

**Decision no. 45, dated 03.10.2023**

**(V-45/23)**

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 03.10.2023, took under examination in plenary session on the basis of submitted documents, the case no. 6 (I) 2022 of the Basic Court Register, pertaining to:

**APPLICANT: ILIR MUZHAQI**

**INTERESTED SUBJECT:**

**GENERAL PROSECUTION OFFICE**

**OBJECT: Repeal of decision no. 00-2021-419, dated 15 June 2021, of the Criminal College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.**

**Repeal of articles 435, point 2, of the Criminal Procedure Code, as incompatible with the Constitution of the Republic of Albania, regarding the part which provides the obligation for the appeal be signed by the defence lawyer and for the legal classification of the subject as the “defendant” and not the “convict”.**

**LEGAL BASIS: Articles 42, 43, 131, point 1, letter “f” and 134, point 1, letter “i” of the Constitution of the Republic of Albania; articles 27 et seq. 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 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. Partial admission of the application.
2. Repeal of decision no. 00-2021-419, dated 15.06.2021 of the Criminal College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to the Criminal 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.