



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

Prishtina, on 18 May 2015  
Ref. no.: VHK 794/15

## DECISION TO STRIKE OUT THE REFERRAL

in

**Case No. KI149/14, KI150/14 and KI151/14**

Applicant

**Liridon Aliu**

**Request for Constitutional Review of the work of some institutions of the  
Republic of Kosovo**

### THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

composed of

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

#### **Applicant**

1. The Applicant is Liridon Aliu, President of the Non-Governmental Organization (NGO) “Ngrite zërin dhe ti” (NZT), from village Hajvali, Municipality of Prishtina and he did not clarify whether he filed the Referral on his behalf or on behalf of the NGO he runs.

## **Challenged Decision**

2. The Applicant does not challenge any specific decision of any public authority.

## **Subject Matter**

3. The Applicant requests the Court to assess the work of some of the institutions of Kosovo, especially those of law and order, the courts and the Assembly of Kosovo. The Applicant has not specified the violation of any constitutional provision.

## **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 No. 03/L-121 on Constitutional Court of the Republic of Kosovo (hereinafter: the Law) and Rule 56 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 7 October 2014, the Applicant submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).
6. On 30 October 2014, the Applicant submitted the additional documents to the Court in support of his Referral.
7. On 6 November 2014, the President of the Court, by Decision GJR. KI149/14, appointed Judge Altay Suroy as Judge Rapporteur and the Review Panel composed of Judges: Robert Carolan (Presiding), Ivan Čukalović and Enver Hasani.
8. On the same date, in accordance with Rule 37 (1) of the Rules of Procedure, the President ordered that the Referrals KI150/14 and KI151/14 join the Referral KI149/14 and that the Judge Rapporteur and Review Panel for both cases (KI150 and KI151/14) are the same as it was decided for Referral KI149/14.
9. On 24 March 2015, the Constitutional Court notified the Applicant on the registration of the Referral.
10. On 16 April 2015, the Review Panel considered the report of the Judge Rapporteur and made a recommendation to the Court on the inadmissibility of the Referral.

## **Summary of Facts**

11. The Applicant did not present concrete evidence to the Court regarding the Referral, but he instructs the Court to a number of web-pages and newspaper extracts, illustrated with pictures, and expressed readiness to assist the Court in finding the facts which are allegedly the subject of the appeal.

## **Applicant's Allegations**

12. The Applicant alleges that the institutions of the country, especially those of the prosecution, of the law and order and the courts have failed to prevent and punish the corruption-related offenses, "theft and robbery", i.e. criminal offenses. He alleges that the Assembly of Kosovo adopts unconstitutional and unnecessary laws, referring in particular to the Law against participation in foreign wars, which at the time of filing the Referral, was at the stage of review.
13. The Applicant further alleges that certain individuals were unlawfully arrested by the Kosovo Police. The Applicant did not state that any right guaranteed by the Constitution was directly violated to him.

## **Admissibility of the Referral**

14. In order to adjudicate the Applicant's Referral, the Court needs to first examine whether the Applicant has fulfilled admissibility requirements laid down in the Constitution and further specified in the Law and Rule of Procedure.
15. In this respect, the Court refers to Article 113.1 of the Constitution, which provides:

*"The Constitutional Court decides only on matters referred to the court in a legal manner by authorized parties".*

16. The Court also refers to Rule 32 (4) of the Rules of Procedure, applicable at the time of the Referral, which provides:

### Rule 32

#### Withdrawal of Referral and reply

*(4) The Court may dismiss a referral when the Court determines a claim to be moot or does not otherwise present a case or controversy.*

17. As stated above, the Applicant does not challenge any specific act of any public authority, he does not establish any violation of any constitutional right against him, he does not specify what is the basis of the contest but, in general, setting from his view, he requests abstract assessment of the constitutionality of actions or inactions of state authorities and institutions of the Republic of Kosovo.
18. The Court recalls that Kosovo's constitutional-legal system does not provide *actio popularis*, what is the modality of individual complaints that provides any individual, who wants to protect the public interest and constitutional order, the possibility to address the Constitutional Court regarding such violation, even when he/she does not have the status of the direct victim.
19. In sum, the Court considers that the abovementioned Referral does not reach the minimum threshold to be considered a Referral (See case KI143/13,

Applicant *Nebih Sejdiu*, Decision to strike out the Referral, of 24 April 2014; see also, *mutatis mutandis*, case *Starodub v. Ukraine*, No. 5483/02, ECHR, Decision of 7 June 2005), therefore, it considers that this Referral does not present a case or controversy and it is to be declared inadmissible, and in accordance with Rule 32 (4) of the Rules of Procedure, it should be struck out from the list.


### **FOR THESE REASONS**

The Constitutional Court, pursuant to Article 113.7 of the Constitution, Article 23 of the Law and Rule 32 of the Rules of Procedure, on 18 May 2015, unanimously:

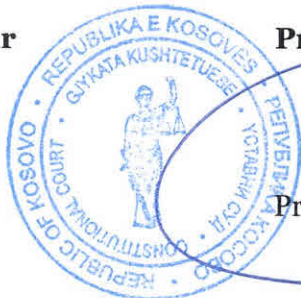
### **DECIDES**

- I. TO STRIKE OUT the Referral;
- 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 on the Constitutional Court; and
- IV. This Decision is effective immediately.

**Judge Rapporteur**



Altay Suroy



**President of the Constitutional Court**



Prof. Dr. Enver Hasani