

January 16, 2023

Press Release

The Public Commissioner was present today at the Appeal Chamber where initiated the judicial review of the appeal filed against the Decision no. 606/2022, of the Independent Qualification Commission, for the assessee, Mrs. Mariola Mërtiri, who holds the position of prosecutor at Tirana District Prosecution Office.

Following the verification of the parties' attendance in the hearing, the presiding judge invited the Public Commissioner to present the appeal grounds.

The Public Commissioner stood to all the appeal grounds, also taking into consideration of the IMO's Recommendation. Based on the circumstances and legal facts she has validated that the assessee has not managed to prove otherwise regarding the investigation results on the asset control, proficiency and background control. In conclusion of the submissions, the Public Commissioner requested the Appeal Chamber to consider the appeal grounds and, following a thorough investigation of the case, to decide on the amendment of the decision no. 606/2022, of the Independent Qualification Commission, and the dismissal from office of the assessee, Mrs. Mariola Mërtiri.

The assessee and the legal representative submitted the appeal grounds and, based on their claims, requested the administration in the quality of evidence of some acts, which they had previously deposited in the Appeal Chamber. Concluding their objections, the assessee requested the adjudication panel to uphold the decision of the Independent Qualification Commission, pertaining to her confirmation in office.

Subsequently, the presiding judge inquired about the position of both the Public Commissioner and the assessee concerning to the recent denunciations filed in the Chamber.

The Public Commissioner asserted that the reported denunciations lacked data or facts that could serve as evidence in accordance with the stipulations of Article 53/1 of Law no. 84/2016.

On the other hand, the assessee referred that her stance had already been expressed in the previously submitted documents to the Chamber.

The adjudication panel, deliberating within the consultation chamber, was decided to open the judicial investigation, to administer in the quality of evidence the acts submitted by the assessee, however the denunciations made during the hearing will not be investigated as they do not meet the criteria outlined in Article 53/1 of Law No. 84/2016.

Following the questions from the international observer addressed to the assessee regarding issues referred to in the appeal grounds; the adjudication panel closed the judicial review. Thereafter, upon the request of the involved parties was required additional time to prepare for the written final arguments, the hearing then was adjourned on January 23, 2024, at 9 a.m.

Based on point 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 process of re-evaluation of judges and prosecutors in the Republic of Albania.