

Decision no. 63, dated 20.11.2023

(V-63/23)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Marsida Xhaferllari, members, with court secretary Belma Lleshi, on 13.11.2023, took under examination in plenary session on the basis of submitted documents, the case no. 5 (M) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **MARINGLEN GJURAJ**, represented with power of attorney, by practicing lawyers Blerim Bazhdari and Jordan Daci.

INTERESTED SUBJECT:

GENERAL PROSECUTION OFFICE, represented with authorisation, by prosecutor Arqilea Koça.

OBJECT: **Repeal of decisions no. 786 (3491), dated 28.07.2016 of the Judicial District Court of Shkoder; no. 113, dated 15.02.2017 of the Appeal Court of Shkoder; no. 00-2022-1526, dated 24.11.2022 of the Criminal College of the Supreme Court, as incompatible with the Constitution of the Republic of Albania, as well as/or remanding of the case for retrial to the Judicial District Court of Shkoder, by another bench.**

LEGAL BASIS: **Articles 31, letter “d”, 42, point 2, 131, letter “f” and 134, letter “i”, of the Constitution (*The Constitution*); articles 3, letter “d” and 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. Partial admission of the application.
2. Repeal of decision no. 00-2022-1526, dated 24.11.2022 of the Criminal College of the Supreme Court.
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.