

Decision no. 70, dated 15.10.2024
(V-70/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Genti Ibrahimimi, Marjana Semini, Ilir Toska, members, with court secretary Belma Lleshi, on 15.10.2024, took under examination in session on the basis of submitted documents, the case no. 4 (D) 2024 of the Basic Court Register, pertaining to:

APPLICANT: **DRITAN NUZI**, represented with special power of attorney, by lawyer Muhamet Hoxha.

INTERESTED SUBJECTS:

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

OBJECT: **Repeal of decisions no. 46 of Dibër District Court, dated 03.03.2016; decision no. 1766 of Tirana Appeal Court, dated 03.07.2018; decision no. 00-2023-1445 of the Criminal College of the High Court. dated 19.09.2023, as incompatible with the Constitution of the Republic of Albania.**

LEGAL BASIS: **Articles 4, 5, 15, 27, 32, 33, 42, 131, point 1, letter “f” , 134, points 1, letter “i” and 2, as well as 142 of the Constitution of the Republic of Albania (*the Constitution*); 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, pursuant to 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. Admission of the application in part.
2. Repeal of decisions no. 1766 of Tirana Appeal Court, dated 03.07.2018 and decision no. 00-2023-1445 of the Criminal College of the High Court. dated 19.09.2023, only with regard to the applicant Dritan Nuzi, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to the General Jurisdiction Court of Appeal for further proceedings.

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