

Decision no. 37, dated 07.05.2024

(V-37/24)

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 07.05.2024, took under examination in plenary session on the basis of submitted documents, the case no. 13 (B) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **BARDHOKE PICA KU**, represented with special power of attorney, by lawyer Marash Logu.

INTERESTED SUBJECTS:

STATE SOCIAL SERVICE, SUPERIOR KMCAP (MCDWA) OF PARAPLEGIA, TETRAPLEGY AND NEUROLOGY, represented by the General Director Reme Xholi.

OBJECT: **Repeal of decision no. 00-2023-2304 of the Administrative College of the High Court, dated 06.06.2023, as incompatible with the Constitution of the Republic of Albania.**

Finding of the violation of the right to a fair trial within a reasonable time, with regard to the administrative case no. 31155-00075-86-2022, registered in the Administrative Court of Appeal on 19.01.2022.

Obligation of the Administrative Court of Appeal to adjudicate the case within a deadline, as soon as possible.

LEGAL BASIS: **Articles 42, 131, point 1, 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; Article**

71 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 "f" and 134, point 1, letter "i", of the Constitution, as well as Article 72 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.
2. Repeal of decision no. 00-2023-2304 of the Administrative College of the High Court, dated 06.06.2023.
3. Finding of the violation of the right to a fair trial within a reasonable time of the administrative case no. 31155-00075-86-2022, registered on 19.01.2022.
4. Obligation of the Administrative Court of Appeal to adjudicate the case within 6 months from the entry into force of this decision.

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