

11 November 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. 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 confirmed at the beginning of the hearing that they were acquainted with the financial analysis of the Public Commissioner, sent according to the requirements set out in the intermediate decision of the previous hearing and thereafter on the same date it was also recognized to the subject of re-evaluation.

The subject of the re-evaluation confirmed the acquaintance with the above-mentioned financial analysis and objected the findings of the Public Commissioner related to this analysis, persisting on the claim that his spouse only took the title of representative of the account in the joint bank accounts and not that of co-ownership.

The adjudication panel, after hearing the objections of the subject of the re-evaluation, agreed with the parties to close the judicial review and to present the final conclusions.

The Public Commissioner, in submitting the final arguments, indicated that he stands by all the appeal grounds, as the subject of the re-evaluation failed to prove otherwise. In the analysis of each of the grounds of the appeal, also referring to the new evidence and submissions presented by the subject of re-evaluation, during the judicial review, the Public Commissioner assessed that the subject of re-evaluation is in the conditions of lacked full disclosure during the asset assessment criterion. The Public Commissioner upholds the seeking appeal in regard to the amendment of the decision of the Independent Qualification Commission and the dismissal from office of the subject of re-evaluation, Mr. Elvin Gokaj.

The subject of the re-evaluation, through his legal representative, rejected all the appeal grounds of the Public Commissioner and requested to the Appeal Chamber to decide on the refusal of this appeal and his confirmation in office.

The adjudication panel, after hearing the final conclusions of the parties, decided to adjourn the public hearing for the announcement of the final decision on November 18, 2020, at 12:00 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 process of re-evaluation of judges and prosecutors in the Republic of Albania.