

**April 3, 2024**

## **Press Release**

The Public Commissioner within the legal time limit filed an appeal at the Appeal Chamber by the Constitutional Court against Decision no. 739/2024, of the Independent Qualification Commission, for the assessee, Mrs. Mimoza Margjekaj, who holds the position of the judge in the Court of First Instance of Durrës General Jurisdiction.

The Public Commissioner, after the review of decision no. 739/2024, of the Independent Qualification Commission, and its accompanying acts, referring also to the jurisprudence of the Chamber, deems that in cases where magistrates are convicted through a final judicial decision for committing a crime, the exercise of authority by the re-evaluation institutions for the purpose of the re-evaluation process, should conclude a declaratory decision of the interruption without a final verdict of the relevant process, given that the regular disciplinary jurisdiction has exercised its authority, as required by the Constitution, thus terminating the status of the magistrate due to dismissal from office.

The Public Commissioner requests that the grounds presented in this appeal be taken into consideration by the Appeal Chamber, and for Mrs. Mimoza Margjeka, after the case review, to decide:

- To amend the decision no. 739/2024, of the Independent Qualification Commission.
- To declare the transitional re-evaluation process of the assessee Mrs. Mimoza Margjeka, terminated, without a final decision, due to the loss of the magistrate status.

Based on 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.