

Decision no. 27, dated 11.04.2024

(V-27/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Marjana Semini, Genti Ibrahimimi, members, with court secretary Belma Lleshi, on 11.04.2024, took under examination in plenary session on the basis of submitted documents, the case no. 2 (J) 2023 of the Basic Court Register, pertaining to:

APPLICANT: JULIAN ÇELA

INTERESTED SUBJECTS:

“ALB-EDILIZIA” LTD. COMPANY, in absentia.

OBJECT: Repeal of decision no. 23/8 of the Criminal College of the High Court, dated 19.01.2023, as incompatible with the Constitution of the Republic of Albania.

LEGAL BASIS: Articles 15, 42, point 2, 44, 131, point 1, letter “f”, 134, point 1, letter “i”, of the Constitution of the Republic of Albania (*the Constitution*); Article 6, point 1, of the European Convention on Human Rights (*ECHR*); Articles 27, 50, point 4, 71, point 1 and 71/a, point 1, letter “b”, 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 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, by majority vote,

DECIDED:

1. Admission of the application.
2. Repeal of decision no. 23/8 of the Criminal College of the High Court, dated 19.01.2023, 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 in the High Court.
4. Obligation of the High Court to adjudicate the court`s case 11243-02058-00-2018 with priority.

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