

Decision no. 4, dated 31.01.2024

(V-4/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sandër Beci, Ilir Toska, Marjana Semini, Genti Ibrahimi, members, with court secretary Belma Lleshi, on 31.01.2024, took under examination in plenary session on the basis of submitted documents, the case no. 8 (F) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **FLORJAN GEGA**, represented with special power of attorney, by lawyer Jordan Daci.

INTERESTED SUBJECTS:

ASSEMBLY OF THE REPUBLIC OF ALBANIA, in absentia.

COUNCIL OF MINISTERS

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

OBJECT: **Repeal of decision no. 00-2022-1595, dated 06.12.2022 of the Criminal College of the High Court, as incompatible with the Constitution of the Republic of Albania.**

Sending of the case for retrial by another bench to Fier District Court, since the remanding of the case to the High Court is assessed as ineffective for such case resolution in compliance with the Constitution of the Republic of Albania.

LEGAL BASIS: **Articles 4, 5, 13, 17, 18, 33, 42, 43, 54, 116, 122, 123, 131, point 1, letter “f”, 134, points 1, letter “i” and 142 of the Constitution of the Republic of Albania; Articles 1, 6, 13 and 14 of the European Convention on Human Rights (ECHR); Article 2 of Additional Protocol no. 7 and Additional Protocol no. 12 of ECHR; Articles**

49, point 3, letter “e”, 71 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 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. Rejection of the application.

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