

Decision no. 36, dated 30.04.2024

(V-36/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahim, Marjana Semini, Elsa Toska, members, with court secretary Belma Lleshi, on 16.04.2024 and 30.04.2024, took under examination in plenary session on the basis of submitted documents, the case no. 38 (A) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **GJYSTE NIKOLLI**, represented by lawyers Luan Gega and Ndre Molla.

INTERESTED SUBJECTS:

LUÇE BASHA,

FRANÇESK BASHA,

PJERIN BASHA, represented by lawyer Sokol Gjini.

OBJECT: **Repeal of decision no. 00-2022-1071 (236) of the Civil College of the High Court, dated 10.06.2022, as incompatible with the Constitution of the Republic of Albania.**
Remanding of the case to the High Court for further proceedings in a court's hearing, by another bench.

LEGAL BASIS: **Articles 15, 16, 42, 43, 124, point 1, 131, point 1, letter "f" and 134, point 1, letter "i", of the Constitution of the Republic of Albania (*the Constitution*); Articles 1 and 6, point 1, of the European Convention on Human Rights, as well as Article 1 of its Protocol no. 1; 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. 00-2022-1071 (236) of the Civil College of the High Court, dated 10.06.2022, 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.