

Decision no. 58, dated 17.09.2024

(V-58/24)

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 17.09.2024, took under examination in plenary session on the basis of submitted documents, the case no. 11 (A) 2024 of the Basic Court Register, pertaining to:

APPLICANT: ALIDA GAZIDEDJA

INTERESTED SUBJECTS:

LEONARD TOÇI

OBJECT: Repeal of decision no. 9/5 of the Civil College of the High Court, dated 26.07.2023, 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 by the High Court, with regard to the civil case no. 21001-00016-00-2017, registered on 04.01.2017.

Finding of the violation by the High Court of the right to a fair trial within a reasonable time of its case act no. 9/5, dated 18.09.2020, with the following object: “*Finding of the violation of the right to a fair trial within a reasonable time and acceleration of proceedings by another college of the High Court etc.*”

Finding of the violation of the right to an impartial tribunal established by law.

After finding of separate and in conjunction violations, assignment of a fair compensation in reference to the European

Court of Human Rights decision “*Olivieri and others v. Italy*”, of 25.02.2016.

Obligation of the Council of Ministers to ensure execution of the Court`s decision through the relevant bodies of Public Administration or, if considered necessary by the Constitutional Court, assignment of the body responsible for the execution of such decision, as well as the method in which the decision shall be executed, by defining specific time limits, the manner and the relevant execution procedure.

LEGAL BASIS: Articles 42, point 2, 131, point 1, letter “f” and 134, points 1, letter “i” and 2, of the Constitution of the Republic of Albania (*the Constitution*); Articles 6, point 1 and 13 of the European Convention on Human Rights (*ECHR*); Articles 399/1- 399/12, 474 and 475 of the Civil Procedure Code; 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; law no. 98/2016 “On the organization of the judicial power in the Republic of Albania”.

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. 9/5 of the Administrative College of the High Court, dated 26.07.2023.

3. Finding of the violation of the right to a fair trial within a reasonable time in the High Court.

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