

Decision nr.20, dated 01.06.2011

(V – 20/11)

The Constitutional Court of the Republic of Albania, consisting of: Vladimir Kristo, Xhezair Zaganjori, Petrit Plloçi, Vitore Tusha, Sokol Sadushi, Sokol Berberi, Admir Thanza, Altina Xhoxhaj, members, with secretary Blerina Çinari, on 23.02.2011, took under examination in open door judicial session, the case with act no.46/31, pertaining to:

APPELLANT:

ARBEN XHERAJ, represented by the lawyer Dilaver Bengasi.

INTERESTED SUBJECTS:

GENERAL PROSECUTOR'S OFFICE, absent.

STATE ADVOCATURE, represented by Abaz Deda.

THE OBJECT:

- 1. Repeal on unconstitutional grounds of decision no.1042, dated 09.07.2010 of the Criminal Chamber of the Supreme Court.**
- 2. Dismissal of decision no.417, dated 20.06.2001 of the Criminal Chamber of the Supreme Court.**
- 3. Ordering of the state institutions to execute the decision of the European Court of Human Rights, dated 29.07.2008, Arben Xheraj v. Republic of Albania.**
- 4. Suspension of decision no. 417, dated 20.06.2001 of the Criminal Chamber of the Supreme Court until becoming effective of final Constitutional Court decision.**

LEGAL BASIS: Articles 131/f, 134/g and 142/3 of the Constitution of the Republic of Albania.

Constitutional Court of the Republic of Albania, in reliance on articles 131, letter “a” and 134, point 1, letter “f” of the Constitution, as well as on articles 72 and 77 of Law nr.8577, dated 0.02.2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania,”

DECIDED:

- To repeal unanimously decision no.1042, dated 09.07.2010 of the Criminal Chamber of the Supreme Court.

- To remand the case to the Supreme Court.

- To reject, by a majority of votes, the compliant for the dismissal of decision no.417, dated 20.06.2001 of the Criminal Chamber of the Supreme Court due to lack of jurisdiction.

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

