



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

GJYKATA KUSHTETUESE

УСТАВНИ СУД

CONSTITUTIONAL COURT

SEKRETARIA / SEKRETARIJAT / SECRETARIAT

Prishtina, on 17 April 2021

Ref. no.:/ KK 66/14

Mr. Ismet Kabashi, Chief State Prosecutor
Prishtina, Republic of Kosovo

Subject: Notification regarding the non-enforcement of the Judgment of the Constitutional Court in case KI112/12

Honorable Chief State Prosecutor Kabashi,

Expressing my consideration for Your work, attached to this notification I forward my letter addressed to Mrs. Kada Bunjaku-Përçuku, President of the Basic Court in Mitrovica, regarding the non- enforcement of the Judgment of the Constitutional Court in case KI112/12.

Respectfully,

Prof. Dr. Enver Hasani
President

Kopje e vërtetuar
Overena kopija
Certified Copy



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**Mrs. Kada Bunjaku - Përçuku, President of the Basic Court
Basic Court of Mitrovica
Mitrovica, Republic of Kosovo**

Dear President Bunjaku - Përçuku,

The Constitutional Court of the Republic of Kosovo, conducting its activity according to the competencies established in the Constitution of Kosovo, in the procedure of constitutional review of violation of human rights, had the subject of review final Decision Ac. No. 61/12 of the District Court in Mitrovica of 12 February 2012.

After reviewing the referral submitted to it, the Constitutional Court, in case KI112/12, has found that the decision, the constitutional review of which has been requested, has resulted in violations of human rights and, consequently, the Constitutional Court has quashed/annulled Decision Ac. No. 61/12 of the District Court in Mitrovica, of 12 February 2012.

The Constitutional Court requested the Basic Court in Mitrovica, Branch in Skenderaj, to reconsider this decision and that during the review procedure its recommendations and suggestions be taken into account and implemented without any reservation and eliminate the violations found by the Constitutional Court.

To date, the Constitutional Court has not received any response from the Basic Court in Mitrovica regarding the steps taken to execute the judgment of the Constitutional Court in case KI112/12.

On this occasion, I remind you that Article 116 of the Constitution [Legal Effect of Decisions] expressly provided: **"Decisions of the Constitutional Court are binding on the judiciary and all persons and institutions of the Republic of Kosovo"**.

From the above, please notify the Constitutional Court, within the time limit of 15 (fifteen) days from the date of receipt of this request, about the implementation of the judgment of the Constitutional Court.

In order to fulfill the obligation of the constitutional obligation to implement decisions of the Constitutional Court, both in quantity and content (Article 116.1 of the Constitution) for all institutions of Kosovo, a copy of this letter for information is sent to the Chief State Prosecutor, Mr. Kabashi.

The Constitutional Court of the Republic of Kosovo remains committed to the full realization of its function of guardian of the Constitution and guarantor of human rights.

For the achievement of these purposes, the Court welcomes the cooperation with the Basic Court of Mitrovica, always in the interest of respecting constitutionality and rule of law.

Respectfully,

Prof. Dr. Enver Hasani
President

