

Decision no. 12, dated 28.02.2024

(V-12/24)

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, Sandër Beci, members, with court secretary Belma Lleshi, on 28.02.2024, took under examination in plenary session on the basis of submitted documents, the case no. 11 (K) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **KUDRET BARJAMAJ**, represented with special power of attorney, by lawyer Esmeralda Demiraj.

INTERESTED SUBJECTS:

GENERAL PROSECUTION OFFICE, represented by the prosecutor Arqilea Koça.

OBJECT: **Repeal of decision no. 00-2023-574 of the Criminal College of the High Court, dated 26.01.2023, as incompatible with the Constitution of the Republic of Albania.**

LEGAL BASIS: **Articles 42, 43, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania (*the Constitution*); Article 6 of the European Convention on Human Rights (*ECHR*); Articles 27, 71 and 71/a 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.
2. Repeal of decision no. 00-2023-574, of the Criminal College of the High Court, dated 26.01.2023, 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.