

Decision no. 32, dated 23.04.2024

(V-32/24)

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 23.04.2024, took under examination in plenary session on the basis of submitted documents, the case no. 5 (R) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **REZART MYSLYMI**, represented with special power of attorney, by the lawyer Zenun Hajdarmataj.

INTERESTED SUBJECTS:

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

OBJECT: **Repeal of decision no. 00-2023-731(136) of the Criminal College of the High Court, dated 25.04.2023, as incompatible with the Constitution of the Republic of Albania.**

LEGAL BASIS: Articles 31, 33, 42, 131, 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*); 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. 00-2023-731(136) of the Criminal College of the High Court, dated 25.04.2023, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case for further proceedings to the High Court.

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