

**Decision no. 45, dated 11.06.2024**

**(V-45/24)**

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Elsa Toska, Sonila Bejtja, Sandër Beci, Ilir Toska, Marjana Semini, Genti Ibrahim, members, with court secretary Belma Lleshi, on 11.06.2024, took under examination in plenary session on the basis of submitted documents, the case no. 22 (L) 2023 of the Basic Court Register, pertaining to:

**APPLICANT: LAERT KOLA**

**INTERESTED SUBJECTS:**

**MINISTRY OF JUSTICE**, represented by Xhelal Kasaj, Erion Ndreca and Ornela Marku.

**MINISTRY OF FINANCE**, represented by Risena Xhaja.

**STATE ADVOCACY**, represented by lawyer Irma Qosja.

**OBJECT: Repeal of decision no. 00-2023-5019 of the Civil College of the High Court, dated 04.10.2023, 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, acceleration of the court's proceedings and compensation for damages. Unreasonable length of time in the case proceedings by the Tirana General Jurisdiction Court of Appeal, finding of the violation of the right to a fair trial by this court.**

**Finding of the absence of an effective remedy for the acceleration of proceedings pursuant to decision no. 3 of the Constitutional Court, dated 17.02.2022.**

**LEGAL BASIS:** Articles 15, 42, 131, point 1, letter “f” and 134, point 1, letter “i” of the Constitution of the Republic of Albania (*the Constitution*); Articles 6/1 and 13 of the European Convention on Human Rights; Articles 28 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 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, unanimously,

**DECIDED:**

1. Admission of the application.
2. Finding of the violation of the right to a fair trial within a reasonable time due to the absence of an effective remedy.

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