

Decision no. 64, dated 01.10.2024

(V-64/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Fiona Papajorgji, Sonila Bejtja, Ilir Toska, Marjana Semini, Marsida Xhaferllari, members, with court secretary Belma Lleshi, on 01.10.2024, took under examination in plenary session on the basis of submitted documents, the case no. 6 (S) 2024 of the Basic Court Register, pertaining to:

APPLICANT: SONILA MUHAMETAJ

INTERESTED SUBJECTS:

HIGH PROSECUTORIAL COUNCIL, represented with authorisation, by Danja Hobdari and Lorana Kasapi.

ELVIN GOKAJ

ALFRED SHEHU

OBJECT: **Repeal of decisions no. 356 of the High Prosecutorial Council, “On the Approval of the list of candidates for prosecutors at the Special Prosecution Office Against Corruption and Organized Crime, who meet the legal requirements”, dated 03.11.2021; decision no. 385, “On the Approval of the evaluation scale of the candidates for promotion at the Special Prosecution Office”, dated 13.12.2021; decision no. 386, “On the Approval of the list of the ranking of candidates for prosecutors at the Special Prosecution Office Against Corruption and Organized Crime”, dated 13.12.2021; decision no. 387, “On the appointment of the candidate Elvin Gokaj as a prosecutor in the Special Prosecution Office Against Corruption and Organized Crime”, dated 13.12.2021; decision no. 388, “On the appointment of the candidate Alfred Shehu as a prosecutor in the Special Prosecution Office Against Corruption and Organized Crime”,**

dated 13.12.2021; court`s decisions no. 83, dated 01.12.2022, and no. (the number is missing) of the Administrative Court of Appeal, dated 04.05.2023; decision no. 5 of the Civil College of the High Court, dated 10.07.2023; decision no. 00-2023-4083 of the Administrative College of the High Court, dated 25.09.2023, as incompatible with the Constitution of the Republic of Albania.

Obligation of the High Prosecutorial Council to reopen the process of evaluation of the candidates for prosecutors at the Special Prosecution Office Against Corruption and Organized Crime, with regard to such process initial phase.

LEGAL BASIS: Articles 4, 7, 17, 18, 42, 43, 116, 118, 124, 131, point 1, letter “f”, 134, points 1, letter “i” and 2, 148 et seq. of the Constitution of the Republic of Albania (*the Constitution*); Article 6 of the European Convention on Human Rights (*ECHR*); Articles 27, 49, point 3, letter “e”, 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 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. Rejection of the application.

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