



Brussels, - 3 MARS 2017

Dear Mr Totozani,

In my capacity as Chair of the International Monitoring Operation (IMO), I am herewith submitting to your attention the assessment and recommendations developed by the international observers on the process that will lead to the formation of the re-evaluation institutions (vetting bodies).

The IMO has followed on the obligation enshrined in the Constitution of Albania, pursuant to Article B paragraph 2 of the Annex to the Constitution. As you know, the IMO appointed a team of international observers, who monitored the review of the eligibility criteria of applicants to the vetting bodies performed by your office. The IMO international observers were all senior experts, selected for their outstanding professional record and experience.

After having monitored the handling of the process by your office, the IMO international observers then conducted a thorough review of all the application dossiers. Their recommendations, which were developed on the basis of a reasoned assessment, are herewith submitted to your attention in a sealed envelope, with the request to kindly forward it to the Parliament, in line with Article 7 paragraph 7 of the "Law on the Transitional Re-Evaluation of Judges and Prosecutors in the Republic of Albania" (vetting law). In this regard, I would like to reassure you that the President of the Republic, Mr Nishani, whom I had the opportunity to meet yesterday, confirmed that by entrusting you to launch the call for applications to the vetting bodies, your institution remains the relevant recipient of the request to transmit the IMO international experts' recommendations to the attention of the Parliament.

Your transmission will enable the Parliament to take the process forward. I am confident that there is already a very good basis to pursue the timely nomination of the members to the vetting bodies. Based on the checks on the qualification criteria performed by your office, two lists were published. 29 applicants were placed in the list of those who meet the formal criteria; 164 applicants were placed in the list of those who do not. Out of the 29 applicants on the first list, 8 are affected by a negative recommendation of the IMO.

Mr Igli Totozani
Ombudsperson of Albania
Tirana

There are therefore 21 applicants that are already relevant for the final voting list to be considered by the Assembly. Out of the 164 applicants on the second list, 85 are affected by a negative recommendation, and 79 are not.

The IMO international observers noted that, a high number amongst these 79 applicants appears to have, at least on paper, the relevant professional experience, but did not produce some of the necessary certificates. As a result, the competent ad hoc parliamentary committee might want to consider reviewing those applications, to possibly request the missing certificates and more accurately inform its decision on a possible reconsideration of those candidates for the voting list. Should the committee not pursue this option or not find appropriate candidates through its revision, the 21 suitable applicants represent already a relevant roster to begin forming the vetting bodies, completing in a second step, the full set of appointments.

I take this opportunity to express my satisfaction that the IMO international observers have conducted their obligations, as foreseen in the Constitution of Albania and in the vetting law, with utmost professionalism, impartiality and thoroughness.

I would like to warmly thank you and your team once again for having guaranteed the conditions for the IMO international observers to perform their tasks, as well as for the continued professional cooperation throughout this process.

Yours sincerely,



Genoveva Ruiz Calavera

Encl.: Process for the formation of the re-evaluation institutions: assessment by the IMO international observers and recommendations (in sealed envelope)