to reopen the judicial investigation and the review in the same process the two aforementioned appeals and likewise, administered in the quality of new evidence, the sole two of the acts filed by the subject of re-evaluation.

The next hearing session shall be held on October 21, 2020, at 10:30 a.m.

Pursuant to point 1, Article 16 of the Regulation “On the Activity of the Institution of Public Commissioners”, the appeal is 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 process of re-evaluation of judges and prosecutors in the Republic of Albania.