



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

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**Pristine, 12 December 2012**  
**Ref. No.: VMP 325/12**

## **DECISION EXTENDING INTERIM MEASURES**

in

**Case No. KI 78/12**

Applicant

**Bajrush Xhemajli**

**Constitutional Review of the Supreme Court Decision Pkl. No. 70/2012,  
dated 22 June 2012**

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

Composed of:

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

## **Introduction**

1. On 24 September 2012, the Constitutional Court granted interim measures in relation to the above Referral. In its decision, the Constitutional Court, *inter alia*, decided:
  - I. TO GRANT, by six votes in favour and two votes against, interim measures;
  - II. TO GRANT interim measures for a duration until 31 December 2012 from the date of the adoption of this Decision;
  - III. TO IMMEDIATELY SUSPEND the implementation of the Decision of the Supreme Court, Pkl. no. 70/2012 of 22 June 2012, and the order of sentence of the Judgment of District Court in Prishtina, P. no. 485/09 of 26 November 2010, and the Judgment of the Supreme Court, Ap. no. 134/2011 of 8 March 2012, for the same duration;

## **Correspondence from the Supreme Court**

2. On 21 September 2012, the Court requested the Supreme Court to submit the Case file of P. no. 485/09 of 26 November 2010, Ap. no. 134/2011 of 8 March 2012 and Pkl. no. 70/2012 of 22 June 2012, including also the minutes of the trial courts of all instances involved in this case.
3. On 19 November 2012, the Court once again requested the Supreme Court to submit the Case file of P. no. 485/09 of 26 November 2010, Ap. no. 134/2011 of 8 March 2012 and Pkl. no. 70/2012 of 22 June 2012, including also the minutes of the trial courts of all instances involved in this case.
4. On 20 November 2012, the Supreme Court replied to this Court submitting the Case file of P. no. 485/09 of 26 November 2010, Ap. no. 134/2011 of 8 March 2012 and Pkl. no. 70/2012 of 22 June 2012, including also the minutes of the trial courts of all instances involved in this case.
5. In this respect, the Court bears in mind the necessity to consider the response of the Supreme Court which has now been received including the Case file of P. no. 485/09 of 26 November 2010, Ap. no. 134/2011 of 8 March 2012 and Pkl. no. 70/2012 of 22 June 2012 and as well the minutes of the trial courts of all instances involved in this case.

## FOR THESE REASONS

The Court, pursuant to Article 116(2) of the Constitution and Article 27 of the Law, having deliberated on the matter on 5 December 2012,

### DECIDES

- I. By majority, to extend the time limit imposed by the Court in its original Decision of 24 September 2012 by a further period of three months until 31 March 2013;
- II. To remain seized of the matter;
- III. This Decision shall be notified to the Parties; and
- IV. This Decision shall be published in accordance with Article 20(4) of the Law and is effective immediately.

**Judge Rapporteur**

  
Kadri Kryeziu



**President of the Constitutional Court**

  
Prof. Dr. Enver Hasani