

Decision no. 3, dated 15.01.2026

(V-3/26)

Constitutional Court of the Republic of Albania composed of: Marsida Xhaferllari, Head of session, Fiona Papajorgji, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahimimi, Asim Vokshi, Marjana Semini, members, with court secretary Anjeza Puka, on 17.12.2025 took under examination in plenary session on the basis of submitted documents, the case no. 15 (S) 2025 of the Basic Court Register, pertaining to:

APPLICANT: **SALI BERISHA**, represented with special power of attorney, by the lawyer Klodiana Gjyzari.

INTERESTED ENTITY: **SPECIAL PROSECUTION OFFICE AGAINST CORRUPTION AND ORGANIZED CRIME**, represented by the prosecutor Arben Kraja.

SUBJECT MATTER **Repeal of Decision No. 400, dated 30.07.2024, of the Special Court of First Instance for Corruption and Organized Crime; Decision No. 172 (87-2024-248), dated 13.09.2024, of the Special Court of Appeal against Corruption and Organized Crime; and Decision No. 00-2024-2076, dated 17.12.2024, of the Criminal College of the High Court, as incompatible with the Constitution of the Republic of Albania.**
Obligation of the Ministry of Finance to reimburse the expenses incurred up to the amount of 200,000 ALL.

LEGAL BASIS: **Articles 15, 17, 18, 27, 28, 42, 131, point 1, letter “f” and 134, point 1, letter “i” of the Constitution of the Republic of Albania (*the Constitution*); Articles 5, paragraph 1,**

letters “b” and “c”, 8, 10, 14, 17 and 18 of the European Convention on Human Rights (ECHR); Articles 9, 14 and 26 of the International Covenant on Civil and Political Rights, ratified by Law No. 7510, dated 08.08.1991 “On the accession of the Republic of Albania in the International Covenant on Civil and Political Rights”; Articles 27 and 71/a 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 71 and 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. Declaration as unconstitutional of Decision no. 400, dated 30.07.2024, of the Special Court of First Instance for Corruption and Organized Crime; Decision no. 172 (87-2024-248), dated 13.09.2024, of the Special Court of Appeal against Corruption and Organized Crime; and Decision no. 00-2024-2076, dated 17.12.2024, of the Criminal College of the High Court, in accordance with the reasoning set out above, only with regard to the part ruling on the applicant Sali Berisha.
3. The applicant’s representation expenses at the amount of 75, 000 ALL shall be charged to the Ministry of Finance.

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

