



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

**GJYKATA KUSHTETUESE
УСТАВНИ СУД
CONSTITUTIONAL COURT**

Prishtina, 3 May 2017
Ref. No.: VVMP1062/17

DECISION ON EXTENSION OF INTERIM MEASURES

in

Case No. KI34/17

Applicant

Valdete Daka

**Constitutional review of Decision KGJK No. 50/2017 of the Kosovo
Judicial Council, of 06 March 2017**

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

composed of:

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

Applicant

1. The Referral was submitted by Valdete Daka (hereinafter: the Applicant), represented by the lawyer Artan Qerkini from the Law Firm "Sejdiu & Qerkini".

Challenged decision

2. The Applicant challenges Decision KGJK No. 50/2017 of the Kosovo Judicial Council (hereinafter: the KJC), of 6 March 2017.

Subject matter

3. The subject matter is the constitutional review of the above-mentioned decision of the KJC. The Applicant claims that it has violated her rights guaranteed by Article 24 [Equality Before The Law], Article 31 [Right To Fair and Impartial trial], Article 45 [Freedom of Election and Participation] and Article 108 [Kosovo Judicial Council] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution).
4. The applicant requests the Court to impose an interim measures and to suspend the decreeing of Mr. Enver Peci to the position of the President of the Supreme Court pending the Court's decision on the Referral.
5. The Applicant also requests the Court to schedule a hearing session in compliance with Rule 39 of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo (hereinafter: the Rules of Procedure).

Legal basis

6. The Referral is based on Article 113.7 of the Constitution, Article 47 of Law No. 03/L-121 on Constitutional Court of the Republic of Kosovo (hereinafter: the Law) and Rules 54, 55 and 56 (3) of the Rules of Procedure.

Proceedings before the Constitutional Court

7. On 16 March 2017, the Applicant submitted the Referral to the Constitutional Court of the Republic of Kosovo (hereinafter: the Court).
8. On 16 March 2017, the President of the Court appointed Judge Snezhana Botusharova as Judge Rapporteur and the Review Panel, composed of Judges Almiro Rodrigues (Presiding), Ivan Čukalović and Selvete Gërxhaliu-Krasniqi.
9. On 17 March 2017, the Court informed the Applicant and the KJC about the registration of the Referral.
10. The Court invited the KJC to submit their comments, if they have any, by 23 March 2017.
11. On 23 March 2017, the KJC submitted their comments to the Court.
12. On 23 March 2017, the comments of the KJC were communicated to the Applicant and she was invited to submit any additional comments by 5 April 2017.
13. On 27 March 2017, the Judge Rapporteur recommended to the Review Panel to grant an interim measures.

14. On the same date, the Review Panel recommended to the Court to grant an interim measures
15. On the same date, the Court decided unanimously to grant an interim measures until 16 May 2017.
16. On 31 March 2017, the Applicant supplemented her referral with additional arguments and allegations on violations of her constitutional rights.
17. On 3 April 2017, the Court sent the Applicant's submission to the KJC and invited them to present comments, if they had any, by 7 April 2017.
18. On 7 April 2017, the KJC submitted their comments regarding the supplement of the Referral. On the same date the KJC submitted additional comments.
19. On 12 April 2017, the additional comments of the KJC were communicated to the Applicant and she was invited to submit any comments by 18 April 2017.
20. On the same date, the Court asked the KJC to submit, by not later than 18 April 2017: (I) the Minutes of the meeting of the KJC when the candidates for the position of President of the Supreme Court of the Republic of Kosovo were voted; (II) other relevant documents that they consider necessary to the entire procedure of selection of candidates for the position of President of the Supreme Court of the Republic of Kosovo; and (III) clarification of the criteria for the assessment of the merits of the candidates for the position of President of the Supreme Court of the Republic of Kosovo.
21. On 18 April 2017, the KJC submitted their comments to the Court.
22. On 2 May 2017, the Review Panel considered the report of the Judge Rapporteur recommending to the Court to extend the already granted on 27 March 2017 interim measures until 16 June 2017.

On the extension of the interim measures

23. The Court refers to its Decision on Interim Measures of 27 March 2017 in case KI 34/17.
24. The Court notes that the parties in this Referral have submitted additional arguments, documents and comments. The Court considers that attention must be given to all the arguments presented.
25. 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 16 June 2017.

FOR THESE REASONS

The Court, pursuant to Article 116(2) of the Constitution, Article 27 of the Law, and Rules 54 and 55 of the Rules of Procedure, on 2 May 2017, unanimously

DECIDES

- I. TO EXTEND the interim measures granted on 27 March 2017, namely, to suspend the appointment procedure of the candidate for President of the Supreme Court by the President of the Republic of Kosovo throughout the same duration;
- II. That the extension of these interim measures shall run until 16 June 2017;
- III. TO NOTIFY this Decision to the Parties and the President of the Republic of Kosovo;
- IV. TO PUBLISH this Decision in accordance with Article 20(4) of the Law; and
- V. This Decision is effective immediately.

Judge Rapporteur



Snezhana Botusharova



President of the Constitutional Court



Arta Rama-Hajrizi