

12 April 2022

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. 363/2021, of the Independent Qualification Commission, of the assessee Ms. Elizabeta Imeraj, prosecutor /Head of Tirana District Prosecution Office.

Upon verifying the parties' presence in the hearing, the presiding judge informed that the adjudication panel after consulting on the assessee's request presented in the previous hearing, decided to:

- Reopen of the judicial investigation of the case and examine in the quality of evidence the new acts deposited in the Appeal Chamber by the assessee, according to the determinations concluded by her in the hearing of 1.4.2022.
- Consider as evidence the court affirmations of the assessee during the hearings at the Chamber.
- The acts submitted by the assessee, which are also found in the file submitted by the Commission, will not be considered as new evidence, but will be analyzed in the quality of the acts being found in the file and which be subject to the evaluation of the Commission.

Regarding the request to summon witnesses, the adjudication panel decided:

- Not to accept the request of the assessee to summon witnesses, to prove facts related to the asset and background assessment criteria, as their testimony, interpreted in the light of the provisions of Article 49, paragraph 6, letters "a" and "c", is superfluous, in the conditions when the acts in the file contain sufficient documentation for decision making or regarding the facts that are required to be proven already.
- Not to accept the request of the assessee to summon witnesses, whose testimony, interpreted in the light of the provisions of Article 49, paragraph 6, letter "b", is irrelevant to resolve the case.

- Not to accept the request of the assessee to summon an expert, as is an inappropriate request, in the interpretation of the provisions of Article 225 and subsequent of Civil Procedure Code, and Article 49, paragraph 6 of law no. 84/2016.
- Not to request copies of the investigation files, established on the basis of criminal reports, exercised by the assessee, since , interpreted in the light of the provisions of Article 49, paragraph 6, letters "a" and "b" of law no. . 84/2016, the obtaining of these acts and the result of these proceedings are needless in order to resolve the case; when the acts in the file contain sufficient documentation for decision making or when they are irrelevant to the process carried out in the Chamber.
- Not to accept the request of the assessee to seek additional information from the Municipality of Tirana, because, based on Article 49, paragraph 6, letter "b", the fact that is required to be proven, is irrelevant, in the conditions when it deviance the course of the proceedings of the appeal grounds.
- Not to accept the request of the assessee to hear in a public hearing the audio recording of a hearing held in the Commission, because, in the interpretation of the provisions of Article 49, paragraph 6, letter "c", the means of proof is wholly unobtainable.

The adjudication panel decided not to further investigate concerning the denunciations arrived to the Appeal Chamber, whereof the circumstances on facts do not meet the criteria of Article 53, paragraph 3 of law no. 84/2016, for reasons which may create the trust that has been law infringements.

The adjudication panel noted that the findings of the international observers, pursuant to Article b, point 3 / b of the Annex of the Constitution and Article 49, point 10, of Law no. 84/2016, establish evidence in them and, as such, will be subject to judicial review along with their supporting documents.

Subsequently, the presiding judge requested the position of the Public Commissioner regarding the acts and evidence administered in the view of the judicial investigation.

The Public Commissioner, referring to the submissions and positions presented in the previous hearings, also with reference to the value of evidence recognized by the law of finding, expressed that, as the adjudication panel defined, the findings of the international observers establish evidence and will be subject to trial of the adjudication panel.

After the parties stated they had no further procedural requirements, the panel decided to close the judicial investigation of the case and invited the parties to present their final conclusions.

Also taking into account the request of the lawyer of the assessee, for additional time, in order to prepare in written form the final conclusions, the adjudication panel decided to adjourn the hearing to April 20, 2022, at 13.00 p.m.

Pursuant to paragraph 1, Article 16, of the regulation of the Institution of Public Commissioners, the appeal and the 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.