

**10 May 2021**

**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. 374/2021, of the Independent Qualification Commission, for the subject of re-evaluation, Mr. Shkëlqim Miri, former judge of the Tirana Court of Appeals.

The Public Commissioner concludes that, the Independent Qualification Commission (IQC), in its decision-making for similar cases, has a diverse reasoning in the interpretation of the same legal basis, arguing that specifically in the decision 316/2020, which has been appealed at the Appeal Chamber, the Commission has decided to terminate the transition re-evaluation process, lacking the final decision, due to the fact that the re-evaluation subject has forfeit the magistrate status. Whereas in the decision no. 374/2021, corresponding to the subject of re-evaluation, Mr. Shkëlqim Miri, the Commission has decided to terminate the re-evaluation process due to the forfeit of the magistrate status, since the subject of re-evaluation has been convicted by a final criminal decision.

The Public Commissioner requests from the Appeal Chamber, that in circumstances when he has not yet been expressed over his appeal, against the decision no. 316/2020, which eventually affects the judicial review of the appeal against decision no. 374/2021, of IQC, for the subject of re-evaluation, Mr. Shkëlqim Miri, thus the Appeal Chamber to decide to amend the paragraph 1 of the enacting clause of the decision otherwise to uphold the decision.

Pursuant to point 1, Article 16 of the regulation 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.