

Decision no. 17, dated 13.03.2024

(V-17/24)

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 15.02.2024 and 13.03.2024, took under examination in plenary session on the basis of submitted documents, the case no. 13 (M) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **MIMOZA MARGJEKA**, represented with power of attorney, by lawyer Margarita Kola.

INTERESTED SUBJECTS:

SPECIAL PROSECUTION OFFICE AGAINST CORRUPTION AND ORGANISED CRIME, represented by the prosecutors Sotir Kllapi and Enkeleda Millonai.

OBJECT: **Repeal of decision no. 457 of the First Instance Court against Corruption and Organized Crime, dated 21.10.2022; no. 171 of Special Court of Appeal against Corruption and Organized Crime, dated 09.11.2023; no. 00-2023-8 of the High Court, dated 12.01.2023, as incompatible with the Constitution of the Republic of Albania.**

LEGAL BASIS: **Articles 17, 27, 28, point 3 and 42, point 2, of the Constitution of the Republic of Albania (*the Constitution*); Articles 5 and 6 of the European Convention on Human Rights (*ECHR*); 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. 00-2023-8 of the High Court, dated 12.01.2023.
3. Remanding of the case to the Criminal College of the High Court for further proceedings.

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