

Decision no. 80, dated 21.11.2024

(V-80/24)

Constitutional Court of the Republic of Albania composed of: Holta Zaçaj, President, Marsida Xhaferllari, Sonila Bejtja, Sandër Beci, Ilir Toska, Genti Ibrahimi, Marjana Semini, Fiona Papajorgji, members, with court secretary Belma Lleshi, on 21.11.2024, took under examination in plenary session on the basis of submitted documents, the case no. 1 (Z) 2024 of the Basic Court Register, pertaining to:

APPLICANT: **“PRIVATE BAILIFF OFFICE ARB” LTD. COMPANY,**
represented by the administrator, Alban Ruli.

INTERESTED SUBJECTS:

NATIONAL COMMERCIAL BANK, represented by its legal representative, Ndue Maluta.

ALBANIAN POWER CORPORATION JSC (SH.A), in absentia.

OBJECT: **Finding of a violation of the right of access to a court established by law.**

Finding of a violation of the right to a fair trial within a reasonable time and acceleration of proceedings by another panel of the High Court, with regard to case no. 11118-02028-00-2016, registered on 15.06.2016, related to decision no. 3048 of Tirana District Court, dated 15.04.2015, upheld by decision no. 944 of Tirana Court of Appeal, dated 21.04.2016.

Finding of a lack of an effective remedy for the finding, compensation, and acceleration of the aforementioned procedures.

Finding of the applicant's victim status throughout the judicial process as a result of the violation of access to a court established by law and the violation of the right to a fair trial within a reasonable time, pursuant to judgment *Scordino v. Italy*.

Order for the applicant's rehabilitation and compensation in compliance with the law, as the damage was caused due to unlawful acts, specifically letters no. 3102/1/2020 and no. 2087/1/2024 of the High Court (December 2020 and April 2024) and the violation of the right to a trial within a reasonable time.

LEGAL BASIS: Articles 42, point 2, 44, 131, point 1, letter "f" and 134, point 1, letter "i", of the Constitution of the Republic of Albania (*the Constitution*); Article 6, paragraph 1 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", (*law no. 8577/2000*), amended.

Constitutional Court of the Republic of Albania, pursuant to Articles 131, point 1, letter "f", 134, point 1, letter "i" and 133, point 2, of the Constitution, as well as Articles 71, 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", amended,

DECIDED:

1. Rejection of the application.

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