



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

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Pristine, 20. April 2012  
Ref. No.: RK219 /12

## **RESOLUTION ON INADMISSIBILITY**

in

**Case No. KI 32/11**

Applicant

**Lulzim Ramaj**

**Request for recognition of KLA veteran status**

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

composed of

Enver Hasani, President  
Kadri Kryeziu, Deputy-President  
Robert Carolan, Judge  
Altay Suroy, Judge  
Almiro Rodrigues, Judge  
Snezhana Botusharova, Judge  
Ivan Čukalović, Judge  
Gjyljeta Mushkolaj, Judge and  
Iliriana Islami, Judge.

#### **Applicant**

1. The Applicant is Lulzim Ramaj from Peja.

## **Applicant's complaints and allegations**

2. The Applicant's complaint stems from the withholding of veteran status by the Kosovo Liberation Army (KLA) organization.
3. The Applicant alleges that the KLA organisation, by doing so, has violated Articles 21 [General Principles] and 24 [Equality before the Law] provided by Chapter II [Fundamental Rights and Freedoms] of the Constitution.
4. The Applicant further alleges violation of Article 1 of the European Convention on Human Rights, Article 29 of the Universal Declaration of Human Rights and Article 2 of the International Covenant on Civil and Political Rights.
5. The Referral is based on Article 113 (7) of the Constitution, Articles 46, 47, 48 and 49 of Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (hereinafter the "Law"), and Rule 56 (2) of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo (hereinafter the "Rules").

## **Proceedings before the Court**

6. On 3 March 2011, the Applicant submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter "the Court") together with the necessary documentation.
7. On the same date, the Applicant submitted a "request for non publication" in "public media, written media and Official Gazette of R. of Kosovo".
8. On 18 April 2011, the President appointed Judge Almiro Rodrigues as Judge Rapporteur and a Review Panel composed of Judges Altay Suroy (Presiding), Snezhana Botusharova and Ivan Čukalovic.
9. On 18 January 2012, 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 the facts**

10. On 17 September 2010, the Applicant submitted to the Peja branch of the KLA Veteran organization a request for recognition of the status of KLA veteran and also requested the issuance of the "KLA booklet".
11. On 12 October 2010, due to administrative silence by the Peja branch, based on Article 131 of Law on Administrative Procedure in Kosovo (Law no. 02/L-28), the Applicant filed an appeal to the Central Organization of KLA Veterans in Pristina.
12. On 13 December 2010, the Applicant submitted a petition before the Supreme Court of Kosovo in Pristina due to the fact that he did not receive a decision in respect of his appeal to the Central Organization of KLA Veterans.
13. On 28 December 2010 and on 29 January 2011, the Applicant submitted appeals to the Kosovo Judicial Inspectorate against inaction by the Supreme Court.

14. On 9 February 2011, the Applicant received a letter from the Office of Disciplinary Counsel of the Kosovo Judicial Council whereby he was informed that his submission related to the delay in deliberation by the Supreme Court of Kosovo and did not meet the time criterion to be considered.
15. On 9 February 2011, the Applicant made a further request to the Kosovo Judicial Council requesting the review of his appeals of 28 December 2010 and 29 January 2011.
16. The Applicant asserts that he has not received a response from the Kosovo Judicial Council in relation to his request of 9 February 2011.
17. The abovementioned “request for non publication” is not supported by any factual basis or justification.

### **Assessment of the admissibility of the Referral**

18. The Court needs first to examine whether the Applicant has fulfilled the admissibility requirements laid down in the Constitution and further specified in the Law on the Constitutional Court and the Rules of Procedure.
19. The Court recalls that the substance of the Applicant’s Referral is the withholding of the recognition of KLA veteran status.
20. The Court notes that, in the period from 17 September 2010 to 9 February 2011, the Applicant submitted a number of requests to different state bodies and institutions reiterating his request. Most notably, the Applicant submitted a petition to the Supreme Court on 13 December 2010 due to the silence by the Central Organization of KLA veterans.
21. The Applicant maintains that he is yet to receive a decision from the Supreme Court.
22. In this respect, the Court recalls that pursuant to Article 113 (7) of the Constitution *“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.”*
23. The Applicant’s petition is still pending before the Supreme Court. Thus, it appears that his Referral is premature. That conclusion is consistent with the information given to the Applicant by the Kosovo Judicial Council on “his submission related to the delay in deliberation by the Supreme Court of Kosovo does not meet the time criterion to be considered as being delayed by the Court”.
24. With regard to the Applicant’s “request for non publication” it should be taken as a request for confidentiality. However, the Court notes that the request is submitted without any reasoning. Consequently, it is rejected as manifestly ungrounded.

**FOR THESE REASONS**

The Constitutional Court pursuant to Article 113(7) of the Constitution and Article 47 of the Law, unanimously:

**DECIDES**

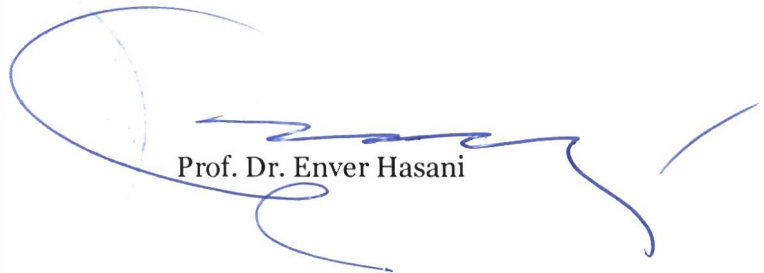
- I. TO REJECT the Referral as Inadmissible;
- II. This Decision shall be notified to the Parties and shall be published in the Official Gazette, in accordance with Article 20 (4) of the Law; and
- III. This Decision is effective immediately.

**Judge Rapporteur**



Almiro Rodrigues

**President of the Constitutional Court**



Prof. Dr. Enver Hasani