

**Decision no. 8, dated 20.02.2024**

**(V-8/24)**

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Fiona Papajorgji, members, with court secretary Belma Lleshi, on 20.02.2024, took under examination in plenary session on the basis of submitted documents, the case no. 8 (P) 2023 of the Basic Court Register, pertaining to:

**APPLICANT:** **PJETËR GJONI**, represented by lawyer Shaqir Hasanaj.

**INTERESTED SUBJECTS:**

**GENERAL PROSECUTION OFFICE**, represented by the prosecutor Arqilea Koça.

**OBJECT:** **Repeal of decision no. 00-2023-269 of the Criminal College of the High Court, dated 16.02.2023, as incompatible with the Constitution of the Republic of Albania.**

**LEGAL BASIS:** **Articles 42, point 1, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania (*the Constitution*); Article 6 of Protocol no. 7 of the European Convention on Human Rights (*ECHR*); Articles 27, 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 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. 00-2023-269, of the Criminal College of the High Court, dated 16.02.2023, 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.