

Decision no. 56, dated 09.11.2023

(V-56/23)

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, members, with court secretary Belma Lleshi, on 09.11.2023, took under examination in plenary session on the basis of submitted documents, the case no. 4 (S) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **SAJMIR BRAHIMI**, represented with power of attorney, by practising lawyer Saimir Visha.

INTERESTED SUBJECT:

GENERAL ATTORNEY OFFICE, represented with authorisation, by Prosecutor Arqilea Koça.

OBJECT: **Repeal of decisions no. 20-2017-10/7, dated 10 January 2017 of Appeal Court of Gjirokastra; no. 00-2022-1809 (349), dated 21 December 2022 of the Criminal College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania.**

LEGAL BASIS: **Articles 31, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania (*The Constitution*); article 6 of the European Convention on Human Rights; articles 27, 50, point 4, 51/a, point 1, letter “b”, 71, 71/a and 71/b 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. 00-2022-1809 (349), dated 21.12.2022 of the Criminal College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania, regarding only the applicant Sajmir Brahimi.
3. Remanding of the case to the Supreme Court for further proceedings.

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