

09 July 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.

At the commencement of the hearing, the presiding judge announced the receipt to the Appeal Chamber and their forwarding to the parties participant in the session, of the acts requested by the relevant institutions, pursuant to the decision taken at the end of the previous hearing, in view of the investigation of the appeal grounds, along with the public complaint, recently delivered to the Appeal Chamber.

Following the announcement of the decision related to the administration of the acts lodged in view of the judicial investigation, the parties participant in the trial presented the objections regarding the content of the acts.

The Public Commissioner referring to the updated report of the CISD, partially declassified, related to the background assessment criterion and the alteration of the definition of this report from the initial one for the subject of re-evaluation, requested the data verification resource and eventually the data confrontation process with relevant practices and their processing progress . Regarding the statistical data provided by Kruja Court of First Instance, concerning the filing of the appeal by the prosecution for decisions taken based on the requests during the execution period of the criminal decisions, the Public Commissioner after noticing their low level in relation to the request numbers accepted by the court, reserved the right to express himself after being acquainted with the stance of the subject of the re-evaluation. Regarding the public complaint recently filed to the Appeal Chamber, also based on the fact that the whistle-blower himself had presented his allegations simultaneously to HJI, HPC and the Appeal Chamber, whereof requested in advance the decision- making of the adjudication panel regarding the administration of this complaint.

The subject of the re-evaluation and the legal representative in their objections claimed as unfounded the information and the conclusion reached in the CISD report on the background assessment, as well as reiterated their stance to the previous objections regarding the proper procedure of the subject of re-evaluation in handling requests presented on execution stage of criminal decisions. The subject of the re-evaluation also submitted his claims regarding the complaint presented by the whistle-blower, defining it as biased at this stage of the trial and requested the administration of some written evidence on the content of the complaint.

After withdrawing for decision, following the hearing session, the presiding judge announced the decision of the adjudication panel in order to verify, based on the relevant procedures, the data contained in the upgraded CISD Report, obtaining information from the relevant structure on the current status of data handling in this process , as well as not progressing with the investigation of the complaint filed in the Appeal Chamber, since the panel found that they did not constitute facts and circumstances, such as provided by law no. 84/2016.

In order to provide necessary time to conduct the aforementioned procedures, the adjudication panel in conclusion decided to adjourn of the hearing on July 21, 2021, at 11:30.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.