

Decision no. 22, dated 03.03.2026

(V-22/26)

Constitutional Court of the Republic of Albania composed of: Fiona Papajorgji, President, Marsida Xhaferllari, Sonila Bejtja, Sandër Beci, Ilir Toska, Marjana Semini, Genti Ibrahim, members, with court secretary Farisja Idrizaj, on 03.03.2026 took under examination in plenary session on the basis of submitted documents, the case no. 3 (Gj) 2025 of the Basic Court Register, pertaining to:

APPLICANT: **GJERGJ LUKA**, represented with power of attorney, by lawyer Ded Guri.

INTERESTED ENTITIES:

BURREL INSTITUTION FOR THE EXECUTION OF CRIMINAL DECISIONS, represented by the Director Fari Dema.

GENERAL DIRECTORATE OF PRISONS, represented by the Director General Klevis Qose.

STATE ADVOCACY OFFICE, TIRANA LOCAL OFFICE, in absentia.

SUBJECT MATTER: **Finding of a violation of the applicant's constitutional rights, including a violation of Articles 44 (Right to compensation), 42 (Right to a fair hearing), and 18 (Equality before the law).**

Repeal of Decision no. 00-2024-3708 of 25 September 2024 of the Civil Chamber of the High Court, as incompatible with the Constitution of the Republic of Albania.

Remanding of the case to the High Court for further proceedings.

Ordering of the relevant authorities to guarantee full remuneration for the work performed by the applicant, in accordance with the law and the relevant decisions, for the period from 1 September 2001 to 30 March 2010, based on the minimum wage laid down in Council of Ministers Decision no. 303 of 25 March 2009 ‘On the approval of the General Prison Rules’.

LEGAL BASIS:

Articles 18, 42, 44, 131, point 1, letter “f” and 134, point 1, letter “i”, of the Constitution of the Republic of Albania (*the Constitution*); Articles 71 and 72 of 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 Article 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. Repeal of Decision no. 00-2024-3708 of 25 September 2024 of the Civil Chamber of the High Court, as incompatible with the Constitution of the Republic of Albania.
3. Remanding of the case to the High Court for further proceedings.

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