

**April 23, 2024**

### **Press Release**

The Public Commissioner was present today at the Appeal Chamber to continue 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 invited the litigants to present their final discussions.

The Public Commissioner, adhering to the submissions and stances presented in the previous hearing, in the light of the decision of the European Court of Human Rights, in the case "*Sevdari v. Albania*", emphasized her agreement with Mrs. Sevdari's request for the review of the decision, assessing and stating that regardless of the form and legal reference of this request, they still are related to the same legal issue previously adjudicated upon, whereby a decision by the Chamber had been rendered.

The Public Commissioner stated that in the circumstances where the ECtHR's decision does not overturn the appeal grounds, but on the other hand requires an assessment of the proportionality of the dismissal measure, as a result of their probative value, in relation to the legal requirements, an assessment assigned to the Appeal Chamber, any alternative approach of the Public Commissioner would not be in accordance with the law no. 84/2016, "On the transitional re-evaluation of judges and prosecutors in the Republic of Albania". At the end of the final discussions, the Public Commissioner assessed that the appellant Mrs. Antoneta Sevdari failed to prove the opposite of the burden of proof regarding the grounds of the appeal. Therefore, the Public Commissioner requested the panel to amend the decision no. 42/2018, of the Independent Qualification Commission, and the dismissal from office of the assessee, Mrs. Antoneta Sevdari.

The assessee, initially through the legal representative, and then personally, claimed that the appeal grounds of the Public Commissioner were overturned by the ECtHR and that the appeal Chamber should enforce the decision of this court, concluding with her reconfirmation in office.

After becoming acquainted with the final discussions, the adjudication panel withdrew to the consultation chamber to reach the final decision, which will be announced on May 10, 2024, at 13:00.

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.