

24 May 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. 344/2021, of the Independent Qualification Commission, for the assessee, Mrs. Marinela Osmani (Nuni), magistrate/judge at Tirana Court of First Instance, *(by the time of the decision, acting Legal Advisor in the Support Unit of the Committees in the High Judicial Council)*.

After verifying the parties' presence in the hearing, the presiding judge invited the Public Commissioner and the assessee to present their final discussions.

The Public Commissioner during the final discussions, stated that on the appeal grounds submitted, based on the Recommendation of IMO, has considered necessary that regarding the application of the *principle of objectivity* and *proportionality*, based on Article 66/2, of law no. 84/2016, the Chamber shall recommend to the Commission *guiding principles*, in terms of an orientation, for the assessees, who are persons related to other assessees.

In conclusion, upon a thorough evaluation of all evidence, administered and reaffirmed during the judicial review of the case, the Public Commissioner requested the panel to uphold the decision no. 344/2021, of the Independent Qualification Commission for the assessee, Mrs. Marinela Osmani (Nuni), in reasoning to his decision, the orientation that the IQC should have in applying of guiding principles effectiveness in similar cases for assessees, who are persons related to other assessees.

Subsequently, the assessee, objecting the appeal grounds, requested the upholding decision of the Independent Qualification Commission, arguing that this decision was taken in accordance with the provisions of the Annex of the Constitution, which defines the application of the principle of proportionality, in order to create a balance between the right to respect for private and family life under Article 8 of the ECHR and the public interest, in order to restore the public interest in the justice system.

The adjudication panel, after hearing the submissions of the Public Commissioner and of the assessee, also after becoming acquainted with their positions whether they had no other procedural requirements, withdrew to the deliberation room to make the final decision, which will be announced on May 27, 2022, time 13:00 p.m.

Pursuant to paragraph 1, of 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 process of re-evaluation of judges and prosecutors in the Republic of Albania.