

Decision no. 28, dated 11.04.2024

(V-28/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Genti Ibrahimimi, Marjana Semini, Sandër Beci, 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. 14 (K) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **KESTRIN KATRO**, represented with power of attorney, by lawyer Erind Merkuri.

INTERESTED SUBJECTS:

HIGH JUDICIAL COUNCIL, represented by the President, Naureda Llagami.

OBJECT: **Repeal of decisions no. 22 of the Administrative Court of Appeal, dated 07.03.2023; no. 00-2023-762 of the Administrative College of the High Court, dated 09.03.2023, as incompatible with the Constitution of the Republic of Albania.**

Repeal of Article 32, point 2, of law no. 96/2016, dated 06.10.2016, "On the status of judges and prosecutors in the Republic of Albania", amended, as incompatible with the Constitution of the Republic of Albania.

LEGAL BASIS: **Articles 42, 49, 131, point 1, letter "f", 134, point 1, letter "i" and 142 of the Constitution of the Republic of Albania (*the Constitution*); Article 6 of the European Convention on Human Rights (*ECHR*); Articles 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 31/b, 71 and 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 in part.
2. Repeal of decision no. 00-2023-762 of the Administrative College of the High Court, dated 09.03.2023, 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.