



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

Prishtina, on 26 August 2019  
Ref. no.:RK 1418/19

*This translation is unofficial and serves for informational purposes only.*

## **RESOLUTION ON INADMISSIBILITY**

in

**cases no. KI19/19 and KI20/19**

Applicant

**Muhamet Thaqi and Egzon Keka**

**Constitutional review of Decision Pml. No. 259/2018 of the Supreme Court of Kosovo, of 5 November 2018 and Judgment PA1. No. 748/2018 of the Court of Appeals of 13 August 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

#### **Applicant**

1. Referral KI19/19 was submitted by Muhamet Thaqi, from the Municipality of Kamenica, represented by Florent Latifaj, a lawyer (hereinafter: the first Applicant).

2. Referral KI20/19 was submitted by Egzon Keka, from the Municipality of Kamenica, represented by Driton Musliu, a lawyer (hereinafter: the second Applicant).
3. When the Court refers jointly to the first and second Applicant, it shall refer to them as the Applicants.

### **Challenged decision**

4. The Applicants challenge the constitutionality of Decision [Pml. No. 259/2018] of 5 November 2018 of the Supreme Court of Kosovo (hereinafter: the Supreme Court) in conjunction with Judgment [PA1. No. 748/2018] of 13 August 2018 of the Court of Appeals and Judgment [P. No. 62/2014] of 7 June 2018 of the Branch in Kamenica of the Basic Court in Gjilan (hereinafter: the Basic Court).

### **Subject matter**

5. The subject matter is the constitutional review of Decision [Pml. No. 259/2018] of the Supreme Court of 5 November 2019 in conjunction with Judgment [PA1. No. 748/2018] of 13 August 2018 of the Court of Appeals, which allegedly violate the Applicants' fundamental rights and freedoms guaranteed by Article 31 [Right to Fair and Impartial Trial] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution) in conjunction with Article 6 (Right to a fair trial) of the European Convention on Human Rights (hereinafter: the ECHR).
6. The Applicants also request the Constitutional Court of the Republic of Kosovo (hereinafter: the Court) to impose an interim measure, suspending the commencement of the execution of the imprisonment sentence, until a decision is taken by the Court.

### **Legal basis**

7. The Referral is based on paragraphs 1 and 7 of Article 113 [Jurisdiction and the 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 (hereinafter: the Rules of Procedure).

### **Proceedings before the Court**

8. On 1 February 2019, the first Applicant submitted Referral KI19/19 to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court). On the same date, the second Applicant submitted Referral KI20/19 to the Court.
9. On 6 February 2019, the President of the Court in case KI19/19, appointed Judge Gresa Caka-Nimani as Judge Rapporteur and the Review Panel composed of Judges: Arta Rama-Hajrizi (Presiding), Safet Hoxha and Remzije Istrefi-Peci.

10. On 12 February 2019, the Court notified the first Applicant about the registration of the Referral and requested him to clarify whether he filed appeal against the decision of the first instance court. On the same date, the Court sent a copy of Referral KI19/19 to the Supreme Court.
11. On 14 February 2019, in accordance with Rule 40.1 of the Rules of Procedure, the President of the Court ordered the joinder of Referral KI20/19 with Referral KI19/19. The composition of the Review Panel remained the same.
12. On 19 February 2019, the Court notified the second Applicant and the Supreme Court about the registration of Referral KI20/19, as well as the joinder of Referrals KI20/19 with KI19/19. The Court requested from the second Applicant the clarification whether he filed appeal against the decision of the first instance court.
13. On 19 February and 28 February 2019, the Applicants notified the Court that they did not file appeal against the decision of the first instance court.
14. On 29 July 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**

15. On 7 June 2018, the Basic Court by Judgment [P. No. 62/2014] found the first Applicant guilty of assisting in criminal offense established in subparagraph 1.1 of paragraph 1 of Article 327 (Aggravated theft) in conjunction with Article 31 (Co-perpetration) and paragraphs 1 and 2 of Article 33 (Assistance) of the Criminal Code of the Republic of Kosovo (hereinafter: the CCRK), while the second Applicant of co-perpetration of the criminal offense provided for in sub-paragraph 1.1 of paragraph 1 of Article 327 (Aggravated theft) in conjunction with Article 31 (Co-perpetration) of the CCRK.
16. The Basic Court, by the relevant Judgment, sentenced the first Applicant to a fine (i) of 300 euro, which would be collected within 30 days, otherwise it will be replaced with imprisonment sentence; and (ii) with a term of imprisonment of 12 months, the execution of which would not take place if he does not commit another criminal offense within one (1) year from the date the judgment becomes final. Whereas the second Applicant with a fine (i) of 500 euro, which would be collected within 30 days, otherwise it would be replaced with imprisonment sentence; and (ii) with a term of imprisonment of 12 months, the execution of which would not take place if within two (2) years from the date the Judgment becomes final, he does not commit another criminal offense.
17. The Basic Court reasoned that in deciding the type and length of the criminal sanctions, it had decided pursuant to Article 74 (General Rules on mitigation or aggravation of punishments) of the CCRK. Consequently, for the Applicants it took into account the mitigating and aggravating circumstances, including the

fact that they were convicted based on three other Judgments rendered in 2009, 2015 and 2017.

18. On an unspecified date, the Basic Prosecution in Gjilan filed appeal with the Court of Appeals because of the decision on criminal sanction, proposing to modify the first instance Judgment and to impose a higher sentence on the Applicants and which will be proportionate with the weight of the criminal offenses, and in particular the fact that the Applicants have previously been convicted by three Judgments. The positions of the Basic Prosecution in Gjilan were also supported by the letter [PPA/II. No. 754/2018] of 20 July 2018 of the Appellate Prosecution in Prishtina. The Applicants did not file an appeal.
19. On 13 August 2018, the Court of Appeals by Judgment [PA1. No. 748/2018], modified Judgment [P. No. 62/2014] of 7 June 2018 of the Basic Court, as to the length of the sentence. The Court of Appeals imposed a 12-month imprisonment sentence on the Applicants.
20. Against the Judgment of the Court of Appeals, the Applicants filed a joint request for protection of legality alleging a violation of criminal law and essential violation of the provisions of criminal procedure. On the other hand, the State Prosecutor proposed to dismiss this request of the Applicants as inadmissible reasoning, *inter alia*, that such a request cannot be admitted for consideration because the relevant defense counsel failed to submit a power of attorney to exercise this legal remedy.
21. On 5 November 2018, the Supreme Court, by Decision [Pml. 259/2018], rejected as inadmissible the Applicants' request for protection of legality. The Supreme Court rejected the requests for protection of legality in two main respects. Initially, the Supreme Court based on paragraph 1 of Article 433 (Persons Authorized to File Requests for Protection of Legality) of the Criminal Procedure Code of the Republic of Kosovo (hereinafter:: CPCRK), in which are established the parties that can file a request for protection of legality, stated that the request for protection of legality was filed by the lawyer F.A., who has no proof that he is authorized to exercise legal remedy, and consequently, the relevant request is not filed by the authorized person. Secondly, the Supreme Court based on Article 55 (Limits of Representation by Defense Counsel) of the CPCRK reasoned that the defense counsel could not defend two or more defendants in the same case and it results in the present case that he filed the request for protection of legality for both Applicants.

### **Applicant's allegations**

22. The Applicants allege that Decision [Pml. No. 259/2018] of the Supreme Court of 5 November 2018 and Judgment [PA1. No. 748/2018] the Court of Appeals of 13 August 2018, were rendered in violation of their fundamental rights and freedoms guaranteed by Article 31 [Right to Fair and Impartial Trial] of the Constitution in conjunction with Article 6 (Right to a fair trial) of the ECHR.
23. With respect to the former, namely the Decision of the Supreme Court, the Applicants allege a violation of their fundamental rights and freedoms guaranteed by Article 31 of the Constitution in conjunction with Article 6 of the

ECHR, because, allegedly, this decision “[...] is erroneous because [the Applicants] themselves were the ones who signed the request for protection of legality [...]”, whereas the submission was drafted and stamped by the drafter, namely the lawyer, but it was not submitted by him, as the latter was submitted by the Applicants themselves.

24. Whereas, with regard to the second, namely the Judgment of the Court of Appeals, the Applicants also allege a violation of their fundamental rights and freedoms guaranteed by Article 31 of the Constitution in conjunction with Article 6 of the ECHR, and specifically the right to a hearing. The Applicants point out that the Court of Appeals rendered the relevant Judgment increasing the length of the sentence imposed by the Basic Court, namely from the suspended sentence to effective imprisonment of 12 months, without summoning them to a hearing. In support of their allegations of violation of the right to a hearing, the Applicants also refer to the Judgment of the Court in Case KI104/16 of 4 August 2017 (see the case of Court KI104/16, Applicant *Miodrag Pavić*, Judgment of 29 May 2017).
25. Finally, the Applicants request the Court to declare their Referrals admissible; that their request for interim measure be approved and that Decision [PMI. No. 259/2018] of 5 November 2018 of the Supreme Court and Judgment [PA1. No. 748/2018] of 13 August 2018 of the Court of Appeals be annulled.

## **Relevant legal provisions**

### ***CODE NO. 04/L-123 OF CRIMINAL PROCEDURE***

#### ***Article 55***

#### ***Limits of Representation by Defense Counsel***

*1. In criminal proceedings a defense counsel is not allowed to represent two or more defendants in the same case. A defence counsel may not represent a legal person and a natural person in the same case, unless the natural person is the only person who owns, manages and is employed by the legal person..*

(...)

#### ***Article 433***

#### ***Persons Authorized to File Requests for Protection of Legality***

*1. A request for protection of legality may be filed by the Chief State Prosecutor, the defendant or his or her defence counsel. Upon the death of the defendant, such request may be filed on behalf of the defendant by the persons listed in the final sentence of Article 424, paragraph 1 of the present Code.*

(...)

## Admissibility of the Referral

26. The Court notes that the Applicants before the Court request the constitutional review of (i) Decision [Pml. No. 259/2018] of the Supreme Court of 5 November 2018; and (ii) Judgment [PA1. No. 748/2018] of 13 August 2018 of the Court of Appeals. The Court will further review the admissibility of each of them.

*As to the Decision [Pml. No. 259/2018] of 5 November 2018 of the Supreme Court*

27. The Court first examines whether the Referral has fulfilled the admissibility requirements established in the Constitution, and further specified in the Law and the Rules of Procedure.
28. In this respect, 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.”*

29. In addition, the Court also examines whether the Applicants have met the admissibility requirements as defined by the Law. In this regard, the Court first refers to Articles 47 [Individual Requests], 48 [Accuracy of the Referral] and 49 [Deadlines] of the Law, which stipulate:

*Article 47  
[Individual Requests]*

*“1. Every individual is entitled to request from the Constitutional Court legal protection when he considers that his/her individual rights and freedoms guaranteed by the Constitution are violated by a public authority.*

*2. The individual may submit the referral in question only after he/she has exhausted all the legal remedies provided by the law”.*

*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... .”*

30. As to the fulfillment of these requirements, the Court finds that the Applicants are authorized parties, and who challenge an act of a public authority, namely Decision [Pml. No. 259/2018] of 5 November 2018 of the Supreme Court, after exhausting all legal remedies provided by law. The Applicants have also clarified the rights and freedoms they claim to have been violated in accordance with the criteria of Article 48 of the Law and have submitted the Referral in accordance with the deadlines set out in Article 49 of the Law.
31. In addition, the Court examines whether the Applicants have met the admissibility requirements specified in Rule 39 [Admissibility Criteria] of the Rules of Procedure. Rule 39 (2) of the Rules of Procedure sets out the criteria on the basis of which the Court may consider the Referral, including the criterion that the Referral is not manifestly ill-founded. Specifically, Rule 39 (2) states that:

*“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.”*
32. In this regard, the Court notes that the Applicants were found guilty by Judgment [P. No. 62/2014] of 7 June 2018 of the Basic Court of committing the criminal offense of aggravated theft, as per the specifications set out in the relevant Judgment, and of committing this criminal offense, they were sentenced to a fine and suspended sentence. Before the Court of Appeals, the State Prosecutor filed an appeal requesting to increase the sentence, especially given the fact that they had previously been convicted through three other Judgments. The Court of Appeals by Judgment [PA1. No. 748/2018] of 13 August 2018 modified the Judgment of the first instance court with regard to sentence, imposing on the Applicants a 12-month prison sentence. The Applicants were not summoned to a hearing at the Court of Appeals. Consequently, they filed a request for protection of legality against the Judgment of the Court of Appeals with the Supreme Court, which was declared inadmissible by the Decision which the Applicants challenge before this Court, alleging a violation of their fundamental rights and freedoms, guaranteed by Article 31 of the Constitution in conjunction with Article 6 of the ECHR.
33. Specifically, the Applicants allege that the Supreme Court did not correctly interpret the CPRK when it rejected their request for protection of legality because although the latter was prepared and stamped by the lawyer, it was also signed by them, and as such, it should have been admitted by the Supreme Court.
34. In this regard, the Court recalls that the Supreme Court held that the Applicants' request for protection of legality is inadmissible because (i) based

on the case file, the lawyer F.A. did not have power of attorney to exercise this legal remedy; and (ii) the latter represented more than one defendant in violation of the Procedure Code. In reaching this finding, the Supreme Court was based on paragraph 1 of Article 433 of the CPCRK and Article 55 of the CPCRK.

35. The first, namely Article 433 of the Code of Procedure, establishes the persons authorized to file a request for protection of legality, and pursuant to paragraph 1 thereof, *“A request for protection of legality may be filed by the Chief State Prosecutor, the defendant or his or her defence counsel”* The second, namely Article 55 of the Code of Procedure, sets out the limitations on representation by the defense counsel. According to its paragraph 1, *“In criminal proceedings a defense counsel is not allowed to represent two or more defendants in the same case”*.

36. In this regard, the Supreme Court, in its Decision, *inter alia*, stated:

*“It results from the case file that the request for protection of legality was filed by Lawyer F.A. from Gjilan, while in the case file there is no evidence that the defense counsel had power of attorney to exercise this legal remedy.”*

37. Moreover, the Supreme Court also addressed issues related to (i) the filing of a request for protection of legality by an unauthorized person; and (ii) the limitations of a defense counsel to defend two or more defendants in a criminal case.

38. As to the first case, the Supreme Court clarified that:

*“The provision of Article 433 par 1 of the CPCRK stipulates that the request for protection of legality may be filed by the Chief State Prosecutor, the defendant and his or her defense counsel. Upon the death of the defendant, a request for protection of legality may be filed on his behalf by the persons provided for by Article 424 par 1 of the CPCRK. However, as elaborated above, the request in question was filed by an unauthorized person, thus contrary to the abovementioned provision [...]”*

39. Whereas, with regard to the second case, the Supreme Court clarified that:

*“Pursuant to the provision of Article 55 of the CPCRK, in a criminal proceeding, the defense counsel cannot defend two or more defendants in the same case, whereas in the present case it appears from the case file that the defense counsel filed a request for protection of legality on behalf of the two convicts Egzon Keka and Muhamet Thaqi, which is contrary to the aforementioned legal provision”*.

40. Therefore, the Court notes that the Supreme Court reasoned the inadmissibility of the request for protection of legality based on the relevant provisions of the CPCRK.



41. In addition, and in the light of the allegations of erroneous interpretation of law, the Court has consistently reiterated that it is not its task to deal with errors of fact or law allegedly committed by the regular courts, unless and in so far as they may have infringed rights and freedoms protected by the Constitution and the ECHR. The Court may not itself assess the facts which have led the regular court to adopt one decision rather than another. If it were otherwise, the Court would be acting as a “*court of third or fourth instance*”, which would be to disregard the limits imposed on its jurisdiction. (See the ECtHR case *Perlala v. Greece*, Judgment of 22 February 2007, paragraph 25; and see the case of Court KI 119/17 Applicant *Gentian Rexhepi*, Resolution on Inadmissibility of 3 April 2019, paragraph 87).
42. The Court also notes that based on the ECtHR case law, it is not its task to question the interpretation of law by the regular courts, except when there is evident arbitrariness (see *mutatis mutandis*, the ECtHR case *Adamsons v. Latvia*, Judgment of 24 June 2008, paragraph 118 and cases of the Court KI42/17, Applicant *Kushtrim Ibraj*, Resolution on Inadmissibility of 5 December 2017, paragraph 38 and KI122/16, Applicant *Riza Dembogaj*, Judgment of 30 May 2018, paragraph 60). Therefore, the Court must ensure and take measures where it observes that a court has “*applied the law manifestly erroneously*” in a particular case or so as to reach “*arbitrary conclusions*” or “*manifestly unreasoned*”. (See in this context the ECtHR cases, *Anheuser-Busch Inc. v. Portugal*, Judgment of 11 January 2007, paragraph 83; *Beyeler v. Italy*, Judgment of 5 January 2005, paragraph 108; and see also cases of the Court KI06/17, Applicant *L. G. and five others*, Resolution on Inadmissibility, of 25 October 2016, paragraphs 40 and 41, and KI122/16, Applicant *Riza Dembogaj*, cited above, paragraph 59).
43. However, in the circumstances of the present case, the Court considers that the Applicants have not substantiated their allegations that the relevant proceedings before the Supreme Court were in any way unfair or arbitrary (See, in this context, *inter alia*, ECtHR case, *Shub v. Lithuania*, No. 17064/06, Judgment of 30 June 2009). The Court notes that the proceedings before the Supreme Court were based on the relevant provisions of the CPCRK and the dismissal of the request for protection of legality was based on the interpretation of the provisions of the CPCRK.
44. The Court finally emphasizes that the mere fact that the Applicants are dissatisfied with the outcome of the proceedings before the regular courts cannot of itself raise an arguable claim of a breach of the right to fair and impartial trial (See, ECtHR case, *Mezotur Tizsazugi Tarsulat v. Hungary*, Judgment of 26 July 2005, paragraph 21).
45. Therefore, the Court finds that the Applicants’ Referral with respect to Decision [PML. No. 259/2018] of 5 November 2018 of the Supreme Court does not meet the admissibility criteria set out in paragraph (2) of Rule 39 of the Rules of Procedure, because they have not proved and sufficiently substantiated their allegations of violation of the rights guaranteed by the Constitution.

*As to Judgment [PA1. No. 748/2018] of 13 August 2018 of the Court of Appeals*

46. In assessing the admissibility of the Applicants' Referrals, the Court goes beyond paragraphs 1 and 7 of Article 113 of the Constitution, and Articles 47, 48 and 49 of the Law, cited above, it also refers to item c of paragraph 1 of Rule 39 [Admissibility Criteria] of the Rules of Procedure, which provides:

Rule 39  
[Admissibility Criteria]

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

*[...]*

*c) referral is filed within four months from the date on which the decision on the last effective remedy was served on the Applicant; or*

*[...]."*

47. In this respect, the Court notes that Article 49 of the Law with respect to item c of paragraph 1 of Rule 39 of the Rules of Procedure provides that the Applicants' referrals, namely allegations of constitutional violation against an act of public authority, must be submitted to the Court within four (4) months from the date of service of the court decision.
48. In the circumstances of the present case, the Court notes that the Applicants challenge Judgment [PA1. No. 748/2018] of 13 August 2018 of the Court of Appeals, alleging that it was rendered in violation of their fundamental rights and freedoms, guaranteed by Article 31 of the Constitution in conjunction with Article 6 of the ECHR, because their sentence established by the Basic Court increased, namely, it was turned from suspended sentence into effective imprisonment, despite the fact that (i) they did not file appeal against the Judgment of the Basic Court; and (ii) they were not summoned to the court session of the Court of Appeals.
49. The Court notes that the Applicants have not submitted to the Court the evidence of when they were served with this Judgment. However, the Court based on the case file notes that the Applicants submitted their request for protection of legality with the Supreme Court on 13 September 2018. Even if the latter was counted as the date on which the Applicants were served with the Judgment of the Court of Appeals, the Referral of the Applicants to the Court against this Judgment was filed on 1 February 2019, and therefore, out of the 4 (four) month deadline foreseen by the Law and the Rules of Procedure.
50. 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, among other authorities, cases of ECtHR: *O'Loughlin and Others v. United Kingdom*, Application Judgment of 25 August 2005; *Sabri Güneş v. Turkey*, Judgment of 29 June 2012, paragraph

39; see also, among other, cases of the Court KI140/13, Applicant *Ramadan Cakiqi*, Resolution on Inadmissibility of 17 March 2014, paragraph 24 and KI120/17, Applicant *Hafiz Rizahu*, Resolution on Inadmissibility of 7 December 2017, paragraph 39).

51. Accordingly, and in conclusion, for the reasons elaborated above, the Court finds that the Applicants' Referral against Judgment [PA1. No. 748/2018] of 13 August 2018 of the Court of Appeals, was not submitted within the legal time-limit, established by Article 49 of the Law and Rule 39 (1) (c) of the Rules of Procedure and consequently, the Court cannot examine the merits of the case, namely, the Applicants' allegations of a violation of their fundamental rights and freedoms with regard to the challenged Judgment of the Court of Appeals.
52. Therefore, the Court finds that the Applicants' Referrals do not meet the admissibility requirements laid down in the Constitution, the Law and the Rules of Procedure. It emphasizes that the Applicants' allegations regarding (i) Decision [Pml. No. 259/2018] of the Supreme Court of 5 November 2018, are inadmissible as manifestly ill-founded on constitutional basis in accordance with paragraph 2 of Rule 39 of the Rules of Procedure, because the Applicants have not sufficiently substantiated their allegations; while the Applicants' allegations regarding (ii) Judgment [PA1. No. 748/2018] of 13 August 2018 of the Court of Appeals are inadmissible in accordance with Article 49 of the Law and item c of paragraph 1 of Rule 39 of the Rules of Procedure, because they are out of time.

### **Request for interim measure**

53. The Court recalls that the Applicants requested the imposition of interim measure seeking to suspend the commencement of the execution of the imprisonment sentence pending a decision by the Court.
54. The Court has already concluded that the Applicants' Referrals are to be declared inadmissible.
55. Therefore, in accordance with Article 27.1 of the Law and Rule 57 (4) (a) of the Rules of Procedure, the Applicants' requests for interim measure are to be rejected, as they cannot be the subject of review, as the referrals are declared inadmissible. (See, in this regard, *inter alia*, the cases of the Court, KI159/18, Applicant *Azem Duraku*, Resolution on Inadmissibility of 3 April 2019, paragraph 91 and KI13/19, Applicant *Fevzi Hajdari*, Resolution on Inadmissibility of 12 April 2019, paragraph 75).

## **FOR THESE REASONS**

The Constitutional Court, in accordance with Article 113.7 of the Constitution, Articles 47 and 49 of the Law and Rules 39 (1) (c), 39 (2), and 57 (1) of the Rules of Procedure, on 29 July 2019, unanimously

### **DECIDES**

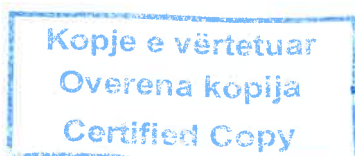
- I. TO DECLARE the Referrals inadmissible;
- II. TO REJECT the requests for interim measure;
- III. TO NOTIFY this Decision to the Parties;
- IV. TO PUBLISH this Decision in the Official Gazette in accordance with Article 20.4 of the Law;
- V. This Decision is effective immediately.

**Judge Rapporteur**

**President of the Constitutional Court**

Gresa Caka- Nimani

Arta Rama-Hajrizi



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