

Decision no. 38, dated 12.07.2023

(V-38/23)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Ilir Toska, Genti Ibrahim, Marjana Semini, Sandër Beci, members, with court secretary Belma Lleshi, on 29.06.2023, took under examination in plenary session on the basis of submitted documents, the case no. 7 (N) 2022 of the Basic Court Register, pertaining to:

APPLICANT: NDRIÇIM BALLA

INTERESTED SUBJECTS:

**ASSEMBLY OF THE REPUBLIC OF ALBANIA,
COUNCIL OF MINISTERS,
GENERAL PROSECUTION OFFICE**

**OBJECT: Repeal of decision no. 00-2022-891 (104), dated 01 April 2022, of the Criminal College of the Supreme Court, as incompatible with the Constitution and remanding of the case to the Supreme Court for further proceedings, by a different bench.
Repeal of articles 437, point 3 and 443, point 2, of the Criminal Procedure Code, as incompatible with the Constitution of the Republic of Albania.**

LEGAL BASIS: Articles 3, 4, 5, 7, 15, 17, 27, 28, 29, 30, 31, 33, 42, 43, 116, 122, 131, point 1, letter "f", 134, point 1, letter "i" and 2, 135, 142, 145 and 178 of the Constitution of the Republic of Albania; articles 1, 6, and 13 of the European Convention on Human Rights (ECHR) and Article 2 of its Protocol No. 7; articles 49, point 3, letter "e", 71 and 71/a of 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, letters "a", and "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, by majority of votes,

DECIDED:

1. Rejection of the application.

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