

Decision no. 75, dated 28.10.2024

(V-75/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Marsida Xhaferllari, members, with court secretary Belma Lleshi, on 28.10.2024, took under examination in plenary session on the basis of submitted documents, the case no. 14 (A) 2024 of the Basic Court Register, pertaining to:

APPLICANT: AVENIR BALLVORA

INTERESTED SUBJECTS:

SHAQIR SHTISHI

OBJECT: Repeal of decision no. 10342 of Tirana District Court, dated 28.10.2014; point 2 of decision no. 212 of Tirana Court of Appeal, dated 29.01.2016; decision no. 00-2023- 4924 (683) of the Civil College of the High Court, dated 22.11.2023, as incompatible with the Constitution of the Republic of Albania.

LEGAL BASIS: Articles 5, 18, 41, 42, 44, 131, letter “f”, 134, letter “i” of the Constitution of the Republic of Albania (*the Constitution*); Articles 6, point 1 and 13 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 decision no. 00-2023- 4924 (683) of the Civil College of the High Court, dated 22.11.2023, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to the High Court for further proceedings.

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