

Decision no. 11, dated 10.03.2023

(V-11/23)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Elsa Toska, members, with court secretary Belma Lleshi, on 26.01.2023 and 21.02.2023, took under examination in plenary session on the basis of submitted documents, the case no. 7 (E) 2022 of the Basic Court Register, pertaining to:

APPLICANT: ËNGJËLL MYTEVELI

INTERESTED SUBJECTS:

FILLARETI SALIHAI, FATRI SHISHMANI, LEJLA SHISHMANI, VIOLETA TOPÇI, HAFET GJINO

OBJECT: Repeal of decisions no. 253 of the register, dated 11 November 2020; no. 00-2022-658 (69), of the Civil College of the Supreme Court, dated 28 February 2022, as incompatible with the Constitution of the Republic of Albania.

LEGAL BASIS: Articles 15, 18 , 33, 41, 42, 43, 131, point 1, letter “f”, 133, 134, points 1, letter “i” and 2, 142, point 1 of the Constitution of the Republic of Albania; articles 6 and 14 of the European Convention on Human Rights (ECHR); Law no. 8577, dated 10 February 2000 "On the organization and functioning of the Constitutional Court of the Republic of Albania", (law no. 8577/2000), amended.

Constitutional Court of the Republic of Albania, in pursuance of articles 131, point 1, letter “f”, and 134, point 1, letter “i” of the Constitution, as well as articles 71 and 72 of Law no. 8577, dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, amended, unanimously,

DECIDED:

1. Admission of the application.
2. Repeal of decision no. 00-2022-658 (69), of the Civil College of the Supreme Court, dated 28.02.2022, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to the Civil College of the Supreme Court for further proceedings.

This decision is final and enters into force on the day of its publication in the Official Gazette.