



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

**GJYKATA KUSHTETUESE  
УСТАВНИ СУД  
CONSTITUTIONAL COURT**

Prishtina, 24 September 2020  
Ref. no.:RK 1620/20

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

## **RESOLUTION ON INADMISSIBILITY**

in

**Case No. KI226/19**

Applicant

**Hysri Peçani**

**Constitutional review of the Judgment P.no.1191/19 of the Basic Court in Prizren, of 8 November 2019, Ordinance [Ppr. No.487/2018] of the Basic Court in Prizren, of 8 August 2019, and Order for long-term attachment of the property [Ppr. no. 487/2018] of the Basic Court in Prizren, of 14 August 2019.**

### **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. The Referral was submitted by Hysri Peçani, residing in the Municipality of Prizren (hereinafter: the Applicant).

## **Challenged decision**

2. The Applicant challenges the Judgment [P.no.1191 / 19, of the Basic Court in Prizren (hereinafter: the Basic Court)], of 8 November 2019.
3. The Applicant also challenges the Ordinance [Ppr. No. 487/2018] of the Basic Court in Prizren, of 8 August 2019 and the Order for long-term attachment of the property [Ppr. no. 487/2018] of the Basic Court in Prizren, of 14 August 2019.

## **Subject matter**

4. The subject matter of the Referral is the constitutional review of the challenged Acts, which allegedly have violated the Applicant's rights guaranteed by Article 24 [Equality before the Law] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution).

## **Legal basis**

5. The Referral is based on paragraphs 1 and 7 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution, Articles 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), as well as 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 Constitutional Court**

6. On 16 December 2019, the Applicant submitted the Referral by mail to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).
7. On 20 December 2019, the President of the Court appointed Judge Selvete Gërxhaliu Krasniqi as Judge Rapporteur and the Review Panel composed of Judges Radomir Laban (presiding), Remzije Istrefi Peci and Nexhmi Rexhepi.
8. On 31 December 2019, the Court notified the Applicant about the registration of the Referral and requested clarification from him (i) whether he represents himself or is represented by a representative; and (ii) clarify exactly which rights and freedoms he claims to have been violated.
9. On 20 January 2020, the Applicant submitted to the Court the supplementation of the Referral stating that he did not engage a representative and in essence he alleges that he is discriminated as a member of the RAE-Ashkali community.
10. On 30 April 2020, the Court sent a copy of the Referral to the Basic Court.
11. On 2 September 2020, the Review Panel considered the Report of the Judge Rapporteur, and unanimously made a recommendation to the Court on the inadmissibility of the Referral.

## Summary of facts

12. On the basis of the case file it results that the Applicant is challenging the decisions of regular courts for two separate cases, namely (i) *the first case* related to the criminal offence of Fraud under paragraph 1 of Article 335 of the Criminal Code of the Republic of Kosovo No. 04/L-082 (hereinafter: the Criminal Code), a case which was initiated in 2015, and for which the Basic Court in Prizren decided by Judgment [P.nr.1191 / 19] of 8 November 2019; and (ii) *the second case* for which investigations were initiated in 2018 in relation to several criminal offences, namely Unlawful exercise of medical or pharmaceutical activity from paragraph 1 of Article 262, Tax evasion from paragraph 1 of Article 313, Fraud from paragraph 1 of Article 335 and the criminal offence Unauthorized ownership, control or possession of weapons from paragraph 1 of Article 374 of the Criminal Code, for which the Basic Court in Prishtina - Special Department has yet not rendered a merited decision.

**(i) *The first case related to the criminal offence of Fraud - Judgment [P.no.1191 / 19] of 8 November 2019, of the Basic Court in Prizren***

13. On 12 March 2015, the Basic Prosecution in Prizren filed the indictment [PP/ II. no.3188 / 2014] against the Applicant due to the criminal offence of Fraud defined in paragraph 1 of Article 335 of the Criminal Code.
14. Based on the case file it results that the Basic Prosecution in essence charged the Applicant with the criminal offense of Fraud, based on the evidence given by several injured parties, members of the same family, who convinced the Basic Court that the Applicant had demanded and received considerable amounts of money for curing a disease that cannot be not cured by modern medicine, whereas the Applicant claimed that he cured them on the basis of special methods of folk medicine in the capacity of a spiritual healer.
15. On 8 November 2019, the Basic Court through Judgment [P.no.1191/19] of 8 November 2019, found the Applicant: (i) guilty of committing the criminal offense of Fraud set forth in paragraph 1 of Article 335 (Fraud) of the Criminal Code; (ii) fined him in the amount of 5000 (five thousand) euros; (iii) and sentenced him to imprisonment in length of 1 (one) year; and (iv) imposed on him an additional sentence of prohibition to exercise the profession, independent activity and duty for a period of 3 years.
16. The above-mentioned Judgment, had also provided the legal advice that an appeal against the same Judgment may be filed within 15 (fifteen) days, from the day of receipt of this Judgment.
17. On an unspecified date, the Applicant files an appeal against the Judgment [P.no.1191/19] of the Basic Court of 8 November 2019, and is still awaiting a decision from the Court of Appeals.

***The second case related to criminal offences Unlawful exercise of medical or pharmaceutical activity, Tax evasion, Fraud and criminal offence Unauthorized ownership, control or possession of weapons - (i) Ordinance [Ppr. No. 487/2018] of the Basic Court in Prizren, of 8 August***

**2019, and (ii) Order of the Basic Court in Prizren, for long-term attachment of the property [Ppr. No. 487/2018] of 14 August 2019,**

18. On 17 November 2018, the Basic Prosecution in Prizren - General Department, initiated investigations against the Applicant due to reasonable suspicion of having committed the criminal offence of unlawful exercise of medical or pharmaceutical activity from paragraph 1 of Article 262, Tax evasion from paragraph 1 of Article 313, Fraud from paragraph 1 of Article 335 and criminal offence Unauthorized ownership, control or possession of weapons from paragraph 1 of article 374 of the Criminal Code.
19. On 26 July 2019, the Basic Prosecution in Prizren, expanded the investigation against the Applicant due to criminal offences: Unlawful exercise of medical or pharmaceutical activity from paragraph 1 of Article 256 of the Criminal Code of the Republic of Kosovo, Code No.06/L-074 (hereinafter: the new Criminal Code) and the criminal offence of Blackmail from paragraph 1 of Article 341 of the Criminal Code of Kosovo.
20. Based on the case file, it results that in the second case, several procedural actions were taken against the Applicant in relation to his detention as well as procedural actions regarding the extension of detention on remand.
21. On 27 July 2019, upon the application of the Basic Prosecution in Prizren, the Basic Court, by Decision [PPpr.no.487/2018], ordered the detention against the Applicant for a period of 30 (thirty) days. Also, on 22 August 2019, the Basic Court by Decision [PPpr.no.487/2018] has extended the measure of detention for another two months, which lasted until 25 October 2019.
22. On 8 August 2019, the Basic Court by the Ordinance [Ppr.No.487/2018] based on Article 112 [Temporary Sequestration] of the Criminal Procedure Code of Kosovo No. 04/L-123 (hereinafter: the Criminal Procedure Code) ordered the sequestration of items and evidence including a certain number of vehicles and other valuables, which will be stored at the Agency for Administration of Sequestered of Confiscated Assets in Prishtina (AASCA), pending the final decision of the Court. At the end of this ordinance, a Legal Advice was provided, respectively the possibility of addressing an objection to the (non) review panel of the Basic Court, against this ordinance, which was used by the Applicant within the set deadline.
23. On 14 August 2019, the Basic Court in Prizren, by the order for long-term attachment of the property [Ppr. no. 487/2018], based on paragraphs 1, 6, sub-paragraphs 6.2, 9, 10 of Article 266 [Hearing to Confirm Attachment of Property] of the Criminal Procedure Code of Kosovo No.04/L-123: (i) prohibited the sale and alienation of the Applicant's immovable property; (ii) Ordered the Kosovo Cadastral Agency - Directorate for Cadastre and Geodesy of the Municipality of Prizren and the Notary Chamber of Kosovo to implement this order; (iii) The owner of the immovable property continues to use the aforementioned property but may not sell or exchange ownership of the property in any other way; (iv) This order does not expire until the conclusion of the main trial, the termination of the investigation or the filing of an indictment in which the immovable property mentioned in the indictment

is not included; (v) the long-term attachment order is valid throughout the territory of Kosovo; (vi) This order is notified to the State Prosecutor, the Applicant, his defence counsel, as well as the person V.M from Prizren, who may have a property interest in these immovable properties; (vii) The appeal does not stay the execution of the long-term attachment order. At the end of this order, a Legal Advice was given, respectively the possibility to file an appeal with the Court of Appeals, against this order for long-term attachment of the property, which the Applicant, according to his statement, has used within the prescribed deadline.

24. On 3 October 2019, the Special Prosecution of the Republic of Kosovo (hereinafter: the Special Prosecution), by Decision [PPS.no.59/2019], expanded the investigation against the Applicant in relation to the criminal offence of Money Laundering under Article 302 of the new Criminal Code in conjunction with paragraphs 1, 2, sub-paragraph 2.1 of Article 32 [Additional Obligations of Immovable Property Transactions] of the Law No.03/L-196 on Prevention of Money Laundering and Terrorist Financing.
25. On 24 October 2019, the Basic Court in Prishtina-Special Department by Decision [PPS.nr. 177/2018], extended the measure of detention for a period of another three (3) months, which could last until 25 January 2020.
26. On 31 October 2019, the Court of Appeals - Special Department, deciding in the appeal procedure, by Decision [PN.1S.no.75/2019] rejected as unfounded the Applicant's appeal and confirmed the decision of the first instance court.
27. The Applicant filed a request for protection of legality against the aforementioned decisions, with proposal to annul the challenged decisions and to terminate the measure of detention against the Applicant, or alternatively to have the measure of detention on remand replaced with the measure of house arrest.
28. On 13 November 2019, the State Prosecutor of Kosovo, by letter [KMLP.III.no.96/2019] proposed that the Applicant's request for protection of legality be rejected as unfounded.
29. On 18 November 2019, the Supreme Court of Kosovo, through Judgment [PML.no.337/2019], rejected as unfounded the Applicant's request for protection of and confirmed the extension of detention on remand against the Applicant.

### **Applicant's allegations**

30. The Applicant alleges that the challenged Acts have violated his rights guaranteed by Article 24 [Equality before the Law] of the Constitution.
31. The Applicant alleges that he was sentenced in the absence of evidence. He claims to be a spiritual healer and that his business is not about pharmaceutical medicine. His arrest that he is allegedly caught in the act while working, does not stand as he has registered his business and that there is a large number of citizens' requests to be checked by him.



32. According to the Applicant, despite the fact that in Kosovo there is a large number of religious clerics and “fortune-tellers” who exercise the same or similar activities, namely give advice, make prayers and do certain actions, as well as write ‘talismans’, they are not subject to the “same law”, while he feels that he has been racially discriminated because he belongs to the RAE community.
33. Furthermore, he alleges that *the attachment of his property* has no basis, as he has acquired it through honest work, over a long period of time, through bank loans and the work of other businesses which he owns. He considers that all the actions of public bodies are orchestrated in order to “take all his property”. Finally, he considers that he was correct to all his clients and that he possesses numerous facts in the form of video recordings necessary for the State and that he expects to be awarded with a decoration and be nominated for the “Nobel Prize”.
34. On the basis of the case file it is noted that the Applicant had challenged several decisions regarding the extension of detention on remand, but they were referred only for the reasons of case reflection, as the Applicant did not raise it as a concrete allegation.
35. Finally, the Applicant requests from the Court to decide that the challenged Judgment was rendered in in constitutional violation of the “*racial discrimination*.”

## **Relevant Legal provisions**

### **Criminal Procedure Code No. 04/L-123**

#### **Article 266**

#### ***Hearing to Confirm Attachment of Property***

- 1. The pretrial judge may consider evidence or witnesses in support of the previous issuance of the attachment order when deciding whether to issue a long-term attachment order at the conclusion of the attachment hearing. He or she shall also base the long-term attachment order on the evidence presented during the attachment hearing under paragraphs 2, 3 and 4 of this Article.*
- 2. The state prosecutor shall present evidence or witnesses in support of the attachment order.*
- 3. The defendant may present evidence or witnesses to counter the evidence in support of the attachment order, or may argue against the legal basis for the attachment order.*
- 4. Other parties with an interest in the property shall present evidence or witnesses to counter the evidence in support of the attachment order, or may argue against the legal basis for the attachment order.*

5. *The pretrial judge shall only issue a long term attachment order for each asset requested if there exists articulable evidence that demonstrates a grounded cause to justify the order.*

6. *At the conclusion of the hearing, the pretrial judge shall issue an order that:*

*6.1. denies the attachment of the property and issues an order immediately releasing the property, or*

*6.2. confirms the attachment of the property and immediately issues a long-term attachment order.*

7. *The court may order the seizure of property for it to be managed by the Agency for the Management of Sequestered and Confiscated Assets at the end of the hearing only if the court is convinced that an attachment order will be unable to prevent the property from leaving its jurisdiction.*

8. *Except for funds held in a frozen or attached financial account, the defendant or user of the property shall maintain the use of the property but may not sell or otherwise transfer the ownership of the property.*

9. *A long term attachment order issued by any pretrial judge in Kosovo shall have jurisdiction throughout Kosovo.*

10. *A long term attachment order issued by a pretrial judge shall not expire until the end of the main trial, the termination of the investigation or by operation of paragraph 11 of this Article.*

11. *If property listed in a long term attachment order is not listed in the indictment under Article 241 of the present Code, the single trial judge or presiding trial judge may decide on a release to all parties listed in the long-term attachment order.*

12. *An order for long-term attachment can be appealed to the court of appeals within ten (10) days of the order. The appeal will not stay execution of the order for long-term attachment.*

#### *Article 112*

#### *Temporary Sequestration*

1. *Objects that can temporarily be sequestered are objects which might be evidence in the criminal proceedings, objects or property that facilitated the criminal offence, or objects or property which constitutes a material benefit obtained from the commission of a criminal offence and under the law may be sequestered.*

2. *Objects, property, evidence or money may be subject to temporary restraint upon the order of the state prosecutor that shall last no more than five (5) days if the authorized police officers become aware of such objects, property, evidence or money during a lawful search or arrest. The*

*state prosecutor shall request a court order from the pretrial judge that complies with Paragraph 3 of this Article.*

*3. A state prosecutor may request an order from the pretrial judge for objects, property, evidence or money to be temporarily sequestered. Such a request must describe the objects, property, evidence or money with specificity and shall describe how the objects may be evidence of a criminal act, how the object, property or money may facilitate the criminal offence, or how the objects, property or money constitute a material benefit obtained from the commission of a criminal offence. Objects, property, evidence or money may be temporarily sequestered only upon a court order.*

*4. Objects that are temporarily sequestered shall be photographed and maintained in appropriate containers or transparent plastic bags and the authorized police and state prosecutor shall maintain the photographic record and a record of the chain of custody for each object or set of documents.*

*5. Weapons, automobiles, airplanes or other large objects that are temporarily sequestered shall be photographed and maintained in appropriate secure areas and the authorized police and state prosecutor shall maintain the photographic record and a record of the chain of custody for each object or set of documents.*

*6. Buildings or immovable property that are temporarily sequestered shall have notices placed on the building or immovable property that advise the public that the property is subject to temporary sequestration, that trespassing is not allowed, and that trespassers may be subject to arrest.*

*7. Monetary bills or coins that are temporarily sequestered shall be photographed and maintained in a safe and the authorized police and state prosecutor shall both maintain the photographic record and a record of the chain of custody of the monetary bills or coins.*

*8. Money held in a bank account that is temporarily sequestered shall be maintained in a bank account subject to the authority of the court.*

*9. Objects and property that are temporarily sequestered are under the supervision and control of the state prosecutor. The state prosecutor may delegate the custody and control to an authorized police officer for objects and property temporarily sequestered under paragraphs 5, 6 and 8 of this Article.*

*10. When objects are confiscated, an indication shall be given of where they were found and they shall be described. If necessary, the verification of their identity shall be secured in some other way. A receipt of sequestration shall be issued for the objects sequestered.*



*11. If the person or entity who maintains supervision of the object, property, evidence or money that is subject to the order by the pretrial judge under this Article refuses to deliver the object, property, evidence or money to the authorized police officer responsible for executing the order, that person or entity shall be subject to a fine by the pretrial judge of up to fifty percent (50%) of the value of the object, property, evidence or money that is in dispute. The person or entity subject to such a fine may appeal the fine or may negate the fine by complying with the order by the pretrial judge.*

### **Assessment of the admissibility of the Referral**

36. The Court first examines whether there are fulfilled the admissibility requirements established by the Constitution, and further specified by the Law and Rules of Procedure.

37. 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.”*

38. In this regard, the Court notes that the Applicant is an authorized party challenging an act of a public authority, namely the Judgment [P.np.1191 / 19] of the Basic Court, of 8 November 2019.

39. However, the Court notes that paragraph 7 of Article 113 of the Constitution also stipulates the obligation to exhaust “*all legal remedies provided by law*”. This constitutional obligation is also determined by paragraph 2 of Article 47 of the Law and item (b) of paragraph (1) of Rule 39 of the Rules of Procedure. The latter determine:

#### **Article 47 [Individual Requests]**

*“[...]*

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

#### **Rule 39 [Admissibility Criteria]**

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

*[...]*

*(b) all effective remedies that are available under the law against the judgment or decision challenged have been exhausted”.*

40. In this respect, the Court reiterates that paragraph 7 of Article 113 of the Constitution, paragraph 2 of Article 47 of the Law and item (b) of paragraph (1) of Rule 39 of the Rules of Procedure clearly define the obligation of “exhaustion of legal remedies provided by law”, provided that the Referral is declared admissible and is examined by the Court based on its merits.
41. The criteria for assessing whether this obligation has been fulfilled are clearly defined in the case law of the Court and are based upon the case law of the European Court of Human Rights (hereinafter: the ECHR), pursuant to which, in accordance with Article 53 [Interpretation of Human Rights Provisions] of the Constitution, the Court is obliged to interpret the fundamental rights and freedoms guaranteed by the Constitution.
42. The rationale of the requirement to exhaust legal remedies is to provide the respective authorities, first of all the regular courts, with the opportunity to prevent or put right the alleged violations of the Constitution. It is based on the assumption that the legal order of Kosovo provides effective legal remedies for the prevention, respectively correction of violations of constitutional rights. This is an important aspect of the subsidiary character of the constitutional justice machinery (See, *inter alia*, the cases of Court: KI67/19, Applicant *Hajrije Rina Zhitija Ajeti*, Resolution on Inadmissibility, of 30 September 2019, paragraph 34; KI09/19, Applicant *Leutrim Hajdari*, Resolution on Inadmissibility of 16 March 2020, paragraph 36; KI30/17, Applicant *Muharrem Nuredini*, Resolution on Inadmissibility, of 7 August 2017, paragraph 35; and KI94/14, Applicant *Sadat Ademi*, Resolution on Inadmissibility, of 17 December 2014, paragraph 24).
43. In this way, the regular courts are given the opportunity to put right their errors through regular court proceedings prior the case coming to the Constitutional Court. This rule is based on the assumption expressed in Article 32 of the Constitution and Article 13 of the ECHR, that in domestic legislation there are legal remedies available to be used by the regular courts in relation to the alleged violation, regardless of whether the provisions of the ECHR are incorporated in the national law or not (see, *inter alia*, the case of ECtHR *Aksoy v. Turkey*, Application no. 21987/93, Judgment of 18 December 1996, paragraph 51). This principle means that the protection machinery created by the Constitutional Court should be subsidiary in relation to the regular judicial system that protects human rights (see, *inter alia*, the case of the ECtHR *Handyside v. The United Kingdom*, Application no. 5493 / 72, Judgment of 7 December 1976, paragraph 48).
44. Furthermore, the ECtHR has emphasized that the rules setting out the procedural steps required to be taken and the time limits which must be complied with in lodging an appeal are designed to ensure the proper administration of justice and compliance, in particular, with the principle of legal certainty (see the case of ECtHR *Ben Salah Adraqui and Dhaima v. Spain*, Application no. 45023/98, Decision of 27 April 2000).

45. The Court notes that in the circumstances of the *first case* related to the criminal offence of Fraud - the Applicant, after being informed about the content of Judgment [P.no.1191/19] of the Basic Court, of 8 November 2019, filed an appeal with the Court of Appeals, which according to the case file is still pending before it. Consequently, it results that the proceedings before the Court of Appeals have not been concluded yet.
46. As regards the allegations of the second case concerning the “sequestration of his property”, the Court notes that the Applicant after being informed of the content of (i) the Ordinance [Ppr. No. 487/2018] of the Basic Court, of 8 August 2019 and (ii) Order for long-term attachment of property [Ppr. no. 487/2018] of 14 August 2019, according to his statement, he has filed a respective objection and complaint. These actions, based on the case file, were undertaken within the second case concerning the criminal offences Unlawful exercise of medical or pharmaceutical activity, Tax evasion, Fraud and criminal offence Unauthorized ownership, control or possession of weapons; in which we still do not have a meritorious decision of the Basic Court in Prishtina - Special Department. Consequently, it results that the procedure before the Basic Court in Prishtina - Special Department has not been completed yet.
47. The Court has already established in its case law that if proceedings are pending before the regular courts, then the applicants' Referrals in the Constitutional Court are considered premature (see, in this context, the cases of the Court: KI09/19, Applicant *Leutrim Hajdari*, cited above, paragraph 41; KI23/10, Applicant *Jovica Gadžić*, Resolution on Inadmissibility, of 19 September 2013, paragraph 47; KI32/11, Applicant *Lulzim Ramaj*, Resolution on Inadmissibility, of 20 April 2012, paragraph 23; KI11/12, Applicant *Haki Gjocaj*, Resolution on Inadmissibility, of 25 January 2013, paragraph 32; KI114/12, Applicant *Kastriot Hasi*, Resolution on Inadmissibility of 3 April 2013, paragraph 33; KI07/13, Applicant *Ibish Kastrati*, Resolution on Inadmissibility. of 5 July 2013, paragraphs 28-29; KI58/13, Applicant *Sadik Bislimi*, Resolution on Inadmissibility, of 25 November 2013, paragraph 31; and KI102/16, Applicant *Shefqet Berisha*, Resolution on Inadmissibility, of 2 March 2017, paragraph 39).
48. In the circumstances of the present case, on the basis of the principle of subsidiarity, the Court is obliged to declare the Applicant's Referrals inadmissible as premature, respectively because the legal remedies in his case have not been exhausted.
49. Consequently, the Referral is declared inadmissible, pursuant to paragraph 7 of Article 113 of the Constitution, paragraph 2 of Article 47 of the Law and further specified by item (b) of paragraph (1) of Rule 39 of the Rules of Procedure.

## **FOR THESE REASONS**

The Constitutional Court, pursuant to Article 113.1 and 113.7 of the Constitution, Articles 20 and 47.2 of the Law and in accordance with Rule 39 (b) and 59 (2) of the Rules of Procedure, on 2 September 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**

Selvete Gërxhaliu Krasniqi

Arta Rama-Hajrizi



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