

Decision no. 9 dated 15.03.2013

(V-9/13)

The Constitutional Court of the Republic of Albania consisting of: Bashkim Dedja, President, Vladimir Kristo, Xhezair Zaganjori, Vitore Tusha, Sokol Berberi, Altina Xhoxhaj, Fatmir Hoxha, Admir Thanza, members, and Blerina Basha - secretary, on 11.12.2012, examined in judicial session based on documents, the case no. 45/18 Act, pertaining to:

APPLICANT: Mr. LEONARD TROKTHI

INTERESTED SUBJECTS:

Ms. NEXHMIE NIKA, Ms. GJELA NDOJ, Mr. GJIN TROKTHI, in absentia.

OBJECT: The repeal, as unconstitutional, of the decision no. 00-2012-1572, dated 22.06.2012, of the Civil Chamber of the Supreme Court (counseling room), that rejected the recourse, and the decision no. 246, dated 16.02.2010 of the Tirana Court of Appeal, and the remand of the case for re-examination to the Tirana Court of Appeal.

The suspension of the implementation of the decision no. 70/60, dated 23.01.2009, of the Court of Kurbin Judicial District, left in force by the decision no. 246, dated 16.02.2010 of the Tirana Court of Appeal.

LEGAL BASIS: Articles 42, 131/f, 134/1/g of the Constitution of the Republic of Albania; article 6 of the European Convention on Human Rights; articles 27, 45 and successive of the Law nr.8577, dated 10.02.2000 "The organization and the functioning of the Constitutional Court of the Republic of Albania".

The Constitutional Court of the Republic of Albania, according to article 131 letter “f” and article 134, point 1, letter “g” of the Constitution, and articles 72 and successive of the Law no.8577, dated 10.02.2000 “The organization and the functioning of the Constitutional Court of the Republic of Albania”, by a majority of votes:

DECIDED:

- To accept partially the complaint.
- To repeal the decision no. 00-2012-1572, dated 22.06.2012 of the Civil Chamber of the Supreme Court.
- To remand the case for re-examination to the Supreme Court.

This decision is conclusive, final and enters into force on the date of publication in the Official Gazette.