



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

---

Prishtina, on 24 September 2021  
Ref. No.: VMSP 1856/21

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

## **DECISION ON NON-ENFORCEMENT**

regarding the

### **JUDGMENT**

of the

**Constitutional Court of the Republic of Kosovo**

**of 22 September 2010**

in

**Case No. KI56/09**

Applicant

**Fadil Hoxha and 59 others**

VS.

**Municipal Assembly of Prizren**

### **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

## **Subject matter:**

1. The subject matter is: (i) the assessment by the Constitutional Court of the Republic of Kosovo (hereinafter: the Court), regarding the enforcement of Judgment in case KI56/09, Applicant *Fadil Hoxha and 59 others*, Judgment of 22 September 2010 (hereinafter: the Judgment of the Court in case KI56/09), by the responsible authorities of the Republic of Kosovo, based on Article 116 [Legal Effect of Decisions] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution), Article 19 (Taking of the decisions) of the Law no. 03 / L-121 on the Constitutional Court (hereinafter: the Law) and Rule 66 (Enforcement of decisions) of the Rules of Procedure no.01/2018 of the Constitutional Court of the Republic of Kosovo (hereinafter: the Rules of Procedure),; and (ii) the decision-making of the Court regarding the Decision on Non-enforcement and the respective Notification to the State Prosecutor, as stipulated in paragraphs (6) and (7) of Rule 66 of the Rules of Procedure.

## **Legal basis for issuing the Decision on Non-Enforcement and Notification to the State Prosecutor:**

2. The Court will initially cite, and then elaborate, the legal basis for the issuance of this Decision on Non-Enforcement and the issuance of the Notification to the State Prosecutor regarding the Judgment of the Court in case KI56/09. In the following, we present the relevant provisions of the Constitution, the Law, and the Rules of Procedure:

### **Constitution of the Republic of Kosovo**

#### Article 116 [Legal Effect of Decisions]

1. *Decisions of the Constitutional Court are binding on the judiciary and all persons and institutions of the Republic of Kosovo.*  
[...]

### **Law on the Constitutional Court**

#### Article 19 (Taking of the decisions)

1. *The Constitutional Court decides as a court panel consisting of all Constitutional Court judges that are present.*
2. *The Constitutional Court shall have a quorum if seven (7) judges are present.*
3. *The Constitutional Court decides with majority of votes of judges present and voting.*  
[...]

## Rules of Procedure

### Rule 66 (Enforcement of decisions)

*(1) The decisions of the Court are binding on the judiciary and all persons and institutions of the Republic of Kosovo.*

*(2) All constitutional organs as well as all courts and authorities are obligated to respect, to comply with and to enforce the decisions of the Court within their competences established by the Constitution and law.*

*(3) All natural and legal persons are obligated to respect and to comply with the decisions of the Court.*

*(4) The Court may specify in its decision the manner of and time-limit for the enforcement of the decision of the Court.*

*(5) The body under the obligation to enforce the decision of the Court shall submit information, if and as required by the decision, about the measures taken to enforce the decision of the Court.*

*(6) In the event of a failure to enforce a decision, or a delay in enforcement or in giving information to the Court about the measures taken, the Court may issue a ruling in which it shall establish that its decision has not been enforced. This ruling shall be published in the Official Gazette.*

*(7) The State Prosecutor shall be informed of all decision of the Court that have not been enforced.*

*(8) The Secretariat, under the supervision of the Judge who, in accordance with Rule 58, drafted the decision, shall follow up on the implementation of the decision and, if necessary, report back to the Court with recommendation for further legal proceedings to be taken.*

3. The above legal basis represents the constitutional and legal regulation on the basis of which the Court is authorized to take actions regarding the monitoring of the enforcement of its Judgments and the relevant measures in case of ascertainment of their non-implementation.
4. In this respect, the Court states that based on Article 116 of the Constitution, its decisions are binding on the judiciary and all persons and institutions of the Republic of Kosovo. Moreover, based on the same article in conjunction with Rule 66 of the Rules of Procedure, (i) all constitutional organs as well as all courts and authorities are obligated to respect, to comply with and to enforce the decisions of the Court, within their competencies established by the Constitution and law, and (ii) all natural and legal persons are obligated to respect and to comply with the decisions of the Court.
5. The Court also states that pursuant to Rule 66 of the Rules of Procedure, the Court may specify in its decision: (i) the manner of and time-limit for the implementation of the decision of the Court; (ii) the body under the obligation to enforce the decision of the Court and to submit information, if and as required by the decision, about the measures taken to enforce the decision of the Court; (iii) in the event of a failure to enforce a decision, or a delay in enforcement or in giving information to the Court about the measures taken, the Court may issue a ruling in which it shall establish that its decision has not been enforced. This

shall be published in the Official Gazette; and (iv) inform the State Prosecutor about all decisions of the Court that have not been enforced.

6. On the basis of paragraph (8) of Rule 66 of the Rules of Procedure, the Court through its mechanisms monitors the implementation of decisions and may undertake further legal proceedings. The assessment of the implementation of the decisions of the Court is carried out periodically and in case of finding that a decision has not been implemented, the Court issues a Decision on Non-enforcement and notifies the State Prosecutor in that respect.
7. In this context, the Court has undertaken the measures set out in its Rules of Procedure with respect to the Judgments (i) in case KO01/09 of 18 March 2010, Applicant *Qemail Kurtishi* (hereinafter: the case of Court KO01/09), by issuing the Order of 7 June 2010 and the Order of 21 June 2010<sup>1</sup>; (ii) in case KIO8/09 of 17 December 2010, Applicant *The Independent Union of Workers of IMK Steel Factory in Ferizaj* (hereinafter: the case of Court KIO8/09), by issuing a Decision on Non-Enforcement and notifying the State Prosecutor<sup>2</sup>; (iii) in case KI112/12 of 5 July 2013, Applicant *Adem Meta* (hereinafter: the case of Court KI112/12), by addressing a letter to the President of the Basic Court in Mitrovica and notifying the State Prosecutor about the non-enforcement of this Judgment<sup>3</sup>; and (iv) in case KI187/13 of 1 April 2014, Applicant *N. Jovanović* (hereinafter: the case of Court KI187/13), by issuing an Updated Information regarding Judgment No. KI187-13 as well by notifying the State Prosecutor about the non-enforcement of Judgment KI187/13.<sup>4</sup>

### **Court's Judgment in Case KI56/09:**

8. In the case of Court KI56/15, the Referral was submitted by Fadil Hoxha and 59 others (hereinafter: the Applicants).
9. The Applicants had challenged the Decision [01/011-3257] of 30 April 2009 of the Municipal Assembly of Prizren on changing the Urban Plan for the

---

<sup>1</sup> See the Order in case KO01/09, of 7 June 2010, accessible via the following link: [https://gjk-ks.org/wp-content/uploads/vendimet/urdher\\_rasti\\_ko\\_01\\_09.pdf](https://gjk-ks.org/wp-content/uploads/vendimet/urdher_rasti_ko_01_09.pdf) and the Order in case KO01/09, of 21 June 2010, accessible via the following link: [https://gjk-ks.org/wp-content/uploads/vendimet/urdher\\_rasti\\_ko\\_01\\_09.pdf](https://gjk-ks.org/wp-content/uploads/vendimet/urdher_rasti_ko_01_09.pdf)

<sup>2</sup> See the Decision on Non-Execution of Judgment in case KIO8/09 of 14 November 2012, accessible via link: [https://gjk-ks.org/wp-content/uploads/vendimet/gjk\\_ki\\_08\\_09\\_vmshq.pdf](https://gjk-ks.org/wp-content/uploads/vendimet/gjk_ki_08_09_vmshq.pdf), and the Notification to the Chief State Prosecutor for Failure to Execute the Judgment in case KIO8 / 09 of 28 May 2019, accessible via the link: [KIO8-09\\_Njoftim-per-moszbatim-te-Aktgjykimit-te-Gjykatës-Kushtetuese\\_P.SH.pdf](https://gjk-ks.org/wp-content/uploads/vendimet/KIO8-09_Njoftim-per-moszbatim-te-Aktgjykimit-te-Gjykatës-Kushtetuese_P.SH.pdf) (gjk-ks.org).

<sup>3</sup> See the letter "Notification regarding the non-enforcement of Judgment of the Constitutional Court in case KI112/12" and the letter addressed to the President of the Basic Court in Mitrovica, of 17 April 2014, accessible via the following link: [https://gjk-ks.org/wp-content/uploads/2021/08/KI112-12\\_Njoftim-perkitazi-me-moszbatimin-e-Aktgjykimit\\_P.SH\\_SHQ.pdf](https://gjk-ks.org/wp-content/uploads/2021/08/KI112-12_Njoftim-perkitazi-me-moszbatimin-e-Aktgjykimit_P.SH_SHQ.pdf)

<sup>4</sup> See the "Updated Information regarding Judgment No. KI187-13" of 6 February 2015, accessible via the following link: [https://gjk-ks.org/wp-content/uploads/2021/08/informate\\_e\\_perditesuar\\_KI187\\_13\\_shq.pdf](https://gjk-ks.org/wp-content/uploads/2021/08/informate_e_perditesuar_KI187_13_shq.pdf) and the letter "Information on non-enforcement of Judgment KI187 / 13" of 6 February 2015, addressed to the Chief State Prosecutor, accessible via the following link: [https://gjk-ks.org/wp-content/uploads/2021/08/njoftimi\\_per\\_moszbatimin\\_e\\_aktgjykimit\\_KI187\\_13\\_shq.pdf](https://gjk-ks.org/wp-content/uploads/2021/08/njoftimi_per_moszbatimin_e_aktgjykimit_KI187_13_shq.pdf)

neighborhood Jaglenica (now Dardania) (hereinafter: the Decision on the Urban Plan).

10. The Applicants had requested the constitutional review of the above-mentioned Decision, by alleging violation of the fundamental rights and freedoms guaranteed by Articles 45 [Freedom of Election and Participation]; 52 [Responsibility for the Environment] and 124 [Local Self-Government Organization and Operation] of the Constitution. The Applicants also requested the imposition of interim measures for the suspension of the Decision on the Urban Plan, pending the final decision of the Court.
11. On 25 November 2009, the Court had approved the interim measures "*for a time period not longer than three (3) months from the day of the issuance of the [...] Decision*".<sup>5</sup> Whereas, on 15 March 2010, the Court had approved the extension of the interim measures for 45 days starting from 15 March 2010.<sup>6</sup> Moreover, on 30 April 2010, the Court again approved the extension of the interim measures for another two (2) months starting from 30 April 2010.<sup>7</sup>
12. On 22 September 2010, the Court decided to (i) declare the Referral admissible; and (ii) to find a violation of the Applicants' right guaranteed by Article 52 (2) of the Constitution. The Court came to this conclusion after finding that the respective Decision on the Urban Plan was approved without a public discussion or any other type of public participation. Consequently, the Applicants had not had the opportunity to be heard by the public institution regarding an issue that had an impact on the environment in which they live, contrary to the guarantees of paragraph 2 of Article 52 of the Constitution. The Court also requested from the Municipal Assembly of Prizren to submit to the Court, within six (6) months, the information on the measures taken to implement the Judgment in question.
13. The enacting clause of the Court's Judgment in case KI56/09, was voted as follows:

*THE COURT, based on Article 113.7 of the Constitution, Article 20 of the Law and Articles 54 and 55 of the Rules of Procedure,*

*DECIDES*

- I. By a majority vote that the Referral is admissible.*
- II. Unanimously finds that there has been a violation of the Applicants' right guaranteed by Article 52 (2) of the Constitution of the Republic of Kosovo.*
- III. This Judgment shall be notified to the Parties and shall be published in the Official Gazette, in accordance with Article 20-4 of the Law.*

---

<sup>5</sup> See the Court's Decision on the Request for Interim Measures in Case KI56/09, of 25 November 2009.

<sup>6</sup> See the Court's Decision on the Request for Interim Measures in Case KI56/09, of 15 March 2010.

<sup>7</sup> See the Court's Decision on the Request for Interim Measures in Case KI56/09, of 30 April 2010.

IV. *HOLDS that, the Municipal Assembly of Prizren shall submit to the Court, within the period of six months, information about measures taken to enforce this Judgement.*

V. *The Judgment is effective immediately and it may be subject to editorial revision*

14. On 24 January 2011, the Court had notified the relevant parties about the issuance of Judgment KI56/09, as follows: (i) the Applicant Mr. Fadil Hoxha; and (ii) the Municipal Assembly of Prizren.

**Proceedings before the Court following the publication of the Judgment:**

15. As stated above, the Judgment of the Court in case KI56/09 was voted on 22 September 2010 and was published on 22 December 2010.
16. After more than one (1) year from the issuance of the Judgment of the Court, respectively on 20 July 2012, the Applicant KI56/09, Fadil Hoxha, addressed the Court with a request that based on Article 116 of the Constitution, it takes the necessary actions for the implementation of this Judgment, as he considered that the above Judgment of the Court had not been enforced by the Municipal Assembly of Prizren. Whereas, on 19 November 2012, the Municipality of Prizren had notified the Court that the works in the building in the neighbourhood "Dardania" which related to the Urban Plan changed by the Decision [No. 01/011-3257] of the Municipal Assembly of Prizren, of 30 April 2009, have been stopped.
17. On 19 February 2015, the Court addressed a request to the Chairperson of the Municipal Assembly seeking information regarding the enforcement of the Judgment KI56/09, and in the respective answer received by the Court on 4 March 2015, it was stated as follows: *"Based on the competencies given to it by the Law on Local Self-Government, the Municipal Assembly is committed to debate and decide to harmonize this issue according to the requests of the residents of that neighbourhood and the requests of the Constitutional Court in one of the next sessions of the Municipal Assembly, and for the actions that will be taken by the Municipal Assembly of Prizren in relation to this issue, we shall notify you in a timely manner."*
18. In the meantime, on 27 February 2015, the Applicant again addresses the Court, by stating, inter alia, that the Municipality of Prizren has not organized any public discussion with the residents of the neighborhood about this issue even after the issuance of Judgment KI56/09.
19. On 7 February 2020, the Court again addressed the Municipal Assembly of Prizren with a request for final information regarding the enforcement of the Judgment of the Constitutional Court of the Republic of Kosovo in case KI56/09. Through this letter, the Court had warned the Municipal Assembly, that based on Article 116 of the Constitution and Rule 66 (Enforcement of decisions) of its Rules of Procedure, in the absence of confirmation on the full enforcement of the respective Judgment within a term of fifteen (15) days, the Court will

undertake the measures set out in its Rules of Procedure, including the Decision on Non-Enforcement and the Notification to the State Prosecutor. The Court did not receive any additional information on whether the Judgment of the Court was enforced or not.

20. On 3 August 2021, the Court, based on Rule 66 of the Rules of Procedure, assessed the enforcement of its Judgments together with the relevant documents received and sent by the Court after the issuance of these Judgments, in order to ascertain whether they had been implemented. Based on the letters sent by the Court, it resulted that the issuance of Decisions on Non-enforcement has been announced in a number of cases, including the case KI56/09, through the letter of the Court addressed to the Municipal Assembly of Prizren, of 7 February 2020. Despite this letter and in order for the Court to act only on the basis of updated information, it was decided to send again a final letter requesting additional information, to the respective parties and authorities in a number of cases, including the case of Court KI56/09.
21. On 11 August 2021, with the purpose of updating the information regarding the enforcement of the respective Judgment, the Court sent a letter to: (i) the Applicant, Fadil Hoxha; and (ii) the Chairperson of the Municipal Assembly of Prizren, requesting again that within fifteen (15) days the Court be finally notified whether the Judgment KI56/09 has been fully implemented or not.
22. On 19 August 2021, the Court was notified by the Kosovo Post Office that it was not possible to submit the letter to the Chairperson of the Municipal Assembly, for the reason that the latter was on annual leave, while the other municipal officials refused to accept the letter.
23. On 23 August 2021, the Court again sent the abovementioned letter to the Chairperson of the Municipal Assembly of Prizren.
24. On 30 August 2021, the Applicant Fadil Hoxha submitted his response to the Court, by stating, inter alia, that (i) Judgment KI56/09, *“has not been enforced, and no action by the Municipal Assembly of Prizren or the Mayor of Prizren has been taken to enforce it ”* .....; (ii) *“during the last four years we have addressed official letters to the Mayor of Prizren twice”* requesting to allocate the necessary financial means for the demolition of the disputable building, and to fully restore the dedicated respective space through the regulation of the neighbourhood park, with the participation of residents, experts and civil society organizations” .....; and (iii) ..... *“we have not received any response, on the contrary, not only has the building not been demolished, but it has been turned into a landfill and meeting point for different groups of individuals who use narcotic substances, as well as into a contaminated water tank [...]”*.
25. On 10 September 2021, the Chairperson of the Municipal Assembly submitted his response to the Court, stating, inter alia, as follows: (i) *“I have not been aware so far regarding the request and the issues submitted by you,”* ; (ii) *“we will try to address [this issue] with the utmost seriousness and in accordance with the circumstances and possibilities of the institution”*; and (iii) *“within the*

*legal possibilities in one of the meetings of the Municipal Assembly, we will try to provide solutions to the issues raised by you and the residents of that neighbourhood.”*

### **Court’s assessment regarding the enforcement of the Judgment in Case KI132/15:**

26. As explained above, by a letter of 7 February 2020 addressed to the Municipal Assembly, based on Article 116 of the Constitution and Rule 66 of the Rules of Procedure, the Court had announced the issuance of the Decision on Non-Enforcement and the Notification to the State Prosecutor in case KI56/09, in the *“absence of confirmation on the full enforcement of the Judgment of the Court in case KI56/09”*. However, in August 2021, the Court once again addressed the respective parties in order to update the information before the Court regarding the enforcement of its Judgment.
27. On 22 September 2021, based on the documents submitted to the Court, as presented above, the Court unanimously found that its Judgment in case KI56/09 had not been implemented. This is because the authorities responsible for its implementation, even after more than (10) years from the issuance of this Judgment, even though they had suspended the works in the disputable building, have not taken the necessary measures for its full enforcement, despite the fact that through the respective Judgment, the Court, had found that the Decision [No. 01 / 011-3257] of 30 April 2009 of the Municipal Assembly of Prizren, was approved without public discussion or any other form of public participation, and consequently the Applicants had not had the opportunity to be heard by the public institution on an issue that had an impact on the environment in which they live, contrary to paragraph 2 of Article 52 of the Constitution, requesting from the Municipal Assembly of Prizren to submit to the Court, within six (6) months, information on the measures taken to enforce the Judgment in question.<sup>8</sup>
28. The above finding is based on the response of the parties submitted to the Court, namely (i) the Applicant, who stated, inter alia, that even after ten (10) years, the Municipality has not taken the necessary actions to enforce the Judgment of the Court; and (ii) the Chairperson of the Municipal Assembly of Prizren, who, among other things, stated *“so far I have not been aware of this case”*, but that *“in one of the meetings of the Municipal Assembly, they will try to provide a solution to the issue raised by the Court, respectively, the enforcement of Judgment KI56/09”*. Consequently, the Court notes that the non-enforcement of the Judgment of the Court in case KI56/09 is not disputed even by the parties involved in this case.
29. The Court has acted in the same way also in other cases cited above, in which it has assessed that contrary to Article 116 of the Constitution, its decisions have not been enforced. In the letter addressed to the Acting Chief State Prosecutor,

---

<sup>8</sup> A similar finding was made by the Court in the Decision on Non-Execution of Case KO08/09, mentioned above, wherein in paragraph 23 it had stated that *“The Constitutional Court now finds that the deadline given to the enforcement authorities for the enforcement of its Judgment, in case KI08/09, has expired for almost two years”*.



of 6 February 2015, regarding the case of Court KI187/13, the Court, inter alia, had stated that despite the fact that since the establishment of the Court “almost 99% of the decisions of the Constitutional Court have been enforced”, the Court “being committed to follow the procedures of enforcement of its decisions up to the full realization of the Applicants' rights arising from its decisions”, identifies cases which have not yet been enforced by the respective authorities, by drawing the attention of “state institutions that, due to their constitutional competencies and obligations, they are to ensure mechanisms to enforce its decisions, in full compliance with Article 116.1 of the Constitution”. Whereas, in the letter addressed to the Chief State Prosecutor, of 28 May 2019, regarding the case of Court KIo8/09 and the respective notification for the issuance of the Decision on Non-Enforcement, among other things, it had had stated that “non-enforcement of decisions of the Constitutional Court constitutes a constitutional violation and is contrary to fundamental principles of the rule of law in a state governed by the rule of law and democracy”.

30. The Court also emphasizes that based on the case law of the European Court of Human Rights (hereinafter: ECtHR), according to which, pursuant to Article 53 [Interpretation of Human Rights Provisions] of the Constitution, the Court interprets fundamental rights and freedoms guaranteed by the Constitution, it highlights that one of the basic aspects of the rule of law is the principle of legal certainty, which, among other things, requires that final judicial decisions be enforced and not questioned.<sup>9</sup> Furthermore, the case law of the ECHR consistently reiterates that the right to a fair trial as guaranteed by Article 6 (Right to a fair trial) of the ECHR and which is directly applicable to the legal order of the Republic of Kosovo based on Article 22 [Direct Applicability of International Agreements and Instruments] of its Constitution, would be “illusory” if domestic legal systems would “allow a final, binding judicial decision to remain inoperative to the detriment of one party” and it would be “inconceivable for Article 6 to describe in detail the procedural guarantees afforded to litigants – proceedings that are fair, public and expeditious - without protecting the implementation of judicial decisions”.<sup>10</sup> Such situations would be in clear violation of the principle of the rule of law which the Contracting States have undertaken to respect on the basis of the ECHR.
31. Moreover, the Court recalls that the Constitution of the Republic of Kosovo in Article 3 [Equality before the Law] stipulates that the Republic of Kosovo is a multi-ethnic society, consisting of Albanians and other Communities, governed democratically with full respect for the rule of law through its legislative, executive and judicial institutions. Furthermore, the Constitution in Article 7 [Values], also stipulates that the constitutional order of the Republic of Kosovo is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, the right to property, the protection of environment, social justice, pluralism, separation of

---

<sup>9</sup> See, inter alia, the cases of the ECHR, *Guðmundur Andri Ástráðsson v. Iceland*, application no. 23674/18, Judgment of the Grand Chamber of the ECHR of 1 December 2020, paragraph 238; *Brumărescu v. Romania*, application no. 28342/95, Judgment of the Grand Chamber of the ECHR of 28 October 1999, paragraph 61; as well as, *Agrokompleks v. Ukraine*, application no. 23465/03, Judgment of the Grand Chamber of the ECHR of 25 July 2013, paragraph 148.

<sup>10</sup> See, inter alia, the case of the ECtHR *Romashov v. Ukraine*, application no. 67534/01, Judgment of the ECHR of 24 July 2004, paragraph 42.

state power, and a market economy. The rule of law is also an element that reflects the joint European heritage as defined in the preamble of the ECHR of the Council of Europe and the Charter of Fundamental Rights of the European Union, and an essential objective reflected in the Statute of the Venice Commission.<sup>11</sup>

32. In view of the above principles, and since based on the documents submitted to it, the Court has found that the Judgment in case KI56/09 has not been enforced by the responsible authorities of the Republic of Kosovo, pursuant to Article 116 of the Constitution and Rule 66 of the Rules of Procedure, the Court issues the present Decision on Non-Enforcement regarding the case of Court KI56/15. At the same time, the Court also notifies the State Prosecutor regarding the non-enforcement of its Judgment in case KI56/09.
33. Finally, it must be emphasized that beyond the finding about non-enforcement of a Judgment, through the Decision on Non-Enforcement and the relevant Notification to the State Prosecutor, the Constitutional Court has no competence to assess the responsibility of the authorities responsible for non-enforcement of a Court decision, as the competence for such an assessment based on the Criminal Code and the Criminal Procedure Code of the Republic of Kosovo, thereafter belongs to the State Prosecutor.

---

<sup>11</sup> See, *inter alia*, (i) the ECHR Preamble; (ii) The Preamble of the Charter of Fundamental Rights of the European Union; and, (iii) the Statute of the Venice Commission

## FOR THESE REASONS

The Constitutional Court of the Republic of Kosovo, pursuant to Article 116 of the Constitution of the Republic of Kosovo, Article 19 of the Law on the Constitutional Court of the Republic of Kosovo and Rule 66 of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo, on 22 September 2021, unanimously:

### DECIDES

- I. TO HOLD that the Judgment of the Constitutional Court of the Republic of Kosovo in case KI56/09, with Applicant *Fadil Hoxha and 59 others*, of 22 September 2010 **has not been enforced** by the responsible authorities of the Republic of Kosovo;
- II. TO PUBLISH this Decision on Non-Enforcement regarding the Judgment of the Constitutional Court of the Republic of Kosovo in case KI56/09;
- III. TO COMMUNICATE this Decision on Non-Enforcement to the parties;
- IV. TO NOTIFY the State Prosecutor for the issuance of this Decision on Non-Enforcement;
- V. In accordance with Article 20.4 of the Law and for the purposes of Rule 66 (6) of the Rules of Procedure, this Decision shall be published in the Official Gazette of the Republic of Kosovo and on the official website of the Constitutional Court of the Republic of Kosovo.

### President of the Constitutional Court

Gresa Caka-Nimani

**Kopje e vërtetuar**  
**Overena kopija**  
**Certified copy**

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