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

Prishtina, on 17 August 2020
Ref.No.:RK 1604/20

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RESOLUTION ON INADMISSIBILITY

in

Case No. KI184/19

Applicant

Naser Gashi

Request for constitutional review of Decision Rev. No. 220/2019 of the Supreme Court of Kosovo of 10 July 2019

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

composed of:

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

Applicant

1. The Referral was submitted by Naser Gashi, from Prishtina (hereinafter: the Applicant), who is represented by Fehmi Shala, a lawyer from Prishtina.

Challenged decision

2. The Applicant challenges Decision Rev. No. 220/2019 of the Supreme Court of Kosovo of 10 July 2019 in conjunction with Decision Ac. No. 1803/19, of the Court of Appeals of 25 April 2019, and Decision C. No. 532/19, of the Basic Court of 5 March 2019.

3. The challenged decision of the Supreme Court was served on the Applicant on 22 July 2019.

Subject matter

4. The subject matter is the constitutional review of the challenged decision of the Supreme Court which allegedly violates the Applicant's rights and freedoms guaranteed by Article 31 [Right to Fair and Impartial Trial] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution) as well as Article 6 (Right to a fair trial) of the European Convention on Human Rights (hereinafter: the ECHR).

Legal basis

5. The Referral is based on Article 113.7 of the Constitution, Article 22 [Processing Referrals] and 47 [Individual Requests] of the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (hereinafter: the Law) and Rule32 [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 Constitutional Court

6. On 10 October 2019, the Applicant submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).

7. On 16 October 2019, the President of the Court appointed Judge Safet Hoxha as Judge Rapporteur and the Review Panel composed of Judges: Arta Rama-Hajrizi (Presiding), Bekim Sejdiu and Selvete Gërxhaliu-Krasniqi.

8. On 5 February 2020, after considering the report of the Judge Rapporteur, the Review Panel unanimously made a recommendation to the Court on the inadmissibility of the Referral.

9. On 5 March 2020, the Secretary of the Court forwarded the draft resolution to all judges for further consideration, based on paragraphs 6, 7 and 8 of Article 22 of the Law and in conjunction with Rule 38 (3) of the Rules of Procedure.

10. On 12 March 2020, the Judge Rapporteur notified the full Court that during the circulation procedure of the Resolution on inadmissibility in case KI 184/19 it was noticed that during the procedure of registration of the referral there was a technical-procedural omission, more specifically, that the Court did not send notifications of registration of the Referral to the Applicant and other interested parties.

11. On the same date, 12 March 2020, the judges unanimously agreed that this procedural omission, which could affect the admissibility of the Referral, should be corrected. Accordingly, the judges decided; *i)* to withdraw from further circulation the draft Resolution on Inadmissibility in case KI 184/19, *ii)* to forward the prescribed legal procedure of notifying the parties, and to give them the opportunity to comment if any, in accordance with the Law on the Constitutional Court and the Rules of Procedure, *iii)* that after all procedural flaws have been remedied, the case be reconsidered by the Court for a decision.

12. On 24 March 2020, the Court notified the Applicant's legal representative about the registration of the Referral, and forwarded a copy of the Referral to the Supreme Court.

13. On 24 March 2020, the Court also notified regarding the submitted Referral also the person V.A., in the capacity of an interested party and due to the fact that the person was a party to the proceedings before the regular courts. The Court gave him the opportunity to submit comments to the Court if any, on the submitted referral within thirty (30) days from the date of receipt of the notification of the Court.

14. On 22 and 23 April 2020, the interested party V.A., submitted comments to the Court regarding the case and submitted a number of court decisions.

15. On 15 July 2020, after considering the above-mentioned technical-procedural omission, the Review Panel considered the report of the Judge Rapporteur, and the Review Panel unanimously recommended to the full Court the inadmissibility of the Referral.

Summary of facts

16. Based on the case file, it follows that from 2004 until 3 January 2018, the Applicant and the person V.A. lived together in an extramarital union.

17. On 19 January 2018, V.A., due to domestic violence, filed a request with the Basic Court in which she requested that she be granted protective measures, in order to prevent further physical and mental harassment by the Applicant.

18. On 23 January 2018, the Basic Court rendered Decision C. No. 151/18, by which the request of the person V.A., was approved as grounded. By the same decision, the Basic Court prohibited the Applicant from *„committing further psychological and physical violence against the protected party, not to commit or threaten to commit any act of domestic violence against the protected party, to harass, insult, humiliate, beat, threaten, physically or sexually to attack, follow, prosecute, destroy or threaten to destroy the protected party's personal property, spy on or block her movement "*. Also, the Basic Court imposed a protective measure for a period of 12 months and obliged the Applicant to receive the protected party in the house where they lived together until 3 January 2018.

19. The Basic Court reasoned the imposition of the protective measure as follows: *„The Court based on the evidence and statements states that the perpetrator of domestic violence in this particular case committed psychological and physical violence within the meaning of Article 2, paragraph 1, item 1.2, which states that the use of psychological violence against other family members, using physical force and psychological pressure, causing physical pain and psychological suffering of the protected party, causing feelings of fear, personal danger and threat of dignity, as well as insulting, threatening, cursing and constantly repeating these actions".*

20. 20. On 23 January 2019, V.A. filed a new request with the Basic Court for the imposition of a new protective measure, as the protective measure it imposed by Decision C. No. 151/18, expired on 23 January 2019.

21. On 5 March 2019, the Basic Court rendered new Decision C. No. 532/19, which partially accepted the new request for the imposition of protective measure, for a period of 12 months.

22. On 13 March 2019, the Applicant filed an appeal with the Court of Appeals against Decision C. No. 532/19 of the Basic Court, due to erroneous determination of the factual situation, erroneous application of the substantive law.

23. On 25 April 2019, the Court of Appeals rendered Decision Ac. No. 1803/19, rejecting the Applicant's appeal as ungrounded, stating *"that the appealing allegation of the protected party regarding the manner of deciding the first instance court in the operative part of the challenged decision, namely that the Court did not determine the facts whether the litigating parties are in an extramarital union or were in an extramarital union, is ungrounded".*

24. The Applicant submitted a request for revision to the Supreme Court against Decision Ac. No. 1803/19 of the Court of Appeals, on the grounds of erroneous determination of factual situation and erroneous application of substantive law, more specifically, Law No. 03/L-182 on protection against domestic violence (hereinafter: the Law), because in the present case there were no legal conditions for its application.

25. On 10 July 2019, the Supreme Court rendered Decision Rev. No. 220/2019, rejecting the request for revision of the Applicant as ungrounded. The reasoning of the Decision of the Supreme Court states:

> *„From the revision of the authorized responsible party, it follows that the content of the revision is exactly the same as the content of the appeal filed against the decision of the first instance court for rejection, for which, the second instance court gave sufficient and acceptable reasons for the court of revision. In this regard, the allegations of the revision for essential violation of the provisions of the contested procedure from Article 182.1 in conjunction with Article 204 of LCP, according to which, the second instance court did not provide a sufficient assessment and reasoning of the appealing allegations, although it had to do this in accordance with Article 204 of the LCP. The Court of revision finds that these allegations do not*

stand due to the fact that the second instance court assessed the allegations of the appeal which were crucial for the issuance of its decision in full compliance with Article 204 of the LCP.

The court of revision assessed that there are no essential violations of the procedural provisions of Article 182.2, point n of the LCP, due to the fact that in the decision of the second and first instance court, sufficient reasons are given for the relevant fact and the issuance of a protection order, which are also acceptable by this court.

The Supreme Court also rejects the allegations of the revision as ungrounded due to the erroneous application of the Law on Protection against Domestic Violence, because in the present case, as stated above, there are all legal requirements for issuing protection orders".

Applicant's allegations

26. The Applicant alleges *„that the court decisions of the Basic Court, C. No. 532/19 of 05.03.2019, the Court of Appeals of Kosovo Ac. No. 1803/19 of 25.04.2019 and the Supreme Court of Kosovo, Rev. No. 220/2019 of 25.04.2019, violated his constitutional right to fair and impartial trial provided for in the provisions of Article 31, paragraph 2 of the Constitution, as well as Article 6 of the ECHR".*

27. The Applicant relates these allegations to the fact that the regular courts based their decisions on an erroneously determined factual situation regarding the issue of their extramarital union, because according to him, *„he and V. A., did not live in an extramarital union as provided for in Article 2, paragraph 1 of Law No. 03/L-182, and accordingly, the courts erroneously applied substantive law ".*

28. The Applicant further states that the decisions of the regular courts are not reasoned as provided by the Law on Contested Procedure, which clearly states what a court decision should contain.

29. The Applicant also alleges that from the legal aspect, the decisions of the Court of Appeals and of the Supreme Court have no reasoning, due to the fact that they issued a protective measure, and that they did not respond at all to his appealing allegations in the appeal as well as in the revision. From which it can be concluded that he, as the applicant of the complaint and the revision, did not receive an adequate response to his allegations, despite the fact that they were of decisive importance for rendering fair and legal decision.

30. The Applicant alleges that in *"the case law of the Constitutional Court of the Republic of Kosovo there are a large number of cases when the lack of reasoning of a court decision was considered as a violation of the constitutional right to a fair trial under Article 32 of the Constitution of the Republic of Kosovo (for more see judgments in cases KI135/14, ref. 1887/16 of 8 February 2016; KI18/16, Ref. AGJ. 968/16 of 15 July 2016; KII38/15, Ref. AGJ. 1177/17 of 20 December 2017; KI97/16, Ref No. AGJ: 1182/18 of 9 January 2018, KI69/16, Ref No. AGJ: 1247/18, of 6 June 2018, KI87/18, Ref.*

AGJ.1347/19 of 15 April 2019; KI145/18, Ref. AGJ. 1408/18, of 13 August 2019: KII35/18, Ref. AGJ. 1409/19 of 13 August 2019, etc.)".

31. The Applicant addresses the Court with a request to determine that Decision Rev. No. 220/2019 of the Supreme Court of Kosovo of 10 July 2019, as well as the court decisions that preceded it, violated his right to fair and impartial trial under Article 31 of the Constitution of the Republic of Kosovo, in conjunction with paragraph 1 of Article 6 (Right to a fair trial) of the European Convention on Human Rights.

Comments received from V.A

32. On 22 and 23 April 2020, the interested party V.A. has submitted to the Court comments regarding the case and a number of court decisions including a number of court decisions and documents which have not been the subject of consideration before this Court. Therefore, the Court emphasizes that the court decisions and documents submitted by the interested party V.A. and which are not the subject of consideration in this case, will not be considered by the Court.

Admissibility of the Referral

33. The Court first examines whether the Referral has fulfilled the admissibility requirements established in the Constitution, and further specified in the Law and Rules of Procedure.

34. 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."*

35. In addition, the Court also examined whether the Applicant has fulfilled the admissibility requirements as further specified in the Law. In this respect, the Court first refers to Article 47 [Individual Requests] , 48 [Accuracy of the Referral], 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... ."

36. Regarding the fulfillment of these requirements, the Court finds that the Applicant submitted the Referral in the capacity of an authorized party, challenging the act of the public authority, namely Decision Rev. No. 220/2019 of the Supreme Court of 10 July 2019, after exhaustion of all legal remedies. The Applicant also emphasized the rights and freedoms he claims to have been violated, in accordance with the requirements of Article 48 of the Law, and submitted the Referal in accordance with the deadline prescribed in Article 49 of the Law..

37. In addition, the Court considers Rule 39 [Admissibility Criteria], paragraph (2) of the Rules of Procedure, which provides:

"(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."

38. The Court notes that the Applicant considers that he did not have fair and impartial trial pursuant to Article 31 of the Constitution and Article 6 of the ECHR, because the courts have erroneously determined the factual situation and erroneously applied the substantive law, thus failing to reason their decisions under Article 31 of the Constitution and Article 6 of the ECHR.

39. In this regard, the Court divides the Applicant's allegations of violation of Article 31 of the Constitution and Article 6 of the ECHR into two categories of allegations, namely, ***i)*** the Applicant's allegations regarding erroneous determination of factual situation and application of substantive law, and ***ii)*** the Applicant's allegations regarding unreasoned court decisions. The Court also considered the comments submitted by the interested party. In the following, the Court will respond to the main allegations in this case.

Applicant's allegations of erroneous determination of factual situation and erroneous application of the substantive law

40. As to the first category of allegations, the Court notes that the Applicant's main appealing allegation relates to the fact that the courts have erroneously determined factual situation and concluded that he and V.A. lived in an

extramarital union, for which there is no evidence, therefore, there was no legal basis for the imposition of a protective measure.

41. More specifically, in relation to the first allegation, namely the allegations regarding the determination of factual situation and the application of substantive law, the Court recalls that these allegations do not fall within the jurisdiction of the Court and, therefore, cannot in principle be considered by the Court (see, in this regard, among other cases, the cases of the Court KI56/17, Applicant *Lumturije Murtezaj*, Resolution on Inadmissibility of 18 December 2017, paragraph 35, KI154/17 and 05/18 Applicants *Basri Deva, Afërdita Deva and Limited Liability Company "Barbas"* Resolution on Inadmissibility of 12 August 2019, paragraph 60, KI192/18, Applicant *Kosovo Energy Distribution and Supply Company*, KEDS jsc, Resolution on Inadmissibility, of 16 August 2019, paragraph 49).

42. The Court has consistently reiterated through its case law that it is not its duty to deal with errors of fact or law allegedly committed by the regular courts (legality), unless and insofar as they may have violated the fundamental rights and freedoms protected by the Constitution (constitutionality). It may not itself assess the law that have led the regular courts to adopt one decision rather than another. If it were otherwise, the Court would be acting as a court of "fourth instance", which would result in exceeding the limits set by its jurisdiction. In fact, it is the role of the regular courts to interpret and apply the relevant rules of procedural and substantive law (See ECtHR case, *Garcia Ruiz v. Spain*, Judgment of 21 January 1999, paragraph 28; and see, also, *inter alia,* cases of the Court Kl70/11, Applicants: *Faik Hima, Magbule Hima and Bestar Hima*, Resolution on Inadmissibility of 16 December 2011, Kl154/17 and 05/18 Applicants *Basri Deva, Aferdita Deva and Limited Liability Company "Barbas"*, Resolution on Inadmissibility of 12 August 2019, paragraph 61, KI192/18, Applicant, *Kosovo Distribution Company and Power Supply, KEDS jsc*, Resolution on Inadmissibility of 16 August 2019, paragraph 50).

43. It is the duty of the Court to examine the proceedings as a whole, which in the present case also includes the decision of the appellate courts (see, inter alia, the ECtHR Judgment in case *Helmers v. Sweden*, of 29 October 1991 Series A. no. 212, page 15, paragraph 31). Furthermore, it is not within the ECtHR jurisdiction to substitute its own assessment of the facts for that of the domestic courts and, as a general rule, it is for these courts to assess the evidence before them. The Court's task is to ascertain whether the proceedings in their entirety, including the way in which evidence was taken, were fair (See, *inter alia*, case *Edwards v. United Kingdom*, case no. 79/1991/331-404, Report of the European Commission on Human Rights, paragraph 34).

44. Returning to the present case and the first category of the appealing allegations, the Court notes that during the adoption of the request for the imposition of the protective measure of the person V.A., the Basic Court established that the community of 13 years, in which the Applicant and the person V.A. lived together meets all the prerequisites to qualify as an extramarital union, which is in accordance with Article 2 of Law No. 03-182 on Protection Against Domestic Violence.

45. The Court notes that the provision of Article 2 paragraphs 1.1.1 to 1.1.7 of the Law on Protection Against Domestic Violence regulates issues of family ties, which, *inter alia*, state:

> *"1.1 Family Relationship- is considered to exist amongst persons if they:*
>
> *[...]*
>
> *1.1.4. are cohabiting in a common household or were cohabiting in such a household;"*

46. Furthermore, the Court also notes that after defining the issue of the family relationship in which the Applicant and V.A. lived, the Basic Court, taking into account witnesses, statements and evidence, concluded that in accordance with Article 5 of the Law on Protection Against Domestic Violence, a protective measure could be imposed.

> *„Article 5*
>
> *Protection Measure on prohibition of approaching the domestic violence victim*
>
> *1. Protective measures on prohibition of approaching the domestic violence victim and his/her subordinate and other persons if necessary, may be issued to a person who has committed domestic violence, if there is a risk of repetition of domestic violence."*

47. Furthermore, the Court also notes that upon the expiration of the first protective measure, the person V.A. filed a new request with the Basic Court for the imposition of a new protective measure against the Applicant. The Court notes that the Basic Court extended the protective measure by a new decision for another 12 months, but such a decision was preceded by a re-determination of factual situation in this legal matter by the Basic Court. On that occasion *„the court presented evidence within the meaning of Article 15 of the Law against Domestic Violence by reading the minutes of the police of 21.02.2019, by reading Decision C. No. 151/18 of this court, by hearing the protected party and hearing the responsible party".*

48. The Court finds that the Applicant filed an appeal with the Court of Appeals, alleging that the Basic Court in new decision on the imposition of the protective measure did not deal with the determination and qualification of their relationship, and that there is no legal basis for the imposition of the new protective measure.

49. Having regard to this Applicant's appealing allegation, the Court of Appeals concluded that as regards their relationship, *"nothing was disputable, because even from the statement of the responsible person, it was confirmed that they lived together until February 2018, therefore, there was no need to determine this factual situation, so this measure was determined to keep the perpetrator of violence away from the victim to a certain distance, in order to avoid*

future violence and to achieve the purpose of the measure, which is the prevention of violence".

50. The Court further notes that the Applicant submitted a request for revision to the Supreme Court, however, the Court also notes that the Supreme Court found that *"the content of the revision is exactly the same as the content of the appeal filed against the decision of the first instance court for rejection of which, the second instance court gave sufficient and acceptable reasons for the Court of revision".*

51. Moreover, despite that fact, the Supreme Court re-examined the appealing allegations concerning both the family status of the Applicant and V.A., as well as the legal basis for the imposition of the new protective measure, and concluded *"that the claims of the revision that the responsible party and the protected party did not live in an extramarital factual community are ungrounded. The parties to the proceedings, as mentioned above, lived for a time in an extramarital factual community until the beginning of 2018, a fact confirmed by a written statement given under oath to the notary IA, where the responsible party claimed this fact, declaring without any pressure that from 5 February 2018, he does not live in an extramarital union with the party protected here".*

52. In this regard, the Court, based on the case file and the decisions of the regular courts, finds that the Applicant's allegations that the courts have erroneously determined factual situation and erroneously applied the substantive law, which means that there is no violation of the right to a fair trial under Article 31 of the Constitution and Article 6 of the ECHR regarding these allegations.

Applicant's allegations regarding unreasonable court decisions

53. The Court notes that the Applicant also violates Article 31 of the Constitution and Article 6 of the ECHR, brings in connection with the fact that the decisions of the Court of Appeals and Supreme Courts have given no reasoning. In fact, the Applicant considers that the Court of Appeals and the Supreme Court allowed the imposition of a new protective measure, without responding in detail to his appealing allegations submitted to the Court of Appeals and the Supreme Court, which according to his allegation, were important for the outcome of the proceedings.

54. In relation to the Applicant's allegations that the challenged decisions of the regular courts, namely the decisions do not contain reasoning on decisive facts and reasons which he stated as a basis in the appeal, both before the Court of Appeals and in the request for revision, the Constitutional Court recalls the case law of the ECtHR, from where it follows that domestic courts are required to give reasons for their judgments, without having to give detailed answers to every allegation, but if the submission is essential to the outcome of the case, the court must then pay special attention to them in its decision. Thus, a court decision must have reasons on which it is based and must have reasoning, especially on allegations that are essential to the outcome of the proceedings. Otherwise, there may be a violation of Article 6 paragraph 1 of the ECHR (see ECtHR judgment *Ruiz Toria v. Spain*, of 9 December 1994, Series A no. 303-A,

paragraph 29; see also the case of the Constitutional Court: no. KI72/12, *Veton Berisha and Ilfete Haziri*, Judgment of 17 December 2012, paragraph 61).

55. The Court also notes that the final decisions of the appellate courts do not have to be exhaustive, but rather the relevant appealing allegations, which are assessed as such (see, *inter alia*, case of the Constitutional Court KI197/18, *Ramadan Bislimi*, resolution on inadmissibility, of 6 November 2019).

56. Returning to the Applicant's allegations and the reasoning of the regular courts, the Court notes that the Court of Appeals and the Supreme Court, contrary to the allegations in the Referral, responded in their decisions to each appealing allegation or revision, which the Applicant considered essential and relevant for decision-making, and the courts gave valid, clear and logical reasons in accordance with the requirements of Article 6 paragraph 1 of the ECHR.

57. The Court emphasizes in particular that the Supreme Court, in addition to concluding that the Applicant filed again in the revision procedure same appealing allegations, which he filed before the Court of Appeals, also dealt with it in its decision, as the Applicant specifically stated that precisely this allegation is essential and decisive for the outcome of the proceedings. By this, in the Court's view, the Supreme Court complies with the principle of a fair trial established in the judgment of the ECtHR, *Ruiz Toria v. Spain.*

58. The Court also emphasizes that he notes that in the Referral the Applicant alleges that the Constitutional Court found in a number of its judgments a violation of the rights and freedoms guaranteed by Article 31 of the Constitution and Article 6 of the ECHR, because the courts did not reason their decisions, in accordance with the principles of the rights to a reasoned court decision.

59. In this respect, the Court notes that it is an indisputable fact that in a number of its decisions the Court found a violation of Article 31 of the Constitution and Article 6 of the ECHR, which it related to unreasoned court decisions, but the Court also wishes to note that each case before the Constitutional Court has its own peculiarities and specifics, which may be a sufficient reason for the Court to find a certain violation. However, any reference to such judgments and a comparison of its case with such cases is not a sufficient reason and basis for the Court, and in this present case, to find a violation of the rights guaranteed by the Constitution.

60. Accordingly, the Court, on the basis of all the foregoing, considers that the regular courts have complied with their obligation under Article 31 of the Constitution as well as Article 6 of the ECHR regarding the reasoned decision, which is the reason why the Applicant's allegations that the right to a fair trial has been violated in that segment in the challenged decisions are ungrounded.

61. The Court finds that nothing in the case presented by the Applicant does not indicate that the proceedings before the Basic Court, the Court of Appeals and the Supreme Court were unfair or arbitrary in order for the Constitutional Court to be satisfied that the Applicant was denied any procedural guarantees,

which would lead to a violation of the right to fair and impartial trial, guaranteed by Article 31 of the Constitution, namely Article 6 of the ECHR.

62. The Court reiterates that it is the Applicant's obligation to substantiate his constitutional allegations and to submit *prima facie* evidence indicating a violation of the rights guaranteed by the Constitution and the ECHR (see case of the Constitutional Court No. KI19/14 and KI21/14, Applicants: *Tafil Qorri and Mehdi Syla*, Resolution on Inadmissibility of 5 December 2013).

63. Therefore, the Applicant's Referral is manifestly ill-founded on constitutional basis and, is to be declared inadmissible in accordance with Rule 39 (2) of the Rules of Procedure.

FOR THESE REASONS

The Constitutional Court of Kosovo, in accordance with Article 113.1 and 7 of the Constitution, Article 20 of the Law, and Rule 39 (2) of the Rules of Procedure, in the session held on 15 July 2020, 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;

IV. This Decision is effective immediately.

Judge Rapporteur **President of the Constitutional Court**

Safet Hoxha Arta Rama-Hajrizi

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