

Decision no. 2, dated 14.01.2026

(V-2/26)

Constitutional Court of the Republic of Albania composed of: Marsida Xhaferllari, Head of session, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Genti Ibrahimimi, Marjana Semini, Ilir Toska, members, with court secretary Anjeza Puka, on 12.11.2025, 19.11.2025 and 17.12.2025 took under examination in public plenary session and on the basis of submitted documents, the case no. 15 (I)/II 2024 of the Basic Court Register, pertaining to:

APPLICANT: **IGOR KOKUNOV**, represented with power of attorney, by the lawyers Isuf Shehu and Areta Ruçi.

INTERESTED ENTITIES:

GENERAL PROSECUTION OFFICE, represented with authorization, by the prosecutor Arqilea Koça.

MINISTRY OF JUSTICE, represented with authorization, by Elsonida Rama, Roland Stafa and Armida Hysenaj.

GENERAL DIRECTORATE OF STATE POLICE, in absentia.

SUBJECT MATTER: **Declaration as unconstitutional of the extradition of Igor Kokunov to the Russian Federation.**

Repeal of Decision no. 578, dated 14.11.2023, of the Shkodër Court of First Instance of General Jurisdiction; Decision No. 591 (30-2024-2077), dated 20.03.2024, of the Court of Appeal of General Jurisdiction; and Decision No. 00-2024-1533 (222), dated 24.09.2024, of the Criminal College of the High Court, as incompatible with the Constitution of the Republic of Albania.

Repeal of the Act of Approval No. /21 Prot./A.H., dated 14.10.2024, of the Ministry of Justice regarding the

extradition of Igor Kokunov, as incompatible with the Constitution and the Convention for the Protection of Human Rights and Fundamental Freedoms.

Declaration as unconstitutional of all actions undertaken by the Ministry of Justice, the General Prosecution Office, the General Directorate of State Police, and the General Directorate of Prisons following the issuance of the Constitutional Court Decision, dated 30.10.2024, at 17:15, regarding the stay of the extradition.

Declaration as unconstitutional of the actions of the administration of the Constitutional Court reflected in:

- 1. Document No. Act I-8, dated 10.10.2024, of the Judicial and Documentation Department.**
- 2. Document No. Act I-8, dated 17.10.2024, of the Judicial and Documentation Department.**

LEGAL BASIS:

Articles 5, 6, 18, 21, 25, 27, 39, point 2 and 43 of the Constitution of the Republic of Albania (*the Constitution*); European Convention on Extradition (*Convention on Extradition*) of 13.12.1957 and its Additional Protocol of 15.03.1975; European Convention on Mutual Assistance in Criminal Matters; European Convention on Human Rights (*ECHR*); Geneva Convention relating to the Status of Refugees, dated 28.07.1951, and the New York Protocol relating to the Status of Refugees, dated 31.01.1967; Articles 71, 71/a and 71/b of Law No. 8577, dated 10.02.2000 “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, by majority vote,

DECIDED:

1. Admission of the application in part.
2. Finding of a violation of the applicant’s right not to be subjected to torture, inhuman or degrading punishment or treatment, as provided for in Article 25 of the Constitution in relation to the standard of a reasoned judicial decision.
3. Finding of a violation of the applicant’s right not to be expelled, as provided for in Article 39 of the Constitution, in relation to the obligation of public authorities for the enforcement of Constitutional Court decisions.
4. Rejection of the application regarding the other claims.

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