

Decision no. 20, dated 03.04.2024

(V-20/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Sonila Bejtja, members, with court secretary Belma Lleshi, on 12.03.2024, took under examination in plenary session on the basis of submitted documents, the case no. 10 (Gj) 2023 of the Basic Court Register, pertaining to:

APPLICANT: COURT OF FIRST INSTANCE OF GENERAL JURISDICTION, DIBËR

INTERESTED SUBJECTS:

ASSEMBLY OF THE REPUBLIC OF ALBANIA

COUNCIL OF MINISTERS, represented by Secretary General.

GENERAL PROSECUTION OFFICE, represented with authorisation, by prosecutor Isa Jata.

OBJECT: Repeal of Article 59, point 4, second sentence, of the Criminal Code and Articles 22, point 1, letter “b” and 37 of law no. 79/2020, dated 25.06.2020, “On the execution of the criminal decisions”, as incompatible with the Constitution of the Republic of Albania.

LEGAL BASIS: Articles 4, 30, 131, point 1, letter “a”, 134, point 1, letter “d” and 145, point 2, of the Constitution of the Republic of Albania (*the Constitution*); Article 6, point 2, of the European Convention on Human Rights (*ECHR*); Articles 68 et seq. 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 "a" and 134, point 1, letter "dh", of the Constitution, as well as Articles 68, 70, 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, by majority vote,

DECIDED:

1. Admission of the application in part.
2. Repeal of the second sentence of point 4 of Article 59 of the Criminal Code, in its content: "Probationary period starts the day after the announcement of the court's decision to stay of proceedings of the imprisonment sentence"
3. Declaration of the application inadmissible for the remaining.

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