

Decision no. 40, dated 14.05.2024

(V-40/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Ilir Toska, Genti Ibrahim, Marjana Semini, Sandër Beci, members, with court secretary Belma Lleshi, on 14.05.2024, took under examination in plenary session on the basis of submitted documents, the case no. 15 (L) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **LEFTER KOKA**, represented with power of attorney, by lawyer Tritan Hamitaj.

INTERESTED SUBJECTS:

SPECIAL PROSECUTION OFFICE AGAINST CORRUPTION AND ORGANISED CRIME, represented by the prosecutor Dritan Prençi.

OBJECT: **Repeal of decision no. 00-2023-335 of the Criminal College of the High Court, dated 23.02.2023, as incompatible with the Constitution of the Republic of Albania.**

Remanding of the case to the High Court for further proceedings.

Repeal of decision no. 00-2023-313 of the Criminal College of the High Court, dated 23.02.2023, as incompatible with the Constitution of the Republic of Albania.

Remanding of the case to the High Court for further proceedings.

LEGAL BASIS: **Articles 4, 17, 27, 42, 131, point 1, letter “f”, 134, point 1, letter “i”, 135, 141, 142 and 145 of the Constitution of the Republic of**

Albania (*the Constitution*); Articles 3, 5, 6 and 18 of the European Convention on Human Rights (*ECHR*); Articles 27, 28 and 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", 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. Rejection of the application.

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