

Decision no. 46, dated 03.10.2023

(V-46/23)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Genti Ibrahim, Marjana Semini, members, with court secretary Belma Lleshi, on 03.10.2023, took under examination in plenary session on the basis of submitted documents, the case no. 1 (G) 2023 of the Basic Court Register, pertaining to:

APPLICANT: GËZIM BOÇARI

INTERESTED SUBJECTS:

**PROPERTY MANAGEMENT AGENCY,
STATE CADASTRE AGENCY,
STATE ADVOCACY**

OBJECT: Finding a breach of the right to trial within a reasonable term, in decision no. 18, of 17 November 2022 of the Criminal College of the Supreme Court, provided for by article 399 of the Civil Procedure Code.

Repeal of decision no. 18, of the Criminal College of the Supreme Court, dated 17 November 2022.

Acceleration of proceedings and compensation for damages due to a breach of the reasonable time requirement, as claimed in the application, dated 03 October 2022.

LEGAL BASIS: Articles 4, point 3, 41, point 2, 122, point 2, 131, point 1, letter "f", 181, point 2, of the Constitution of the Republic of Albania; articles 2, 27, 28, 29, 30, 49, point 3, letter "e" 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, letter "f" and 134, point 1, letter "i" of the Constitution, as well as articles 72 et seq. 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. Partial admission of the application.
2. Repeal of decision no. 18, dated 17.11.2022 of the Criminal College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.
3. Finding a breach of the right to trial within a reasonable time.
4. Ordering the Supreme Court to adjudicate the court case no. 11111-01272- 00-2018 act within 6 months.

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