

Decision no. 42, dated 29.05.2024

(V-42/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Genti Ibrahim, Marjana Semini, Ilir Toska, members, with court secretary Belma Lleshi, on 29.05.2024, took under examination in plenary session on the basis of submitted documents, the case no. 19 (L) 2023 of the Basic Court Register, pertaining to:

APPLICANT: LUMTURI VARFI

INTERESTED SUBJECTS:

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

OBJECT: Repeal of decisions no. 206 of Vlora Appeal Court, dated 29.03.2018; no. 00-2023-1038 (123) of the Criminal College of the High Court, dated 18.04.2023, as incompatible with the Constitution of the Republic of Albania.

Interpretation of Article 66 of the Criminal Code related to Article 3 of this code as well as the unified practice of the High Court and the European Court of Human Rights with regard to the application of legal certainty for the concrete case.

LEGAL BASIS: Articles 4, 5, 15, 21, 42, 43, 124, 131, 133 and 134 of the Constitution of the Republic of Albania (*the Constitution*); Article 2 of the European Convention on Human Rights (*ECHR*); Article 27, 50, 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 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. Finding of the violation of the constitutional right to life due to non-fulfilment of the constitutional and legal obligations to perform complete and effective investigations.

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