

Decision no. 44, dated 29.07.2025

(V-44/25)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Marjana Semini, members, with court secretary Enina Kotoni, on 12.06.2025, 09.07.2025 and 15.07.2025 took under examination in public plenary session, held behind closed doors, the case no. 5 (O) 2024 of the Basic Court Register, pertaining to:

APPLICANT: **ONEJDA YMERAJ**, represented initially by lawyers Eugen Beci and Elis Bilali, and subsequently by lawyers Flonja Boriçi (Tashko) and Florian Hasko, with special power of attorney.

INTERESTED ENTITY: **SPECIAL PROSECUTION OFFICE AGAINST CORRUPTION AND ORGANIZED CRIME**, represented by prosecutors Altin Dumani and Bledar Maksuti.

SUBJECT MATTER: **Repeal of Decisions No. 93 (87-2024-134), dated 17.05.2024 of the Special Prosecution Office against Corruption and Organized Crime; Decision No. 00-2024-1272, dated 11.07.2024 of the Criminal College of the High Court, as incompatible with the Constitution of the Republic of Albania.**

LEGAL BASIS: **Articles 17, 35, 36, 42, 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 and 8 of the European Convention on Human Rights (*ECHR*);**

Law No. 8577, dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, (*Court’s Organic Law*), as amended.

Constitutional Court, 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”, as amended, unanimously,

DECIDED:

1. Admission of the application in part.
2. Finding of a violation of the secrecy of correspondence, as well as of the right to protection of personal data, insofar as they are not related to the scope of the criminal investigation.
3. Ordering of the destruction of copies of correspondence and personal data extracted from the applicant’s mobile phone which are not relevant to the scope of criminal investigation.
4. Continuation of the seizure of copies of correspondence and personal data related to the scope of the criminal investigation, thus subjecting them to judicial review.
5. Ordering of the implementation of the procedural safeguards provided for in the reasoning of this decision regarding the continuation of the seizure of the mobile phone, as an item containing correspondence and personal data.
6. Charging of the Special Prosecution Office for the enforcement of such decision within three months from its entry into force, ensuring the observance of the procedural safeguards, in accordance with the reasoning of this decision.

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