REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO
GJYKATA KUSHTETUESE
УСТАВНИ СУД
CONSTITUTIONAL COURT

Prishtina, 15 July 2019
No. Ref.:RK1395/19

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RESOLUTION ON INADMISSIBILITY

in

Cases No. KI02/19, KI03/19, KI04/19 and KI05/19

Applicant

Halil Mustafa and 3 others

Constitutional review of 4 decisions of the Supreme Court of the Republic of Kosovo rendered between 26 March and 10 October 2018

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

composed of:

Arta Rama-Hajrizi, President
Bajram Ljatifi, Deputy President
Bekim Sejdiu, Judge
Selvete Gërxhaliu-Krasniqi, Judge
Gresa Caka-Nimani, Judge
Safet Hoxha, Judge
Radomir Laban, Judge
Remzije Istrefi-Peci, Judge, and
Nexhmi Rexhepi, Judge

Applicants

1. Referral KI02/19 was submitted by Halil Mustafa; Referral KI03/19 was submitted by Zeqir Rexhepi; Referral KI04/19 was submitted by Remzi Rushiti and Referral KI05/19 was submitted by Hasan Geci.

2. All of the above (hereinafter: the Applicants) reside in the Municipality of Skenderaj and are represented by Jahir Bejta, director of the association "Ngritja e Zërit".

Challenged decision

3. The Applicants challenge 4 decisions of the Supreme Court of the Republic of Kosovo (hereinafter: the Supreme Court), as follows:

   1. Halil Mustafa- Decision Rev. No. 279/2018, of 6 September 2018;

   2. Zeqir Rexhepi- Decision Rev. No. 305/2018, of 10 October 2018;

   3. Remzi Rushiti- Decision Rev. No. 221/2018, of 31 July 2018;

   4. Hasan Geci- Decision Rev. No. 65/2018, of 26 March 2018.

Subject matter

4. The subject matter of the Referrals is the constitutional review of the challenged decisions, which allegedly violate the rights of the Applicants guaranteed by Articles 21 [General Principles], 22 [Direct Applicability of International Agreements and Instruments], 53 [Interpretation of Human Rights Provisions] and 54 [Judicial Protection of Rights] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution), Article 6 (Right to a fair trial) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter: the ECHR) and Article 15 of the Universal Declaration of Human Rights (hereinafter: the UDHR).

Legal basis

5. The Referrals are based on paragraph 7 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution, Articles 22 [Processing Referrals] and 47 [Individual Requests] of Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (hereinafter: the Law) and Rule 32 [Filing of Referrals and Replies] of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo (hereinafter: the Rules of Procedure).

Proceedings before the Court

6. On 9 January 2019, the Applicants submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).

7. On 10 January 2019, Jahir Bejta in the capacity of the Applicants' representative and in the capacity of the director of the Association "Ngritja e Zërit" submitted to the Court a document which, although expressly does not refer to any specific case in the Court, repeats the allegations and arguments contained in the Applicants' Referrals.

8. On 1 February 2018, the President of the Court in Case KI02/19 appointed Judge Safet Hoxha, as Judge Rapporteur, and the Review Panel composed of Judges: Bekim Sejdiu (Presiding), Gresa Caka-Nimani and Bajram Ljatifi.

9. On the same date, in accordance with paragraph 1 of Rule 40 (Joinder and Severance of Referrals) of the Rules of Procedure, the President of the Court ordered the joinder of Referrals KI03/19, KI04/19, KI05/19 with Referral KI02/19.

10. On 19 February 2019, the Court notified the Applicant about the registration and the joinder of the Referrals.

11. On the same date, the Court also notified the Supreme Court about the registration of Referral and their joinder.

12. On 20 June 2019, the Review Panel considered the Report of the Judge Rapporteur and unanimously recommended to the Court the inadmissibility of the Referral.

Summary of facts

13. Between 27 July 2011 and 14 October 2013, the Applicants individually filed a claim with the Basic Court in Mitrovica, Branch in Skenderaj (hereinafter: the Basic Court) against the Government of the Republic of Serbia for compensation of material and non-material damage which was caused to them during the war between 1998 and 1999.

14. During the period 17 September 2013 - 27 October 2015, the Basic Court, by individual decisions, dismissed the Applicants' claims and declared itself incompetent to decide.

15. The Applicants filed individual appeals against the decisions of the Basic Court with the Court of Appeals, on the grounds of essential violations of the provisions of the contested procedure. The Applicants requested that the decisions of the Basic Court be annulled and the Applicants' claims be declared admissible.

16. Between 28 August 2017 and 5 July 2018, the Court of Appeals rendered separate decisions by rejecting each of the Applicants' appeals and upholding the decisions of the Basic Court.

17. Each of the Applicants, individually, filed a separate request for revision with the Supreme Court, alleging the existence of a violation of the provisions of the contested procedure. They requested that their requests for revision be approved, the decisions of the Court of Appeals and the Basic Court be annulled and their legal case be remanded for reconsideration to the Basic Court. The Applicants alleged that there are other provisions of the Law on Contested Procedure which regulate the issue of competence in their cases. Among other things, according to them in this case, the provision of Article 28

of the Law on Contested Procedure, which deals with the jurisdiction of the courts in disputes with international element, should have been applied.

18. Between the dates 26 March and 10 October 2018, the Supreme Court rendered separate decisions [see paragraph 3 of this Decision], rejecting the requests for revision of each Applicant as ungrounded. The main arguments of the Supreme Court in each of these decisions, were as follows:

> "*Taking into account* [the provisions of the Law on Contested Procedure] *LCP as well as the fact that with the lawsuit was sued the Republic of Serbia - Government R.S. in Belgrade, [...] in the present case it is about the legal-property dispute in the foreign state, for which the norms of international law apply, and for this dispute the court of the country is not competent to decide, therefore, the Supreme Court of Kosovo assesses that the Basic Court and the Court of Appeals have correctly applied the provisions of Article 18.3 and Article 39 par. 1 and 2 of the LCP, when they were declared incompetent to adjudicate this legal matter and dismissed the* [Applicants'] *claim, as of the general territorial jurisdiction is the court in the territory of which is the seat of the Assembly of the Republic of Serbia, so that, [and] the seat of the Assembly of the Republic of Serbia as a responding party is not in the territory of the courts of the Republic of Kosovo.*
> *[...]*
> *The provision of Article 28 LCP, to which the Applicants refer, and which assigns the competence of our courts in the disputes with an international (foreign) element, cannot be applied in the present case, since we are not dealing here either with foreign natural persons or with foreign legal persons, but with a foreign state, with which to the present moment the state of Kosovo, on which territory the damage was caused, has not concluded any international agreement [...] for the competence of domestic courts for these types of disputes [...] The allegation of the revision* [of the Applicants] *that in the present case we are dealing with the territorial jurisdiction chosen under Articles 47, 51 and 61 of the LCP is ungrounded, as according to the assessment of the Supreme Court, these provisions do not relate to the present case [...], the lower instance courts have correctly applied the provision of Article 18.3 of the LCP, considering the other reasons mentioned above".*

Applicant's allegations

19. The Applicants' allegations are identical, and therefore, the Court presents them as identical allegations for all the Applicants of these joined referrals.

20. The Applicants allege that the decisions of the Supreme Court violated their rights guaranteed by Articles 21, 22, [Direct Applicability of International Agreements and Instruments], 53 [Interpretation of Human Rights Provisions] and 54 [Judicial Protection of Rights] of the Constitution, Article 6 (Right to a fair trial) of the ECHR and Article 15 of the UDHR.

21. The Applicants allege that the regular courts *"have incorrectly applied the applicable law referring to the territorial jurisdiction of the Basic Court [...], as the court territorially competent for the adjudication of legal matters is always the court in the territory of which the crime was committed, moral namely material damage! This valid legal definition and position corresponds with the* interest *of the injured party, the principle of economy in the court and administrative proceedings, and in accordance with the international principle –per loci, the addressing of the indictments based on the place where the crime was committed".*

22. The Applicants, referring to Article 21 paragraph 1 of the Constitution, allege that the regular courts *"have not applied the advanced international human rights standards. One of the standards is to allow the injured party to initiate the issue of* compensation *for moral and material damage, caused as a result of direct action by the Serbian authorities [...]".*

23. The Applicants, referring to Article 22 of the Constitution, allege that as *"the human rights guaranteed by international conventions, agreements and instruments are a priority in the event of conflict with the laws and other provisions of public authorities",* accordingly, *"the submission of indictments before the domestic courts is also based on Article 6 of the ECHR and paragraph 15 of the UDHR [...]".*

24. The Applicants also state that *"The obligation to apply Geneva Conventions of 1994 is also foreseen by the International Humanitarian Law of Kosovo".* According to the Applicants, the regular courts have violated the constitutional provisions because they have not applied the provisions of the international conventions, as a category of domestic legal order.

25. The Applicants, referring to Article 54 of the Constitution, also state that *"the right to* judicial *protection of rights, the right to access to justice at national level and the institutional guarantees for the protection of human rights have been denied".*

26. The Applicants refer to some examples of the international case law whereby, according to them, the victims of the Second World War were allowed *"to submit individual indictments to the domestic courts for compensation of damage caused by Germany".* In that regard, they specify that in the cases of Greece and Italy, the individuals were given the opportunity to seek compensation for *"the damage caused by Germany during the Second World War in accordance with the international principle 'per loci'."*

27. Finally, the Applicants request the Court to annul the decisions of the regular Courts as well as *"to request the Basic Court in Mitrovica – branch in Skenderaj to reprocess and adjudicate the legal case for compensation of moral and material damage in conformity with applicable law and good court practice [...]."*

28. In addition to all other Applicants, the Applicant Hasan Geci (KI05/19) has also attached a letter requesting that the time-limit be returned to the previous

situation pursuant to Article 50 [Return to Previous Situation] of the Law, emphasizing that *"from 1 June 2018 to 3 September, he was staying abroad with* his *brother in Germany"* and thus could not file the referral within the prescribed time limit of 4 (four) months.

Admissibility of Referrals

29. The Court shall first examine whether the Referrals have met the admissibility requirements established in the Constitution and further specified in the Law and foreseen in the Rules of Procedure.

30. As an initial note, the Court notes that the subject matter of of these joined referrals and the allegations raised in those referrals are similar to a number of other referrals on which the Court has already decided (see, *mutatis mutandis*, cases of the Constitutional Court, KI73/17, KI78/17 and KI85/17, *Istref Rexhepi and 28 others*, Resolution on Inadmissibility of 23 October 2017, cases KI KI97/17, KI99/17, K115/17 and KI121/17 *Mala Mala, Ali Salihu, Nurije Beka and Xhevat Xhinovci*, Resolution on Inadmissibility of 10 January 2018 and Case No. KI96/18, KI97/18, KI98/18, KI99/18, KI100/18, KI101/18, KI102/18, KI103/18, KI104/18, KI105/18, KI106/18, KI107/18, KI116/18, KI117/18, KI119/18 and KI125/18, *Fehmi Hoti and 15 others*, Resolution on Inadmissibility of 19 February 2019, and all cases of "Ngritja e Zërit";, see also the relevant legal provisions cited in those cases).

31. Turning to the circumstances of the present cases, the Court refers to paragraphs 1 and 7 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution which establish:

> *1. The Constitutional Court decides only on matters referred to the court in a legal manner by authorized parties.*
> *(...)*
> *7. Individuals are authorized to refer violations by public authorities of their individual rights and freedoms guaranteed by the Constitution, but only after exhaustion of all legal remedies provided by law.*

32. The Court further refers to Article 48 [Accuracy of the Referral], 49 [Deadlines] and 50 [Return to the Previous Situation] of the Law, which establish:

> Article 48
> [Accuracy of the Referral]
>
> *"In his/her referral, the claimant should accurately clarify what rights and freedoms he/she claims to have been violated and what concrete act of public authority is subject to challenge".*

Article 49
[Deadlines]

"The referral should be submitted within a period of four (4) months. The deadline shall be counted from the day upon which the claimant has been served with a court decision... ."

Article 50
[Return to the Previous Situation]

If a claimant without his/her fault has not been able to submit the referral within the set deadline, the Constitutional Court, based on such a request, is obliged to return it to previous situation. The claimant should submit the request for returning to previous situation within 15 days from the removal of obstacle and should justify such a request. The return to the previous situation is not permitted if one year or more have passed from the day the deadline set in this Law has expired.

33. Furthermore, the Court also refers to the Rules of Procedure, namely item (c) of subparagraph (1) and paragraph (2) of Rule 39 [Admissibility Criteria], which stipulate as follows:

(1) The Court may consider a referral as admissible if:

(...)

(c) the referral is filed within four (4) months from the date on which the decision on the last effective remedy was served on the Applicant,

(...)

(2) The Court may consider a referral as inadmissible if the referral is manifestly ill founded because the Applicant has not sufficiently proved and substantiated the claim."

Regarding the 3 Applicants [KI02/19, KI03/19 & KI04/19]

34. The Court finds that the three Applicants [not including Referral KI05/19 that will be treated separately] are authorized parties, who challenge an act of a public authority after exhaustion of all legal remedies. The Applicants have also clarified the rights and freedoms they claim to have been violated in accordance with Article 48 of the Law and have submitted the referral in accordance with the deadline set out in Article 49 of the Law 39 (1) (c) of the Rules of Procedure.

35. In addition, in relation to these three referrals, the Court must consider whether the admissibility criterion set out in Rule 39 (2) of the Rules of Procedure is met. In this regard, the Court recalls that the Applicants allege that the regular courts have violated certain rights protected by the

Constitution, the ECHR and the UDHR, with particular emphasis on the right to fair and impartial trial and the right to protection of judicial rights.

36. In this regard, the Court notes that the Applicants allege that the regular courts erroneously interpreted the law in force when referring to the territorial jurisdiction of the Basic Court. They further allege that the court in which territory the damage is caused is the court competent to adjudicate their cases.

37. The Court considers that the Applicants' allegations essentially relate to the interpretation by the regular courts of the relevant legal provisions governing their territorial jurisdiction, namely the competence to deal with the claims of the Applicants.

38. The Court reiterates its position that the fair and complete determination of factual situation, as well as the relevant legal interpretations, in principle fall within the jurisdiction of the regular courts. The role of the Constitutional Court is to ensure compliance with the standards and rights guaranteed by the Constitution, namely, it cannot act as a "fourth instance court". (See *mutatis mutandis,* Judgment of the European Court of Human Rights (hereinafter: the ECtHR) of 21 January 1999, *Garcia Ruiz v. Spain*, No. 30544/96, paragraph 28; see also *mutatis mutandis*, regarding the "fourth instance" doctrine, the Constitutional Court cases KI86/11, Applicant *Milaim Berisha*, Resolution on Inadmissibility of 5 April 2012, paragraph 33; as well as the joined cases KI73/17, KI78/17 and KI85/17 Applicants *Istref Rexhepi and 28 others*, Resolution on Inadmissibility of 27 November 2017, paragraphs 46 and 47).

39. In the present case, the Court notes that the Supreme Court has considered the Applicants' allegations regarding the interpretation made by the Court of Appeals and the Basic Court of the relevant legal provisions relating to the competence to adjudicate in the Applicants' cases.

40. The Supreme Court, during the examination of the Applicants' allegations, reasoned that the Basic Court and the Court of Appeals have correctly applied the provisions of the Law on Contested Procedure when they found that they had no jurisdiction to adjudicate in these court cases. Therefore, the Supreme Court rejected the Applicants' allegations, reasoning that the general territorial jurisdiction is in the court in the territory of which is the seat of the Assembly of the Republic of Serbia which is not in the territory of the courts of Kosovo.

41. Thus, in some of its decisions (see, for example, Decision in case Rev. No. 305/2018), the Supreme Court, *inter alia*, reasoned that:

> *"[...] in accordance with the provision of Article 28.2 of the LCP, when it comes to disputes with a foreign element, the court of the country is competent only if this international competence derives expressly from an international agreement or by law itself [...] Article 39.1 of the LCP, foresees that "in the adjudication of disputes against Kosovo [...] the general territorial jurisdiction is vested in the court within whose territory is the headquarters of its assembly. While in paragraph 2 it is foreseen "in the adjudication of disputes against other legal persons, the general*

territorial jurisdiction is vested in the court within whose territory their headquarters is registered.' Thus, also with the provision of Article 54.1 of the Law on the Resolution of the Collision of Law with the provisions of other states provides that in the legal-property disputes the jurisdiction of the domestic court exists if the property of the respondent or the thing sought by lawsuit is located in our country".

42. The Supreme Court further specified that in the case of the Applicants "*we are dealing* with *a foreign state, with which to the present moment the state of Kosovo in the territory of which the damage was caused has not concluded any international agreements for the jurisdiction of the local courts for these types of disputes*".

43. The Court considers that the findings of the Basic Court, the Court of Appeals and of the Supreme Court were reached after a review of all the arguments and interpretations put forward by the Applicants. In this way, the Applicants were given the opportunity to present at all stages of the proceedings the arguments and legal interpretations they consider relevant to their cases.

44. Accordingly, the Court concludes that the proceedings before the regular courts, viewed in their entirety, were fair and that the allegation of arbitrary legal interpretation by the regular courts could not be proved.

45. With regard to the Applicants' allegations as to "*their right to judicial protection and access to justice*", the Court emphasizes the case law of the ECtHR, on which it is obliged to refer to under Article 53 of the Constitution. The Court notes that the ECtHR has in some cases noted procedural barriers imposed by the principle of sovereign state immunity - as one of the fundamental principles of international public law - in relation to judicial proceedings that may be conducted against a state in the domestic courts of another state. (See the joined cases of the Constitutional Court, KI96/18, KI97/18,KI98/18, KI99/18,KI100/18,KI101/18, KI102/18,KI103/18, KI104/18, KI105/18, KI106/18, KI107/18, KI116/18,KI117/18, KI119/18 and KI125/18, Applicant *Fehmi Hoti and 15 others*, Resolution on Inadmissibility of 30 January 2019, paragraphs 58 and 59, see also *mutatis mutandis* the ECHR cases cited in the aforementioned case of the Constitutional Court, *Jones and Others v. the United Kingdom*, 34356/06 and 40528/06, Judgment of 14 January 2014 and *Al-Adsani v. United Kingdom*, Application 35763/97 Judgment of 21 November 2001).

46. Moreover, in the case of *Al-Adsani v. the United Kingdom*, the ECtHR reasoned as follows: "*The right of access to court may be subject to limitations, unless the essence of the very right is impaired. Such limitations must pursue a legitimate aim and be proportionate. The recognition of sovereign state immunity in civil proceedings follows the legitimate aim of respecting the internatio*nal law [...]. As far as proportionality is concerned, the Convention should, as *far as possible, be interpreted in accordance with other rules of international law, including those relating to the immunity of States. Thus, the measures taken by the state which reflect the general rules of international law on the immunity of States cannot, in principle, be regarded*

as a disproportionate limitation of the right of access to the court". Such an attitude, as far as concerns the tension between the principle of sovereign immunity of states and the right to access to justice (court), was emphasized by the International Court of Justice (see, for example, case: *Germany v. Italy; Greece as an intervening party*, Judgment of 3 February 2012).

47. In the light of the foregoing arguments, the Court considers that it is important to emphasize the fact that the regular courts of Kosovo did not deal with, namely, did not adjudicate regarding the Applicants' right to seek compensation of damage, but only with respect to the territorial jurisdiction of the courts of Kosovo to conduct proceedings against another state.

48. While referring to the Applicants' allegations about the application of the Geneva Convention in their judicial cases, the Court notes that the Applicants have only referred to this Convention but did not provide any further arguments regarding this allegation. (See, for the ultimate authority in this regard, the joined cases of the Constitutional Court, KI96/18, KI97/18, KI98/18, KI99/18, KI100/18, KI101/18, KI102/18,KI103/18, KI104/18, KI105/18, KI106/18, KI107/18, KI116/18, KI117/18, KI119/18 and KI125/18, cited above, paragraph 45).

49. The Court emphasizes its general view that the mere fact that the Applicants do not agree with the outcome of the decisions of the Supreme Court, or of other regular courts, as well as mentioning of articles of the Constitution or in international instruments, are not sufficient to build a reasoned allegation of constitutional violations. When such violations of the Constitution are alleged, the Applicants must provide a reasoned allegations and convincing arguments. (See the case of the Constitutional Court, KI136/14, Resolution on Inadmissibility of 10 February 2015, *Abdullah Bajqinca*, paragraph 33).

50. The Court also notes that the submitted facts and the allegations of the Applicants are almost identical to some earlier Referrals, for which the Court has decided that they are inadmissible, as manifestly ill-founded on constitutional basis. (For the latest authority in this regard, see the joined cases of the Constitutional Court, KI96/18, KI97/18, KI98/18, KI99/18, KI100/18, KI101/18, KI102/18, KI103/18, KI104/18, KI105/18, KI106/18, KI107/18, KI116/18, KI117/18, KI119/18 and KI125/18, cited above, cases KI73/17, KI78/17 and KI85/17, cases KI97/17, KI99/17, K115/17 and KI121/17). All these referrals raised almost identical allegations with the referrals addressed in this decision and, as in those cases, even in these joined cases, the Court considers that they are to be declared as ungrounded on constitutional basis.

51. In sum, the Court considers that the Applicants' Referrals do not prove that the proceedings before the regular courts have caused a violation of their rights guaranteed by the Constitution, the ECHR or the UDHR.

Regarding the Applicant Hasan Geci [KI05/19]

52. With respect to this Referral, the Court finds that the Applicant is an authorized party that challenges an act of a public authority and has exhausted

all legal remedies. However, before examining other admissibility requirements, the Court must examine the fulfillment of the requirement of filing the referral within a period of four (4) months, as provided for in Article 49 of the Law and Rule 39 (1) (c) of the Rules of Procedure.

53. In this regard, the Court recalls that the Applicant challenges the constitutionality of Decision [Rev. No. 65/2018] of the Supreme Court of 26 March 2018, while he filed the Referral KI05/19 to the Court on 9 January 2019, thus, after a period of four (four) months.

54. With regard to the delay in submitting the Referral, the Court recalls that the Applicant requests a return to the previous situation in accordance with Article 50 of the Law, on the grounds that "*from 1 June 2018 until 3 September he was staying abroad with his brother in Germany*".

55. In support of his arguments for lack of physical presence in Kosovo during the aforementioned period, the Applicant also presented the possibility of verification through 2 (two) witnesses.

56. In the present case, the Court considers that the Applicant did not provide any evidence to prove that due to the objective circumstances beyond his control he failed to submit the Referral within the 4 (four) month legal deadline. Furthermore, the Applicant did not provide evidence that indicates that the Referral was filed within 15 (fifteen) days from avoiding the obstacle that would justify the request for return to the previous situation, as required by Article 50 of the Law.

57. Therefore, the Court finds that the Applicant did not substantiate his request for return to the previous situation, pursuant to Article 50 of the Law and, therefore, his Referral should be rejected.

58. The Court recalls that the purpose of the 4 (four) months legal deadline under Article 49 of the Law and Rule 39 (1) (c) of the Rules of Procedures, is to promote legal certainty by ensuring that cases raising constitutional matters are dealt within a reasonable time and that past decisions are not continually open to constitutional review. (See, ECtHR case, *O'Loughlin and Others v. United Kingdom*, Application No. 23274/04, Decision of 25 August 2005; see also, the case of the Constitutional Court KI140/13, Applicant *Ramadan Cakiqi*, Resolution on Inadmissibility of 17 March 2014, paragraph 24).

59. Based on the foregoing, it follows that the Referral [KI05/19] of the Applicant Hasan Geci was filed out of the legal time limit provided by Article 49 of the Law and Rule 39 (1) (c) of the Rules of Procedure and as such is inadmissible.

60. In conclusion, the Court finds that:

(i) with regard to 3 Applicants [KI02/19, KI03/19 and KI04/19], their referrals are manifestly ill-founded on constitutional basis and are to be

declared inadmissible in accordance with Article 48 of the Law and Rule 39 (2) of the Rules of Procedure;

(ii) with regard to the Applicant Hasan Geci [KI05/19], his referral was submitted out of the legal deadline provided by Article 49 of the Law and Rule 39 (1) (c) of the Rules of Procedure and as such is inadmissible.

FOR THESE REASONS

The Constitutional Court of the Republic of Kosovo, in accordance with Article 113.1 and 113.7 of the Constitution, Articles 48 and 49 of the Law and Rules 39 (1) (c) and 39 (2) of the Rules of Procedure, on 20 June 2019, unanimously

DECIDES

I. TO DECLARE the Referral inadmissible;

II. TO NOTIFY this Decision to the Parties;

III. TO PUBLISH this Decision in the Official Gazette in accordance with Article 20.4 of the Law; and

IV. This Decision is effective immediately.

Judge Rapporteur **President of the Constitutional Court**

Safet Hoxha Arta Rama-Hajrizi

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