



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

Prishtina, 13 August 2021  
Ref. no.:RK 1831/21

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

## **RESOLUTION ON INADMISSIBILITY**

in

**Case No. KI66/21**

Applicant

**Korab Imeri**

**Constitutional review of Judgment PML. No. 15/2021, of the Supreme  
Court, of 10 February 2021**

### **THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO**

composed of:

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

#### **Applicant**

1. The Referral was submitted by Korab Imeri, from the village of Vajnik, Municipality of Skenderaj, represented by Ali Rexha, lawyer from Mitrovica (hereinafter: the Applicant).

## **Challenged decision**

2. The Applicant challenges the constitutionality of Judgment PML. No. 15/2021, of the Supreme Court, of 10 February 2021, in conjunction with Judgment PAKR.no.375/20, of 25 November 2020, of the Court of Appeals of Kosovo (hereinafter: the Court of Appeals) and Judgment P.no.125/19, of 16 July 2020 of the Basic Court in Mitrovica - Department for Serious Crimes (hereinafter: the Basic Court).

## **Subject matter**

3. The subject matter of the Referral is the constitutional review of the challenged Judgments, which as alleged by the Applicant have violated his rights guaranteed by Article 31 [Right to Fair and Impartial Trial] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution).

## **Legal basis**

4. The Referral is based on Article 113.7 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) 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**

5. On 8 April 2021, the Applicant submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).
6. On 14 April 2021, the President of the Court appointed Judge Gresa Caka-Nimani as Judge Rapporteur and the Review Panel composed of Judges: Bajram Ljatifi (Presiding), Safet Hoxha and Radomir Laban (members).
7. On 22 April 2021, the Court notified the Applicant on the registration of the Referral and sent a copy of the Referral to the Supreme Court.
8. On 17 May 2021, based on paragraph 5 of Article 114 [Composition and Mandate of the Constitutional Court] of the Constitution and Rule 12 (Election of President and Deputy President) of the Rules of Procedure, Judge Gresa Caka-Nimani was elected President of the Constitutional Court. Based on paragraph 4 of Rule 12 of the Rules of Procedure and the Court Decision KK-SP 71-2/21, it was decided that Judge Gresa Caka-Nimani, shall take over the duty of the President of the Court after the end of the mandate of the current President of the Court, Arta Rama-Hajrizi, on 26 June 2021.
9. On 25 May 2021, pursuant to item 1.1 of paragraph 1 of Article 9 (Prior termination of the mandate) of the Law and Rule 7 (Resignation of Judges) of the Rules of Procedure, Judge Bekim Sejdiu submitted his resignation from the position of judge at the Constitutional Court.

10. On 31 May 2021, the President of the Court Arta Rama-Hajrizi, with Decision no. KK 66/21 determined that Judge Gresa Caka-Nimani be appointed Presiding of the Review Panels in cases where she was appointed as member of the Panel, including the current case.
11. On 1 June 2021, the President of the Court Arta Rama-Hajrizi, by Decision No. KI66/21, appointed Judge Safet Hoxha as Judge Rapporteur instead of Judge Gresa Caka-Nimani.
12. On 26 June 2021, based on paragraph 4 of Rule 12 of the Rules of Procedure and the Decision of the Court KK-SP 71-2/21, Judge Gresa Caka-Nimani took over the duty of the President of the Court, whilst pursuant to item 1.1 of paragraph 1 of Article 8 (Termination of mandate) of the Law, President Arta Rama-Hajrizi concluded the mandate of the President and Judge of the Constitutional Court.
13. On 29 July 2021, 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**

14. On 17 November 2019, the Basic Prosecution in Mitrovica filed an Indictment [PP. no. 168/19] against the Applicant and the co-perpetrator, the individual H.F, due to reasonable suspicion that they have committed the criminal offense, respectively the individual H.F was charged with committing the criminal offenses of "*Aggravated murder*" under paragraph 1 item 1.6 of Article 179 of the CCRK and "*Unauthorised ownership, control or possession of weapons*" under paragraph 1 of Article 374 of the CCRK, while the Applicant was charged with the criminal offense of "*Providing assistance to perpetrators after the commission of criminal offenses*" under paragraph 2 item 2.1 of Article 388 of the CCRK and "*Unauthorised ownership, control or possession of weapons*" under paragraph 1 of Article 374 of the CCRK.
15. On 16 July 2020, the Basic Court by Judgment [P. no. 125/19], found the Applicant guilty of committing the criminal offense of "*Providing assistance to perpetrators after the commission of criminal offenses*" under paragraph 2 item 2.1 of Article 388 of the CCRK and "*Unauthorised ownership, control or possession of weapons*" under paragraph 1 of Article 374 of the CCRK. The Basic Court by the abovementioned Judgment, found the individual H.F guilty of committing the criminal offenses of "*Aggravated murder*" under paragraph 1 item 1.6 of Article 179 of the CCRK and "*Unauthorised ownership, control or possession of weapons*" under paragraph 1 of Article 374 of the CCRK. With Judgment [P. no. 125/19] of the Basic Court, the Applicant was punished by imprisonment for a period of 3 (three) years.
16. The Applicant's defense counsel, within the legal deadline, filed an appeal with the Court of Appeals against the abovementioned Judgment of the Basic Court, alleging substantial violation of the provisions of criminal procedure, erroneous and incomplete determination of the factual situation and violation of criminal law and sanction decision. Furthermore, the Applicant's defense

counsel in the appeal, among others requested that the Applicant be acquitted of the charge of committing the criminal offense of “*Providing assistance to perpetrators after the commission of criminal offenses*” under paragraph 2 item 2.1 of Article 388 of the CCRK, and for the remaining part of the charge, for which he had pleaded guilty to impose a more lenient punishment, respectively to be punished by a fine. The individual H.F and the Basic Prosecution in Mitrovica, and the representative of the injured party also filed appeals against the judgment of the Basic Court requesting the review of the decision on the criminal sanction.

17. On 25 November 2020, the Court of Appeals by Judgment [PAKR.no.375/20] partially approved the Applicant’s appeal, deciding as follows: i) amended the Judgment [P. no. 125/19] of the Basic Court only in relation to the decision on punishment, regarding the criminal offense of “*Unauthorised ownership, control or possession of weapons*” under paragraph 1 of Article 374 of the CCRK, imposing a sentence of imprisonment for a period of 5 (five) months ii) confirmed the rest of the Judgment of the Basic Court, rejecting as ungrounded the appeals of the Basic Prosecution in Mitrovica, the representative of the injured party and the individual H.F, and considered the above-mentioned Judgment of the Basic Court as fair and lawful.
18. With regard to the above-mentioned specific appealed allegations filed by the Applicant’s defense counsel, the Court of Appeals found that:

*“The appealed allegations of the defense counsel of the accused Korab Imeri and of the accused Korab Imeri himself, regarding the erroneous and incomplete determination of the factual situation, do not stand. From the evidence administered during the main trial it has been established that the accused Korab Imeri, it has been established that the accused Korab Imeri on 08.04.2019 has assisted the accused H.F, to avoid the revealing of the commission of the criminal offense, in such a way that with the vehicle “BMW” model X5 with license plates 01-827-LE, property of the accused H.F, according to a prior agreement, has waited for the same, at the hill-at the cemetery in the Nezaj neighborhood and after H.F killed [I.Z], they continued the road with his vehicle to the gas station “Alfa Trade” in Skenderaj, in which case he gave the vehicle to H.F to drive.*

*The statement of the accused Korab Imeri that he did not know that H.F would commit murder was not approved by the first instance court, and this statement was neither approved by the Court of Appeals of Kosovo, because even after H.F informed Korab that he committed the murder, the accused Korab continued to drive the car and sent the accused H.F, to the gas station mentioned above, which indicates that Korab was aware of the murder that was going to be committed by H.F. For these reasons, the Court of Appeals of Kosovo approves the factual situation determined by the first instance court as fair and lawful.*

19. The Applicant’s defense counsel, within the legal deadline, submitted the request for protection of legality to the Supreme Court against Judgment PAKR. no. 375/2020 of the Court of Appeals and Judgment P.no.125/2019, claiming that “*essential violations of the provisions of criminal procedure and*

*violation of criminal law”* have been made, and requesting that the above-mentioned judgments be amended, reiterating the claim that the Applicant has not committed the criminal offense of *“Providing assistance to perpetrators after the commission of criminal offenses”* under paragraph 2 item 2.1 of Article 388 of the CCRK.

20. On 10 February 2021, the Supreme Court by Judgment PML. No. 15/2021, rejected as ungrounded the request for protection of legality filed by the Applicant’s defense counsel, confirming in entirety the Judgment P. no. 125/19, of the Basic Court and the Judgment PAKR. No. 375/2020, of the Court of Appeals.

### **Applicant’s allegations**

21. The Court recalls that the Applicant alleges that his rights guaranteed by Article 31 [Right to Fair and Impartial Trial] of the Constitution have been violated. The Applicant also alleges that Articles 374 and 388 of the CCRK as well as Articles 106 and 344 of the CPCRK have been violated by the decisions of the regular courts.
22. The Applicant initially alleges that the first instance court has erroneously assessed the determining circumstances of the case. The Applicant alleges that he did not commit the criminal offense for which he was convicted, stating that *“Korabi should be held accountable for not reporting the criminal offense under Article 386 paragraph 1 sub-para 1.2 of the CCK. Then, also regarding the criminal offense of “Unauthorised ownership, control or possession of weapons” under Article 374 par. 1 of the CCK, I am convinced that he did not commit it for several reasons”*.
23. The Applicant further alleges that *“during the main trial unlawful evidence have been presented and the allegations of defense that the judgments were based on unlawful evidence as they were obtained unlawfully, have not been considered”*.
24. The Applicant addresses the Court with a request that his Referral be declared admissible and that the Court declares all three judgments of the regular courts as unlawful.

### **Admissibility of the Referral**

25. The Court initially examines whether the Applicant has met the admissibility criteria set out in the Constitution, foreseen in the Law and further specified in the Rules of Procedure.
26. In this respect, the Court refers to Article 113 of the Constitution, which stipulates:

*“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.”*



27. The Court further assesses whether the Applicant has met the admissibility criteria, as specified in the Law. In this respect, the Court first refers to Articles 47 [Individual Requests], 48 [Accuracy of the Referral] and 49 [Deadlines] of the Law, which establish:

*Article 47*  
*[Individual Request]*

*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 [...].”*

28. With regard to the fulfillment of the admissibility criteria, as mentioned above, the Court finds that the Applicant submitted the Referral in the capacity of an authorized party, challenging an act of a public authority, namely the Judgment PML. No. 15/2021, of the Supreme Court, of 10 February 2021, in conjunction with Judgment PAKR. no. 375/20, of the Court of Appeals of Kosovo, of 25 November 2020 and Judgment P. no. 125/19, of the Basic Court in Mitrovica - Department for Serious Crimes, of 16 July 2020, after having exhausted all legal remedies provided by law. The Applicant has also clarified the fundamental rights and freedoms that he alleges to have been violated, in accordance with the requirements of Article 48 of the Law and has submitted the Referral in accordance with the deadlines set out in Article 49 of the Law.

29. The Court also refers to Rule 39 of the Rules of Procedure, which sets out:

*“(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.”*

30. The Court recalls that the abovementioned rule, based on the case law of the ECtHR and of the Court, enables the latter to declare inadmissible referrals for reasons related to the merits of a case. More precisely, based on this rule, the

Court may declare a referral inadmissible based on and after assessing its merits, namely if it deems that the content of the referral is manifestly ill-founded on constitutional basis, as defined in paragraph (2) of Rule 39 of the Rules of Procedure (see, case KIO4/21, Applicant *Nexhmiije Makolli*, Resolution on Inadmissibility of 12 May 2021, paragraph 26, see also the case KI175/20, Applicant *Privatization Agency of Kosovo*, Resolution on Inadmissibility of 27 April 2021, paragraph 37).

31. Based on the case law of the ECtHR but also of the Court, a referral may be declared inadmissible as “manifestly ill-founded” in its entirety or only with respect to any specific claim that a referral may constitute. In this regard, it is more accurate to refer to the same as “manifestly ill-founded claims”. The latter, based on the case law of the ECtHR, can be categorized into four separate groups: (i) claims that qualify as claims of “*fourth instance*”; (ii) claims that are categorized as “*clear or apparent absence of a violation*”; (iii) “*unsubstantiated or unsupported*” claims; and finally, (iv) “*confused or far-fetched*” claims. (See, more precisely, the concept of inadmissibility on the basis of a referral assessed as “manifestly ill-founded”, and the specifics of the four above-mentioned categories of claims qualified as “*manifestly ill-founded*”, the Practical Guide to the ECtHR on Admissibility Criteria of 31 August 2019; Part III. Inadmissibility Based on Merit; A. Manifestly ill-founded applications, paragraphs 255 to 284, see, also, case KIO4/21, cited above, paragraph 27, as well as the case KI175/20, cited above, paragraph 38).
32. In this context and further to assess the admissibility of the Referral, namely, to assess in the circumstances of this case whether the Referral is manifestly ill-founded on constitutional basis, the Court will first recall the substance of the case that this referral entails and the relevant claims of the Applicant, in the assessment of which the Court will apply the standards of the case law of the ECtHR, in accordance with which, pursuant to Article 53 [Interpretation of Human Rights Provisions] of the Constitution, it is obliged to interpret the fundamental rights and freedoms guaranteed by the Constitution (see the case KIO4/21, cited above, paragraph 28, and the case KI175/20, cited above, paragraph 39).
33. The Court recalls that the substance of the case relates to the fact that the Basic Court found the Applicant guilty of committing the criminal offense of “*Providing assistance to perpetrators after the commission of criminal offenses*” under paragraph 2 item 2.1 of Article 388 of the CCRK and “*Unauthorised ownership, control or possession of weapons*” under paragraph 1 of Article 374 of the CCRK. Subsequently, the Applicant filed an appeal with the Court of Appeals, claiming, among others, that he was not guilty of committing the criminal offense of “*Providing assistance to perpetrators after the commission of criminal offenses*” under paragraph 2 item 2.1 of Article 388 of the CCRK. The Court of Appeals rejected the Applicant’s appeal as ungrounded. Both judgments of the lower instances were upheld by the Judgment of the Supreme Court, following the request for protection of legality filed by the Applicant.
34. The Court recalls that these findings of the Supreme Court, and of the lower instances, the Applicant challenges before the Court, alleging in essence

violation of Article 31 of the Constitution, because according to him the regular courts have erroneously determined the factual situation, and that they have erroneously assessed the determining circumstances regarding the case.

35. Initially, the Court recalls that the allegations raised by the Applicant in the Court were also raised before the regular courts and relate mainly to an erroneous determination of the factual situation, claiming that he did not commit the criminal offense of "*Providing assistance to perpetrators after the commission of criminal offenses*" under paragraph 2 item 2.1 of Article 388 of the CCRK, for which, among others, he was convicted.
36. In this regard, the Court first recalls that the Constitutional Court has no jurisdiction to decide whether an applicant was guilty of committing a criminal offense or not. It also has no jurisdiction to examine whether the factual situation has been correctly determined or to assess whether the judges of the regular courts have had sufficient evidence to establish the guilt of an applicant (see, in this regard, among others, cases of the Court KI128/18, Applicant *Joint Stock Company Limak Kosovo International Airport JSC, "Adem Jashari"*, Resolution of 28 June 2019, paragraph 55; KI62/19, Applicant *Gani Gashi*, Resolution on Inadmissibility of 19 December 2019, paragraph 56-57; KI110/19, Applicant *Fisnik Baftijari*, Resolution on Inadmissibility of 7 November 2019, paragraph 40).
37. In this context, the Constitutional Court can only examine whether the proceedings at the regular courts, viewed in their entirety, were conducted in such a way that the Applicant had a fair and impartial trial (see, *inter alia*, the case, *Edwards v. The United Kingdom*, Application no. 13071/87, Report of the European Commission of Human Rights, adopted on 10 July 1991, see also the case of the Court KI110/19, cited above, paragraph 41).
38. In the present case, the Court finds that the Applicant considers problematic precisely the fact that the courts during the proceedings have violated the provisions of the CCRK and the CPRK, in the way that they convicted him for a criminal offense without evidence. Consequently, the Applicant considers that Article 31 of the Constitution has thereby been violated.
39. More precisely, the Applicant sees the violation of Article 31 of the Constitution in the fact that in his actions there are elements of a criminal offense under paragraph 1, sub-paragraph 386 of the CCK "*Failure to report criminal offenses or perpetrators*" and not of criminal offense for which he was charged and later convicted with the judgments of the courts. Furthermore, the Applicant considers that he also did not commit the criminal offense of "*Unauthorised ownership, control or possession of weapons*" under paragraph 1 of Article 374 of the CCRK, stating that the weapon was not found in control and possession of the Applicant, but belonged to a relative of his.
40. The Court, relating the Applicant's allegations to the facts of the present case, finds that it is not disputed by the Court that the Applicant committed the criminal offense of "*Unauthorised ownership, control or possession of weapons*" under paragraph 1 of Article 374 of the CCRK, since he himself pleaded guilty at the first instance court. In relation to the allegation that in his



actions there are elements of the criminal offense under paragraph 1, subparagraph 386 of the CCK "*Failure to report criminal offenses or perpetrators*" and not the criminal offense for which he was charged and later convicted with the judgments of the courts, for the Applicant the qualification of the offense is disputable, which, according to him, is wrong, namely that the offense itself has elements of another criminal offense, and not of the criminal offense for which he was convicted with the judgments of the regular courts.

41. The Court notes that the Basic Court, upon analyzing all evidence related to the case, found that the Applicant is guilty of the criminal offense of "*Providing assistance to perpetrators after the commission of criminal offenses*" under paragraph 2 item 2.1 of Article 388 of the CCRK and of "*Unauthorised ownership, control or possession of weapons*" under paragraph 1 of Article 374 of the CCRK.
42. The Court further also finds that the Applicant has raised the same allegations before the Court of Appeals, highlighting the fact that there are no evidence and therefore there is no criminal offense for which he was convicted with the Judgment of the Basic Court.
43. The Court notes that the Court of Appeals, analyzing specifically this allegation, concluded that "*From the evidence administered during the main trial it has been established that the accused Korab Imeri, it has been established that the accused Korab Imeri on 08.04.2019 has assisted the accused H.F to avoid the revealing of the commission of the criminal offense [...] The statement of the accused Korab Imeri that he did not know that H.F would commit murder was not approved by the first instance court, and this statement was neither approved also by the Court of Appeals of Kosovo, because even after H.F informed Korab that he committed the murder, the accused Korab continued to drive the car and sent the accused H.F, to the gas station mentioned above, which indicates that Korab was aware of the murder that was going to be committed by H.F*".
44. The Court further finds that the same appealed allegations were considered by the Supreme Court in the request for protection of legality, respectively in the Judgment PML. no. 15/2021, where it confirmed as correct all appealed allegations already reviewed by the Basic Court and by the Court of Appeals, concluding "*the Court has presented clearly and completely what facts and for what reasons it considered them as confirmed, also it has specifically assessed the accuracy of each piece of evidence and came to the conclusion that in this criminal case the facts were clearly established and the evidence were processed in accordance with legal provisions [...] In the respective case the convict Korab Imeri assisted the convict H.F to leave the scene where the murder took place. [...] It should also be noted the fact that the convict H.F upon entering the car driven by the convict Korab Imeri, told him that he committed the murder of victim I.Z, and the convicted person even though he was informed for this fact has continued his way and sent the convict H.F to the gas station in Skenderaj, and this indicates that the convict Korab was even earlier aware of the murder that would be committed by H. F and wanted to help him not to be arrested, therefore this court considers the judgments of the two courts as fair and lawful because they have provided*

*clear and fair reasons regarding the legal qualification of this criminal offense, and they have correctly applied the criminal law when they found guilty and convicted Korab Imeri for the criminal offense of Providing assistance to perpetrators after the commission of criminal offenses under Article 388 par. 2 item 2.1 of the CCRK, which reasoning of the lower instance courts is also accepted by this court. According to the assessment of the Supreme Court of Kosovo, the allegations of the defense counsel of the convicted person regarding the criminal offense of unauthorised ownership, control or possession of weapons under Article 374 par. I of the CCRK, that the convicted person did not commit this criminal offense are also ungrounded, for the fact that from the case file and the minutes of the main trial it results that the convict Korab Imeri has pleaded guilty for this criminal offense charged with according to the indictment”.*

45. Therefore, in the light of all the above, the Court considers that the regular courts throughout the proceedings have adhered to the principles of the right to a fair and impartial trial, as provided for in Article 31 of the Constitution in relation to Article 6 of the ECHR, and that they acted in the spirit of the relevant provisions of the CCRK and the CPCPK during the determination and qualification of the offense, and from this it can also be concluded that there was no violation of the CCRK and the CPCPK as claimed by the Applicant in the Referral.
46. The Court consequently finds that the Applicant has benefited from the adversarial procedure; has had the opportunity at various stages of the proceedings to present the allegations and evidence which he considered relevant to his case; has had the opportunity to effectively challenge the allegations and evidence presented by the opposing party; the regular courts have heard and examined all his allegations, which, viewed objectively, have been relevant to the resolution of the case; the factual and legal reasons for the challenged decision are presented in detail, therefore, the proceeding, as a whole, was fair (see, *mutatis mutandis*, ECtHR Judgment of 21 January 1999, *Garcia Ruiz v. Spain*, no. 30544/96, paragraph 29 and 30; see, also, the case of the Court KI22/19, Applicant *Sabit Ilazi*, Resolution of 7 July 2019, paragraph 42; and the case of the Court KI128/18, cited above, paragraph 58).
47. Therefore, the Court notes that the reasoning of the Supreme Court, referring to the Applicant’s allegations of violation of criminal law, is clear and after examining all the proceedings, the Court also finds that the proceedings before the regular courts were not unfair or arbitrary (see, Judgment of the ECtHR *Pekinel v. Turkey*, of 18 March 2008, no. 9939/02, paragraph 55, see, also, in this respect, among others, the case of the Court KI22/19, cited above, paragraph 43).
48. Finally, the Court concludes that the Applicant’s allegations of violation of the right to a fair and impartial trial, guaranteed by Article 31 of the Constitution and Article 6 of the ECHR, due to erroneous determination of the factual situation and misinterpretation and misapplication of the law in force in the case of qualification of the offense are (i) allegations that qualify as “*fourth instance*” allegations; and as such, these allegations of the Applicant are

manifestly ill-founded on constitutional grounds, as set out in paragraph (2) of Rule 39 of the Rules of Procedure.

### **FOR THESE REASONS**

The Constitutional Court of the Republic of Kosovo, pursuant to Article 113.1 and 113.7 of the Constitution, Article 48 of the Law and Rule 39 (2) of the Rules of Procedure, on 29 July 2021, 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

Gresa Caka-Nimani



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