

Decision no. 6, dated 15.02.2024

(V-6/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Ilir Toska, Genti Ibrahim, Marjana Semini, members, with court secretary Belma Lleshi, on 15.02.2024, took under examination in plenary session on the basis of submitted documents, the case no. 8 (E) 2023 of the Basic Court Register, pertaining to:

APPLICANT: ERDI PRIFTI

INTERESTED SUBJECTS:

PROSECUTION OFFICE AT KORÇA COURT OF FIRST INSTANCE OF GENERAL JURISDICTION

OBJECT: Repeal of decision no. 41-2022- 3777 (prot. 53), of Korça District Court, dated 14.12.2022, as incompatible with the Constitution of the Republic of Albania.

LEGAL BASIS: Articles 41, 42, 43, 124, 131, point 1, letter “f” and 142, point 1, of the Constitution of the Republic of Albania (*the Constitution*); Articles 6, point 1 and 13 of the European Convention on Human Rights (*ECHR*); Articles 49, 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, 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, unanimously,

DECIDED:

1. Admission of the application.
2. Repeal of decision no. 41-2022-3777 (prot. 53) of Korça District Court, dated 14.12.2022, as incompatible with the Constitution of the Republic of Albania.
3. Finding of the violation of the right to a fair trial within a reasonable time due to non-completion of investigations.
4. Obligation of the Prosecution Office at Korça Court of First Instance of General Jurisdiction to complete the investigation with priority.

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