



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

Pristina, 22 May 2015
Ref. no.: RK 795/15

RESOLUTION ON INADMISSIBILITY

in

Case No. KI171/14

Applicant

Agim Vuniqi

**Constitutional Review of Notification No. 919, of the
Ministry of Labor and Social Welfare/ Pension Department,
of 24 October 2014**

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
Arta Rama-Hajrizi, Judge and
Bekim Sejdiu, Judge

Applicant

1. The Referral is submitted by Mr. Agim Vuniqi, with the residence in Prishtina (hereinafter: the Applicant), on behalf of his parents Mr. Hafir Vuniqi and Mrs. Qamile Vuniqi, with the same residence.

Challenged Decision

2. The challenged decision is the Notification [No. 919] of the Pension Department of the Ministry of Labor and Social Welfare (hereinafter, the Pension Department), of 24 October 2014, which notified the Applicant's parents that the payment of pensions was suspended due to non-fulfillment of formal requirements.
3. The notification was served on the Applicant's parents on 4 November 2014.

Subject Matter

4. The subject matter is the constitutional review of the challenged decision. The Applicant does not mention specific Articles of the Constitution that may have been violated.

Legal Basis

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

Proceedings before the Constitutional Court

6. On 26 November 2014, the Applicant submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).
7. On 8 December 2014, the President of the Court appointed Judge Almiro Rodrigues as Judge Rapporteur and appointed the Review Panel composed of Judges: Altay Suroy (Presiding), Kadri Kryeziu and Arta Rama-Hajrizi.
8. On 23 January 2015, the Court sent a copy of the Referral to the Pension Department. On 28 January 2015, the Court received a reply from the Pension Department.
9. On 23 January 2015, the Court notified the Applicant on the registration of the Referral and requested him to submit to the Court the power of attorney, by which Mr. Hafir Vuniqui and Mrs. Qamile Vuniqui authorize their son Mr. Agim Vuniqui to represent them before the Constitutional Court.
10. The Applicant has not submitted any response.
11. On 15 April 2015, after having considered the report of the Judge Rapporteur, the Review Panel recommended to the full Court the inadmissibility of the Referral.

Summary of Facts

12. On an unspecified date in 2002, the Pension Department approved the basic pension to the Applicant's parents. The Applicant's parents received their

pension on regular basis until October 2013, when the payment of their pensions was suspended.

13. On 30 September 2014, the Applicant submitted the request to the Pension Department, seeking the suspension of interruption of payment of pension and retroactive payment for the period from November 2013 and onwards.
14. On 24 October 2014, the Pension Department responded that *“you have not complied with the legal rules on reporting, you have been suspended from the payment of the pension whereas further payment shall continue after your reporting, respectively starting from the month you report.”*

Applicant’s Allegations

15. The Applicant claim that *“drastic legal violations during the processing and distribution of the funds have taken place, the budgetary line has not been followed, and the funds dedicated to pensioners, the specific case of my parents Hafir and Qamile Vuniqi, were suspended and confiscated in an unnatural manner from their pocket”*.
16. The Applicant requests the *“the restitution of dignity and establishing of legality so that the pensioners Qamile and Hafir Vuniqi get their smiles back, that they are paid for two months November and December 2014 including the commercial interest”*.

Admissibility of the Referral

17. The Court first examines 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. In this respect, the Court refers to Article 113 (1). of the Constitution, which provides:
 1. *“The Constitutional Court decides only on matters referred to the court in a legal manner by authorized parties.”*
19. Article 21 of the Law, also provides:

“During the process before the Constitutional Court, parties are either represented in person or by a person authorized by the party.”
20. In addition, the Court takes into account Rules 36 (1) (a) of the Rules of Procedure, which foresees:

(1) The Court may consider a referral if: (a) the referral is filed by an authorized party.
21. In this regard, the Court notes that the Applicant has not submitted the requested power of attorney, by which his parents Mr. Hafir Vuniqi and Mrs.

Qamile Vuniqi would authorize the Applicant to represent them before the Constitutional Court.

22. The Court considers that the Applicant is not "an authorized party", either in his personal capacity, or as an authorized representative of his parents.
23. Therefore, the Court concludes that the Applicant's Referral cannot be taken into consideration and, in accordance with Article 113 (1) of the Constitution, Article 21 of the Law and Rule 36 (1) (a) of the Rules of Procedure, is to be declared inadmissible.

FOR THESE REASONS

The Constitutional Court of Kosovo, pursuant to Article 21 of the Law on Constitutional Court and Rule 36 (1) (a) of the Rules of Procedure, in the session held on 22 May 2015, 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 on the Constitutional Court;
- IV. TO DECLARE this Decision effective immediately.

Judge Rapporteur


Almiro Rodrigues



President of the Constitutional Court


Prof. Dr. Enver Hasani