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## International Monitoring Operation

*Project for the Support to the Process of Temporary  
Re-evaluation of Judges and Prosecutors in Albania*

Prot. No. 108/r

Tirana, 29, June 2021

To the  
**Public Commissioners**  
Bulevardi "Dëshmorët e Kombit", Nr. 6,  
Tirana  
Albania

Case Number **SCC-P/TIR/1/08**  
Assessee **Elizabeta Imeraj**

### **ADDENDUM TO THE RECOMMENDATION TO FILE AN APPEAL**

#### **According to**

Article B, paragraph 3, letter "c" of the Constitution of the Republic of Albania, Annex "Transitional re-evaluation of judges and prosecutors in the Republic of Albania", and Article 65, paragraph 2 of the law no. 84/2016 "On the transitional re-evaluation of judges and prosecutors in the Republic of Albania"

## 1. Introduction

1.1 The International Observers have filed a recommendation to appeal the confirmation in duty decision on assessee Elizabeta Imeraj no. 363, dated 1.4.2021, based on three pillars, by providing several reasons for recommendation. Amongst others, the International Observers have recommended the re-assessment of background related issues, as referred in para. II, background issues of the recommendation, for what regards the lack of investigation from the IQC failing to verify the eventual contacts between the assessee and the two convicted persons, namely her former spouse and her former brother-in-law, from the District Criminal Court in Rome. According to the International Observers not only establishing such link between the assessee and the convicted people, but also clarifying whether the convicted persons are indeed her former spouse and her former brother-in-law, is of a high relevance for a better approach to the assessment of the assessee.

Following the above, the International Observers submit the Public Commissioners for their consideration further documentation from the Italian judicial authorities related to the criminal proceedings of the court against \*\*\* \*\*\* (alias \*\*\* \*\*\*) born on October \*\*\*, 1975, and \*\*\* \*\*\*, born on January \*\*\*, 1970, for the criminal offenses of organizing prostitution and human trafficking, together with the translation of part of that documentation from Italian into Albanian. Also, International Observers submit to the Public Commissioners criminal records obtained from Italian judicial authorities for the persons named \*\*\* \*\*\*, born on October \*\*\*, 1975, and \*\*\* \*\*\*, born on January \*\*\*, 1970, translated from Italian into Albanian.

1.2 Furthermore, the International Observers submit to the Public Commissioners for their consideration, as part of the recommendation to appeal, the first instance serious crimes court decision no. \*\*\*, dated \*\*\* 04.2016, according to which the criminal proceeding handled by the assessee in this case, has presented several serious investigation flaws.

More specifically, according to the serious crimes court, the Prosecution Office made a deficient preliminary investigation, failed to undertake effective investigative actions, leading to the situation where the Prosecution Office's inaction during the preliminary investigation, in failing to conduct unrepeatable procedural actions/steps, has damaged the quality of the investigation results and did not fulfil the legal obligation for a comprehensive investigation, resting with the Prosecution Office under Criminal Procedure Code.

Following the above the International Observers recommend the Public Commissioners to include this case in their appeal to the decision no.363, dated 1.4.2021, for a thorough and comprehensive proficiency assessment of the assessee, pursuant to Art. 41, para. 4 of the re-evaluation law no. 84/2016.

## 2. Recommendation to the Public Commissioners

In order to have a full and clear view of the assessment of the assessee, it is recommended that the Public Commissioners consider the identified issues in the appeal to the Appeal Chamber.

International Observer

International Observer

International Observer



### Enclosed:

- \*\*\* Prot No \*\*\* Submission of documents from MoJ on citizen .\*\* \*\*\* with translation of pages 30-31, 32, 36, 41 and 54 from Italian on Albanian language,
- \*\*\* Prot No \*\*\* Submission of document from MoJ on Citizens \*\*\*\* and \*\*\*\* with translation of the whole document from Italian on Albanian language and separated photos of \*\*\*\* and \*\*\*\* from that document with their personal data given from Italian authorities translated from Italian to Albanian language,
- \*\*\* Prot No \*\*\* Submission of documents from MoJ on Citizens \*\*\*\* and \*\*\*\* i.e., criminal records from Italy for \*\*\*\* and \*\*\*\* translated from Italian to Albanian language,
- First Instance Serious Crimes Court Decision no.\*\*\*, dated \*\* 04.2016.