

03 December 2020

Press release

The Public Commissioner within the legal time limit filed an appeal at the Appeal Chamber by the Constitutional Court against the Decision no. 316/2020, of the Independent Qualification Commission, for the subject of re-evaluation, Mr. Ibrahim Hoxha former judge at Tirana Judicial District Court.

The Public Commissioner, after reviewing the decision no.316/2020, assesses that the conclusion reached by the Independent Qualification Commission, related to the final declaration of the transitional re-evaluation process of the subject of re-evaluation Mr. Ibrahim Hoxha, without a final decision, due to the fact that the subject of re-evaluation has lost the status of magistrate, consequently is a result of incorrect application of legal provisions in force, and therefore has sufficient legal grounds to be submitted for review to the controlling and re-evaluation jurisdiction of the Appeal Chamber.

The Public Commissioner requests from the Appeal Chamber the amendment of point 1 of the provision of decision no.316/2020, of the Independent Qualification Commission and the indication of the Independent Qualification Commission for helping to decide on similar cases on the necessity to clarify the legal basis, different reasoning of the decision and according to the assessment of the Appeal Chamber, the explication of the provision at its point 1.

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 of 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.