

Decision no. 81, dated 21.11.2024

(V-81/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Marjana Semini, Genti Ibrahim, members, with court secretary Belma Lleshi, on 19.11.2024 took under examination in plenary session on the basis of submitted documents, the case no. 12 (S) 2024 of the Basic Court Register, pertaining to:

APPLICANT: **SALI BERISHA**, represented with special power of attorney, by lawyers Klodiana Gjyzari and Genci Gjokutaj.

INTERESTED SUBJECTS:

SPECIAL PROSECUTION OFFICE AGAINST CORRUPTION AND ORGANISED CRIME, represented with authorisation, by prosecutors Arben Kraja dhe Enkeleda Millonai.
ASSEMBLY OF THE REPUBLIC OF ALBANIA, represented by Secretary General Genci Gjonçaj.

OBJECT: **Repeal of Special Court of First Instance against Corruption and Organized Crime decisions no. 112, dated 20.10.2023 and decision no. 117, dated 26.10.2023; decision no. 56 (87-2023- 156) of Special Court of Appeal against Corruption and Organized Crime, dated 21.11.2023; decision no. 00-2024-384 of the Criminal College of the High Court, dated 05.03.2024, as incompatible with the Constitution of the Republic of Albania.**

LEGAL BASIS: **Articles 3, 4, 5, 7, 15, 17, 18, 27, 29, 31, letter “b”, 32, point 2, 38, 42, 46, point 1, 73, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania (*the Constitution*); Articles 5, 7, 10, 14 and 18 of the European**

Convention on Human Rights (*ECHR*); Articles 9, 14, 15, 25 and 26 of the International Covenant on Civil and Political Rights, ratified by Law No. 7510, dated 08.08.1991, “On the Accession of the Republic of Albania in the International Covenant on Civil and Political Rights”; Articles 27 and 71/a 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, pursuant to Articles 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution, as well as Articles 71 and 72 et seq. 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 vote,

DECIDED:

1. Admission of the application in part.
2. Repeal of Tirana Special Court of First Instance against Corruption and Organized Crime decisions no. 112, dated 20.10.2023 and no. 117, dated 26.10.2023; decision no. 56 (87-2023-156) of the Special Court of Appeal against Corruption and Organized Crime dated 21.11.2023; and decision no. 00-2024-384 of the Criminal College of the High Court, dated 05.03.2024, as incompatible with the Constitution of the Republic of Albania, only insofar as they imposed the measure of “Prohibition from leaving the country” against the applicant.
3. Rejection of the application with regard to the other claims.

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