



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

Prishtina, on 12 February 2016  
Ref. No.: VMP889/16

## **DECISION ON EXTENSION OF INTERIM MEASURE**

in

**Case No. KI132/15**

Applicant

**Visoki Dečani Monastery**

**Request for constitutional review of two Decisions of 12 June 2015, Nos. AC-I-13-0008 and AC-I-13-0009, of the Appellate Panel of the Special Chamber of the Supreme Court of the Republic of Kosovo on Privatization Agency of Kosovo related matters**

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

composed of:

Arta Rama-Hajrizi, President  
Ivan Čukalović, Deputy-President  
Robert Carolan, Judge  
Altay Suroy, Judge  
Almiro Rodrigues, Judge  
Snezhana Botusharova, Judge  
Bekim Sejdiu, Judge  
Selvete Gërxhaliu, Judge and  
Gresa Caka-Nimani, Judge

#### **Applicant**

1. The referral was submitted by Visoki Dečani Monastery (hereinafter: the Applicant), which is represented by Dragutin (Sava) Janjić, Abbot of Visoki Dečani Monastery.

## **Challenged decision**

2. The Applicant challenges two Decisions, Nos. AC-I-13-0008 and AC-I-13-0009, both dated 12 June 2015, of the Appellate Panel of the Special Chamber of the Supreme Court of Kosovo on Privatization Agency of Kosovo related matters (hereinafter: the Appellate Panel), which decisions were served on the Applicant on 9 July 2015.

## **Subject matter**

3. The Applicant requests the constitutional review of the two above-mentioned decisions which have allegedly violated the Applicant's rights, as guaranteed by Articles 24 [Equality Before the Law], Article 31 [Right to Fair and Impartial Trial], Article 32 [Right to Legal Remedies], Article 46 [Protection of Property], and Article 54 [Judicial Protection of Rights] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution), and Article 13 [Right to Legal Remedies] of the European Convention on Human Rights and Fundamental Freedoms (hereinafter: the ECHR).
4. In addition, the Applicant requests from the Court to impose an interim measure, namely that any judicial proceedings, actions or decisions of public authorities in relation to this constitutional complaint be suspended until the final decision of the Constitutional Court (hereinafter: the Court) on this Referral.

## **Legal basis**

5. The Referral is based on Articles 113.7 and 116.2 of the Constitution, Articles 27 and 47 of Law no. 03/L-121 on Constitutional Court of the Republic of Kosovo (hereinafter: the Law) and Rules 54 and 55 of the Rules of Procedure of the Court (hereinafter: the Rules of Procedure).

## **Proceedings before the Court**

6. On 03 November 2015 the Applicant submitted the Referral to the Court.
7. On 04 November 2015 the President of the Court, by Decision GJR. KI132/15, appointed Judge Robert Carolan as Judge Rapporteur. On the same date, by Decision KSH. KI132/15, the President of the Court appointed the Review Panel composed of Judges Altay Suroy (Presiding), Snezhana Botusharova (member) and Arta Rama-Hajrizi (member).
8. On 04 November 2015 the Court notified the Applicant of the registration of the Referral. On the same date the Court notified the Special Chamber of the Supreme Court of Kosovo on Privatization Agency of Kosovo related matters (hereinafter: the Special Chamber) of the registration of the Referral and requested the Special Chamber to provide the Court with a number of enumerated additional documents.
9. On 05 November 2015 the Special Chamber submitted the requested documents to the Court.

10. On 09 November 2015 the Applicant submitted additional documents to the Court.
11. On 12 November 2015 the Judge Rapporteur recommended to the Court to grant an interim measure. On the same date, the Court decided unanimously to grant an interim measure until 29 February 2016.
12. On 03 December 2015 the Court notified the Applicant and the Special Chamber of the Decision on Interim Measure. On the same date the Court also notified the Basic Court in Pejë/Peć branch in Deçan/Dečane, Socially Owned Enterprise (SOE) Bletaria “Apiko”, Socially Owned Enterprise (SOE) Hotel Tourist Enterprise “Iliria”, and the municipality of Deçan/Dečane of the Decision on Interim Measure.
13. On 25 January 2016 the Court received two letters from SOE Bletaria “Apiko” and SOE Hotel Tourist Enterprise “Iliria”, respectively, authorizing Teki Bokshi, a lawyer from Gjakova/Djakovica, to represent them before the Court. In addition, the two SOEs requested the Court to provide them with a copy of the referral and to allow them an opportunity to submit their comments on the referral.
14. On 2 February 2016 the Court responded to the request of the two SOEs of 25 January 2016, and invited them to submit their comments on the referral by 16 February 2016.
15. On 10 February 2016 the Judge Rapporteur recommended to the Court to grant an extension of the duration of the interim measure. On the same date the Court decided unanimously to grant an extension of the interim measure until 31 May 2016.

### **On the extension of an interim measure**

16. The Court refers to its Decision on Interim Measure of 12 November 2015 in case KI 132/15.
17. The Court has granted leave to interested parties for the submission of further comments on the admissibility and merits of the case, and will be granting the Applicant the opportunity to comment on any such submissions as may be submitted to the Court.
18. Therefore, the Court, without prejudice to any further decision which will be rendered by the Court on the admissibility or merits of the referral in the future, decides that the granting of interim measures shall be extended until 31 May 2016.

## FOR THESE REASONS

The Constitutional Court, pursuant to Article 27 of the Law and Rules 55 and 56 of the Rules of Procedure, on 10 February 2016, unanimously

## DECIDES


- I. TO EXTEND the interim measure granted on 12 November 2015, namely, that any judicial proceedings, actions or decisions of public authorities in relation to this constitutional complaint be suspended;
- II. That the extension of this interim measure shall run until 31 May 2016.
- III. TO NOTIFY this Decision to the Parties;
- IV. TO PUBLISH this Decision in accordance with Article 20.4 of the Law; and
- V. This Decision is effective immediately.

**Judge Rapporteur**

  
Robert Carolan



**President of the Constitutional Court**

  
Arta Rama-Hajrizi