

21 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 informed the parties participants in the process that based on the intermediate decision taken at the end of the previous hearing, the adjudication panel had verified the information from the information authority of the CISD, and had administered the response regarding the current status of information treated by the relevant structure. Moreover, the presiding judge announced the filing of a complaint regarding the subject of the re-evaluation, which was forwarded to the parties' participants in the process.

Upon the question of the presiding judge, the Public Commissioner confirmed his acquaintance with the content of the act forwarded by the relevant structure regarding the current status of information processing, and stated the lack of information regarding the source data review by the adjudication panel, lacking the forward of the relevant minutes. Based on the recent forwarded denunciation data, the Public Commissioner submitted that no procedural role of the subject of re-evaluation in the relevant case has been noticed.

The subject of the re-evaluation claimed the opposite of the content of the denunciation, underlining the active role of the steering body in the adjudication the respective case and in support of this claim was requested the administration of a final court decision.

After withdrawing for decision, the adjudication panel decided to make available to the parties attested copy of the minutes kept by the panel during the recognition to the source of the information forwarded to the CISD. Concerning the question of the panel on the continuance of the trial, the Public Commissioner stated that from the content of the updated report of the CISD, the minutes kept by the trial panel and the act forwarded by the relevant structure for the current status of information processing, due to confidential nature / secret of the information they have, it was not possible to identify factual or legal circumstances such as to legitimate the request by

the Public Commissioner for further investigation. The Public Commissioner emphasized that based on the provisions of the Annex of the Constitution and law no. 84/2016, during the re-evaluation process, evidence can be requested and administered solely by the Commission and the Appeal Chamber. In the light of this procedural condition, the Public Commissioner referred to the adjudication panel whether deeming it necessary to further investigation. Even the representative of the subject of the re-evaluation, submitting the same legal arguments, referred to the adjudication panel whether deeming it necessary to further investigation.

After withdrawing for decision, the adjudication panel decided to request the acquaintance of the Public Commissioner related to the source information by authority control and therefore adjourned the following hearing on July 30, 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.