



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

**GJYKATA KUSHTETUESE  
УСТАВНИ СУД  
CONSTITUTIONAL COURT**

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Pristina, 18 March 2011  
Ref. No.: RK 110/11

**RESOLUTION ON INADMISSIBILITY**

in

**Case No. KI 62/10**

Applicant

**Azem Ademi**

vs.

**The Ministry of Justice**

**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 Azem Ademi, a citizen of the Republic of Kosovo.

## **Subject Matter**

2. The Applicant alleges that Ministry of Justice has violated his rights guaranteed by Article 24 (Equality before the Law) and Article 35 (Freedom of Movement) of the Constitution of the Republic of Kosovo.

## **Legal Basis**

3. Article 113.7 of the Constitution of the Republic of Kosovo; Article 20 of Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (hereinafter referred to as the Law), and Rule 36 of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo.

## **Proceedings before the Court**

4. On 12 July 2010 the Applicant filed a Referral with the Secretariat of the Constitutional Court.
5. On 15 July 2010 the Applicant informed the Court that the ongoing procedure at the Ombudsperson Institution has terminated.
6. On 22 February 2011 after having considered the Report of the Judge Rapporteur, Snezhana Botusharova, the Review Panel, composed of Almiro Rodrigues (Presiding), Gjyljeta Mushkolaj and Kadri Kryeziu made a recommendation to the full Court on the inadmissibility of the Referral.

## **Summary of the facts and complaints**

7. The Applicant is unsatisfied with his status having returned to Kosovo from a country of the European Union where he lived from 1994 to 2002.
8. Therefore he approached the Ministry of Justice and submitted a number of written requests in 2008, 2009 and 2010, entitled, inter alia, "Competencies of the Ministry to Decide on Extradition". According to the Applicant the Ministry should decide upon his (voluntary) extradition from a country of European Union (EU) and grant him certain rights that belong to the citizens of that country.
9. Since the Ministry of Justice has not approved his requests, the Applicant requests the Constitutional Court to order the Ministry of Justice to pay to him monetary compensation for monthly salaries he would have earned during the eight years if he had stayed and worked in that EU country.
10. The Applicant also considers that he should be returned to his workplace in that country and that he should also be granted citizenship of that country. He maintains that he would then be able to continue his studies.
11. The Applicant states that is also expecting the licensing of a patent from the sale of which, according to him, he can earn a large amount of money.

## **Assessment of the Admissibility of the Referral**

12. In order to be able to adjudicate the Applicants' Referral 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 and the Rules of Procedure.

13. In this respect the Court recalls that according to Rule 36(1)(c) "the Court may only deal with Referrals if the Referral is not manifestly ill-founded."
14. Rule 36 (2) of the Rules of Procedure further prescribes that;
- "The Court shall reject a Referral as being manifestly ill-founded when it is satisfied that:*
- a) the Referral is not prima facie justified, or*
- b) when the presented facts do not in any way justify the allegation of a violation of the constitutional rights, or*
- c) when the Court is satisfied that the Applicant is not a victim of a violation of rights guaranteed by the Constitution, or*
- d) when the Applicant does not sufficiently substantiate his claim;"*
15. The Applicant has not submitted any prima facie evidence indicating a violation of his rights under the Constitution (see Vanek v. Slovak Republic, ECHR Decision as to the Admissibility of Application no. 53363/99 of 31 May 2005).
16. The Court finds the Applicant's claims for, inter alia, the monetary compensation for unearned monthly salaries for the period of 8 years, for his return to his earlier workplace in an EU country, for his right to a foreign EU citizenship and for the right to continue his studies in an EU country entirely unsubstantiated. It appears therefore that the Applicant's Referral is not prima facie justified.
17. Indeed the facts as presented by the Applicant do not in any way justify the allegations that his rights have been violated by the actions of the Ministry of Justice of the Republic of Kosovo.
18. Accordingly, the Referral must be rejected as manifestly-ill-founded.

### **FOR THESE REASONS:**

The Constitutional Court, pursuant to Article 113(7) of the Constitution, Article 20 of the Law on the Constitutional Court, and Rule 36 of the Rules of Procedure,

### **DECIDES**

- I. Unanimously to Reject the Referral as Inadmissible.

This Decision shall be notified to the Parties and shall be published in the Official Gazette, in accordance with Art. 20(4) of the Law on the Constitutional Court.

This Decision is effective immediately.

**Judge Rapporteur**



Snezhana Botusharova

**President of the Constitutional Court**



Prof. Dr. Enver Hasani

