

03 June 2021

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. 183/2019, of the Independent Qualification Commission, for the subject of re-evaluation, Mr. Petrit Çano, prosecutor/Head of the Prosecution Office of the First Instance Court, Krujë.

Following the prior hearing, the Presiding judge confirmed the receipt of the acts required, according to the intermediate decision and forwarded for the purpose of recognition to the parties participating in the trial. She underlined the fact that, due to the classification as a secret document, to the subject of re-evaluation could not be forwarded the report delivered by the Classified Information Security Directorate (CISD).

After administering the above acts, the adjudication panel requested the position of the parties related to their provability in this regard.

In presenting his stance, the Public Commissioner referred that, in the acts administered by the Appeal Chamber, it is verified that there are no elements that prove that the subject of the re-evaluation is in conditions of a conflict of interest. The Public Commissioner stated that the allegations raised in the denunciation administered by the Chamber are either not proven.

In the citation of the CISD report, the Public Commissioner recollected to the adjudication panel wherein the report confirms his seeking in the appeal. While regarding the control of proficiency assessment, the Public Commissioner submitted that from the acts forwarded by the Prosecution Office of the First Instance Court Krujë, it turns out that, the appeals of this prosecution are at a low-level in relation to the admission decisions by the court.

The legal representative of the subject of the re-evaluation presented to the court a preliminary request to reject the request of the Public Commissioner, on the proficiency assessment criterion, claiming that he was not referred to the appeal, but during the review of the case in the Chamber, and that the competence to proceed to the relevant seeking was only by the HJI.

Thereafter, the subject of the re-evaluation, in reference to the acts that were mostly related to the proficiency assessment criterion, requested the administration of new evidence, in opposition to the findings of the Public Commissioner.

The adjudication panel, with an intermediate decision, ruled to accept the collection in the quality of evidence of the acts presented by the subject of re-evaluation in today's hearing and also to request information from the First Instance Court Krujë, of the decision-making manner in the cases referred to in the official act sent to the Appeal Chamber and the time of filing appeals by the Prosecution to this court. The panel also requested from the Classified Information Security Directorate (CISD) to complete the background assessment report for the subject of the re-evaluation.

In anticipation of the administration process of the aforementioned acts, the adjudication panel decided to adjourn the following hearing on July 9, 2021, at 10:00 a.m.

Pursuant to paragraph 1, Article 16 of the regulation 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.