

Decision no. 63, dated 24.09.2024

(V-63/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahimimi, Marjana Semini, Marsida Xhaferllari, members, with court secretary Belma Lleshi, on 24.09.2024, took under examination in plenary session on the basis of submitted documents, the case no. 63 (A) 2023 of the Basic Court Register, pertaining to:

APPLICANT: **ARDIAN NARKAJ**, represented with power of attorney, by lawyer Iv Rokaj.

INTERESTED SUBJECTS:

GENERAL PROSECUTION OFFICE, represented with authorisation, by the prosecutor Alfred Progonati.

OBJECT: **Repeal of decisions no. 443 of Shkodër Appeal Court, dated 20.10.2016; no. 00-2023-687 of the Criminal College of the High Court, dated 25.04.2023, as incompatible with the Constitution of the Republic of Albania.**
Remanding of the case to Tirana General Jurisdiction Court of Appeal.

LEGAL BASIS: **Articles 42, 131, point 1, letter “f” and 134, points 1, letter “i” and 2, of the Constitution of the Republic of Albania (*the Constitution*); Article 6 of the European Convention on Human Rights (*ECHR*); Articles 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. Repeal of decision no. 00-2023-687, of the Criminal College of the High Court, dated 25.04.2023.
3. Remanding of the case to the High Court for further proceedings.

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