

**July 25, 2023**

### **Press Release**

The Public Commissioner was present today at the Appeal Chamber while initiating the judicial review of the appeal filed against Decision no. 318/2020, of the Independent Qualification Commission, for the assessee, Mr. Kujtim Luli, prosecutor at the General Prosecution Office.

After verifying the parties' presence in the hearing, the assessee submitted a preliminary request, through which he requested the statement of the absolute invalidity of the decision of the Public Commissioner Darjel Sina, to rebuff of the request submitted by him, in February 2021, over the ouster of the Public Commissioner Florian Ballhysa from the review of the Commission's decision, claiming that he was in the conditions of a conflict of interest. As a result of the claim for the absolute invalidity of this decision, the assessee submitted a request for the statement of the absolute invalidity of the appeal presented by the Public Commissioner, seeking as a conclusion, alternatively, the rejection of the appeal or the cessation of the case trial.

The Public Commissioner presented the relevant position regarding the assessee's claims and acquainted the panel with the procedure followed by the Institution of Public Commissioners in considering the request for the Public Commissioner's cessation, as well as the information regarding these procedures followed by the International Monitoring Operation and the assessee, in February 2021.

The adjudication panel, after consultation in the chamber, decided to rebuff all the requests of the assessee, considering them unfounded in facts and law while inviting the Public Commissioner to present the appeal grounds.

The Public Commissioner stood to all the appeal grounds, determine that the assessee is found in the conditions of inaccurate and insufficient declaration of asset, requesting the Chamber to amend the decision no. 318/2020, of the Independent Qualification Commission and the dismissal from office of the assessee, Mr. Kujtim Luli.

After being required by the Chamber to submit his objections related to the appeal, in a new request the assessee claimed that, before submitting his objections, he should have become acquainted with the financial analysis carried out by the Public Commissioner, whereat the appeal grounds were established.

At the request of the presiding judge the Public Commissioner explained that the appeal grounds are based on the financial analysis conducted by the Independent Qualification Commission, but the different legal interpretations of the elements of this financial analysis, whereof the assessee has been acquainted and the burden of proof was passed, should the Chamber have reached to the conclusion that the decision of the Commission should be amended and the assessee be dismissed from office.

The Public Commissioner underlined that this request was not part of the written submissions, which were filed by the assessee 5 days before the public hearing, a submission in which the assessee analyzed each ground of the appeal.

After this position of the Public Commissioner, the assessee requested time to arrange his submissions, under these circumstances, the panel decided to adjourn the following hearing on September 18, 2023, at 10:00 a.m.

Pursuant to point 1, Article 16 of the regulation of the Institution of Public Commissioners, the appeal is 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.