

Decision no. 51, dated 18.10.2023

(V-51/23)

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 18.10.2023, took under examination in plenary session on the basis of submitted documents, the case no.12 (E) 2023 of the Basic Court Register, pertaining to:

APPLICANT: ERMAL (ARBEN) GJOKJA

INTERESTED SUBJECT:

GENERAL PROSECUTION OFFICE

**OBJECT: Repeal of decision no. 00-2022-1821 (292), dated 03 November 2022 of Criminal Court of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.
Remanding of the case to the Supreme Court for further proceedings.**

LEGAL BASIS: Articles 42, point 2, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania; article 6 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, 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.