

Decision no. 8, dated 06.02.2026

(V-8/26)

Constitutional Court of the Republic of Albania composed of: Fiona Papajorgji, President, Marsida Xhaferllari, Sonila Bejtja, Ilir Toska, Genti Ibrahim, Marjana Semini, Asim Vokshi, Sandër Beci, members, with court secretary Anjeza Puka, on 22.01.2026 took under examination in public plenary session, the case no. 30 (K) 2025 of the Basic Court Register, pertaining to:

APPLICANT: **PRIME MINISTER OF THE REPUBLIC OF ALBANIA**, represented with authorization, by Herald Jonuzaj, Vangelt Duni and the state advocate Irma Qosja.

INTERESTED ENTITIES:

PRESIDENT OF THE REPUBLIC OF ALBANIA, represented with authorization, by Erjola Shia, Ilirian Rusmali dhe Hemion Braho.

ASSEMBLY OF THE REPUBLIC OF ALBANIA, represented with authorization, by Mimoza Arbi and Ervina Domi.

SPECIAL COURT OF FIRST INSTANCE FOR CORRUPTION AND ORGANIZED CRIME, in absentia.

SPECIAL PROSECUTION OFFICE AGAINST CORRUPTION AND ORGANIZED CRIME, represented with authorization, by the prosecutors Dritan Prençi and Dorina Bejko.

SUBJECT MATTER: **Resolution of the conflict of competence arising between the Prime Minister and the Council of Ministers, on the one hand, and the Special Court of First Instance for Corruption and Organized Crime, on the other,**

concerning the suspension from the exercise of duties of a member of the Council of Ministers.

Repeal of Decisions No. 118, dated 19.11.2025, and No. 120, dated 22.11.2025, of the Special Court of First Instance for Corruption and Organized Crime, insofar as they ruled, respectively, on the imposition and the continuation of the implementation of the preventive measure of suspension from the exercise of duties of the Deputy Prime Minister and Minister of Infrastructure and Energy, as an act violating the guarantee of immunity of a member of the Council of Ministers, the principle of separation of powers, and the powers of the bodies established by the Constitution as the authorities responsible for proposing, appointing, and approving ministers in office.

The stay of the effects of the decision pending the conclusion of proceedings by the Constitutional Court.

The interpretation of Article 103, point 3 of the Constitution, to the effect that: “A member of the Council of Ministers, enjoying the immunity of a Deputy, benefits from all procedural guarantees afforded to the latter not only by the Constitution but also by the criminal procedural legislation.

LEGAL BASIS:

Articles 7, 73, 97, 98, 99, 103, point 3, 131, letter “ç” and 134, letter “b”, of the Constitution of the Republic of Albania (*the Constitution*); Articles 27, 54, 55 and 56 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, letter “ç” and 134, point 1, letter “b”, of the Constitution, as well as Articles 54, 55, 56, 72 and 73, point 4, of Law No. 8577, dated 10 February 2000 “On the organization and functioning of the Constitutional Court of the Republic of Albania”, as amended,

DECIDED:

1. Rejection of the application.
2. Lifting of the measure of suspension imposed by the Decision of 12.12.2025 of the Meeting of Judges.

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