



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

Prishtina, 17 November 2014
Ref. no.:RK730/14

RESOLUTION ON INADMISSIBILITY

in

Case No. KI110/14

Applicant

Sokol Stavileci

**Constitutional review of Notification No. 254 of the Central Bank of
Kosovo, of 14 April 2014**

CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

composed of

Enver Hasani, President
Ivan Čukalović, Deputy-President
Altay Suroy, Judge
Almiro Rodrigues, Judge
Snezhana Botusharova, Judge
Kadri Kryeziu, Judge and
Arta Rama-Hajrizi, Judge

Applicant

1. The referral is submitted by Mr. Sokol Stavileci, from Gjakova (hereinafter: the Applicant).

Challenged decision

2. The Applicant challenges Notification No. 254 of the Central Bank of Kosovo, of 14 April 2014. The Applicant also requests the execution of Decision No. 435/84 of the District Court in Peja, of 25 February 1988.

Subject matter

3. The subject matter is the constitutional review of Notification No. 254 of the Central Bank of Kosovo, of 14 April 2014, whereby was rejected the review for compensation of damage suffered by the Applicant in a traffic accident in 1981, which allegedly "*seriously violated his constitutional rights*".

Legal basis

4. The Referral is based on Article 113. 7 of the Constitution of the Republic of Kosovo (hereinafter: the Constitution), Article 47 of the Law on the Constitutional Court of the Republic of Kosovo No. 03/L-121 (hereinafter: the Law).

Proceedings before the Constitutional Court

5. On 30 June 2014, the Applicant submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).
6. On 7 July 2014, the President of the Court by Decision No. GJR. KI110/14, appointed Judge Arta Rama-Hajrizi as Judge Rapporteur. On the same date the President of the Court by Decision No. KSH. KI110/14, appointed the Review Panel composed of Judges: Altay Suroy (Presiding), Snezhana Botusharova and Ivan Čukalović.
7. On 1 August 2014, the Court notified the Applicant of the registration of Referral.
8. On 17 September 2014, the Review Panel considered the report of the Judge Rapporteur and made a recommendation to the Court as to the inadmissibility of the referral.

Summary of facts

9. In 1981, the Applicant had a traffic accident.
10. During the years between 1981 and 1983, the Applicant requested compensation for material and non-material damage from BS "Kosova" in Gjakova and in Prishtina.
11. In 1984, the Applicant filed a claim against BS "Kosova" with the District Court in Peja.

12. On 25 February 1988, the District Court in Peja rendered a decision regarding the Applicant's allegations for compensations of material and non-material damage.
13. On 11 April 2014, the Applicant filed a complaint with the Central Bank of Kosovo.
14. On 14 April 2014, the Central Bank of Kosovo responded: *"After we have received your complaint of 11.04.2014, the Central Bank of Kosovo, hereby, informs you that it is not competent to review your case, namely it is not competent for reviewing the cases which are related to the companies that operated before the establishment of CBK"*.

Applicant's allegations

15. The Applicant requests the execution of Decision of the District Court of Peja (No. 435/84 of 25 February 1988) regarding the compensation of material or non-material damage.
16. The Applicant does not specify violation of any constitutional provision in particular, however, he alleges that *"his constitutional rights were seriously violated"*.

Assessment of the admissibility of Referral

17. The Court notes that in order to be able to adjudicate the Applicant's Referral, the Court needs to examine beforehand, whether the Applicant has fulfilled the admissibility requirements laid down in the Constitution and further specified in the Law and the Rules of Procedure.

18. The Court refers to Article 113.7 of the Constitution, which provides:

"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".

19. The Court refers to Rule 36 (1) c) of the Rules of Procedure, which provides:

"(1) The Court may only deal with Referrals if

[...]

(c) the Referral is not manifestly ill-founded".

20. The Court also takes into account Rule 36 (2) b) and d) of the Rules of Procedure, which provides:

(2) The Court shall reject a Referral as being manifestly ill-founded when it is satisfied that:

[...]

b) *the presented facts do not in any way justify the allegation of a violation of the constitutional rights, or*

[...]

d) *the Applicant does not sufficiently substantiate his claim;*

21. In the present case, the Court notes that the Applicant has not shown what kind of rights were determined by Notification (no. 254, of 14 April 2014) of the Central Bank of Kosovo nor why and how those rights were affected by it. Therefore the challenged Notification cannot be considered as an act challenged before this Court within the meaning of Article 113.7 of the Constitution.
22. In relation to the request for enforcement of the Decision of the District Court in Peja (No. 435/84 of 25 February 1988), the Court notes that the Applicant has not shown that he has initiated enforcement proceedings with the regular courts; moreover the decision in question was rendered in 1988 which is out of the Court's temporal jurisdiction and consequently incompatible *ratione temporis* as the Constitution entered into force on 15 June 2008.
23. Bearing all the foregoing in mind, the Court considers that the referral is not *prima facie* reasoned because the Applicant did not substantiate his allegations as required by the Constitution and further specified by the Law and the Rules of Procedure.
24. Consequently, the Referral is manifestly ill-founded and should be declared inadmissible pursuant to Rule 36 (1) c) and Rule 36 (2) b) d) of the Rules of Procedure.

FOR THESE REASONS

The Constitutional Court, pursuant to Article 113.7 of the Constitution, Article 47 of the Law and Rule 56 of the Rules of Procedure, on 17 September 2014, unanimously

DECIDES

- I. TO DECLARE the Referral Inadmissible;
- II. TO NOTIFY the Parties of this Decision;
- III. TO PUBLISH this Decision in the Official Gazette, in accordance with Article 20 (4) of the Law;
- IV. TO DECLARE this Decision effective immediately.

Judge Rapporteur

Arta Rama-Hajrizi



President of the Constitutional Court

Prof. Dr. Enver Hasani

