

**April 17, 2024**

### **Press Release**

The Public Commissioner was present today at the Appeal Chamber to initiate the retrial of the judicial case, which pertains to the Public Commissioner's appeal against decision no. 42/2018, of the Independent Qualification Commission for the assessee, Mrs. Antoneta Sevdari.

After verifying the parties' presence in the hearing, the presiding judge drew attention to the decision taken by the adjudication panel, during the previous hearing, related to the acceptance of the request of the appellant Antoneta Sevdari for the retrial of the aforementioned court case, in light of the decision of the European Court of Human Rights (ECHR), in "*Sevdari v. Albania*". Subsequently, the presiding judge invited the parties to present their submissions, which they had previously filed to the Chamber.

The Public Commissioner stated that the grounds presented in the appeal of the date 29.8.2018, against decision no. 42/2018, of IQC, remain unchanged even after the administration of the decision of the European Court of Human Rights (ECHR), in "*Sevdari v. Albania*". The Public Commissioner expressed that in this decision there is no significant element that constitutes a reason for a different analytical review of the appeal grounds. Moreover, the Public Commissioner deemed that upon reviewing the documents in the Commission's file, also referring to the decision-making of the Appeal Chamber, in the present case of the re-evaluation process of the applicant Mrs. Antoneta Sevdari, the contrary of the burden of proof remains unproven concerning the grounds particularly related to the asset and proficiency assessment criteria. Therefore, the Public Commissioner requested the adjudication panel to amend decision no. 42/2018, of the Independent Qualification Commission, and to dismiss from office the assessee, Mrs. Antoneta Sevdari. Additionally, the Public Commissioner also presented the stance on a complaint recently lodged at the Institution of Public Commissioners.

The assessee, through the legal representative, presented additional arguments objecting to the appeal ground put forward by the Public Commissioner. The assessee argued that in this case, the parties should focus solely on reviewing the applicable sanction concerning these facts, which resulted in disproportionate dismissal.

In conclusion, the assessee requested the adjudication panel to reject the Public Commissioner's appeal and uphold decision no. 42/2018 of the IQC.

After consultation, the adjudication panel decided to review the administrative investigation file forwarded by the Independent Qualification Commission, concerning decision no. 42/2018, pertaining to the assessee, Ms. Antoneta Sevdari. With a majority vote, the panel decided not to investigate the complaint referred by the Public Commissioner and to end the judicial review of the case, proceeding with the presentation of final arguments.

The hearing was adjourned on April 23, 2024, at noon, to give time to the Public Commissioner to prepare final arguments.

In accordance with Article 16, Point 1 of the Institution of Public Commissioners' regulations, the appeal and elements of the case are published on the official website of the institution, which can be accessed at <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.