



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

Pristine, 28 September 2012
Ref. No.:RK308/12

RESOLUTION ON INADMISSIBILITY

in

Case No. KI62/12

Applicant

Liridon Aliu

Request for interpretation of the Constitution

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 and
Arta Rama-Hajrizi, Judge

Applicant

1. The Applicant is Liridon Aliu, president of non-governmental organization (NGO) "Ngrite zërin edhe Ti" (NZT), from village Hajvalija, Municipality of Prishtina.

Subject matter

2. The subject matter is request for interpretation of a larger number of Articles of the Constitution, despite the fact that the Applicant does not specify exactly the Articles of the Constitution for which he requires interpretation, but from the Referral it can be concluded that in question are a larger number of constitutional norms whose interpretation requested the Applicant.

Legal basis

3. The Referral was submitted pursuant to Articles 113.7 and 21.4 of the Constitution, Articles 20, 22.7 and 22.8 of Law no. 03/L-121 on the Constitutional Court of Kosovo of 15 January 2009 (hereinafter: the Law), and Rule 56 paragraph 2 of Rules of the Procedures.

Proceedings before the Court

4. On 28 June 2012, the Applicant submitted the Referral with the Constitutional Court of the Republic of Kosovo (hereinafter: Court). At the same time, requesting protection of identity, while the Applicant does not explain the reasons why he is requesting the protection of his identity.
5. On 10 July 2012 the Constitutional Court informed the Applicant that his Referral is registered with the Court under No. KI 62/12.
6. On 20 September 2012, after considering the report of Judge Kadri Kryeziu, the Review Panel composed of Judges Robert Carolan (presiding), Altay Suroy and Prof. dr. Enver Hasani, made a recommendation to the full Court on the inadmissibility of the Referral. At the same time the Review Panel proposed to the Court to reject the request for protection of identity as unfounded.

Summary of the facts

7. The Applicant did not present to the Court specific facts regarding the subject matter of the Referral, but he refers the Court to a number of Web sites and expresses his willingness to assist the Court in finding facts.

Applicant's allegations

8. The applicant requested the interpretation of the Constitution regarding the following:
 - a) Obligations on retirement of persons who have more than 70 years of age.
 - b) Obligations of public and private officials who are under criminal charges to submit a resignation
 - c) The length of court proceedings
 - d) The amnesty of recidivistic persons by the court and the President of Kosovo.
 - e) No Web maintenance by public institutions.
 - f) Persons who have larger number of jobs 2 -4 positions.
 - g) The irresponsibility of the media on the requests of NGOs.
 - h) The issue of the resignation of a number of senior officials of Kosovo for stealing evidence from the police station in Peja.
 - i) The rights of NGOs to be registered as a micro-financial bank, and misuse of donations by the NGOs.
 - j) Non-implementation of law and non-transparency while making their decisions.
 - k) And various other issues that are impossible to specify precisely.

9. The Applicant requests from the Constitutional Court the following:

“I ask the Constitutional Court to analyze well our request for interpretation of the Constitution. In the links you will find several similar cases like Mr. Muje Rugova who has reached 70-71 year of age, who should be retired and is still working - and cases like this”.

Assessment of the admissibility of the referral

10. The admissibility criteria are specified by the Constitution and more detailed specified in the Law on the Constitutional Court and the Rules of Procedure.

11. Articles 113.1, 113.7 and 21.4 of the Constitution specify the legal framework criteria for the admissibility of Referrals of individuals and legal persons, which stipulate:

„113. 1. The Constitutional Court decides only on matters referred to the court in a legal manner by authorized parties (...)

113.7. Individuals are authorized to refer violations by public authorities of their individual rights and freedom guaranteed by the Constitution, but only after exhaustion of all legal remedies provided by law.”

21. 4. Fundamental rights and freedoms set forth in the Constitution are also valid for legal persons to the extent applicable.

12. In this concrete case, the Applicant has required the interpretation of a larger number of constitutional norms, for the benefit of all Kosovo citizens, it indicates that the Applicant requires abstract interpretation of the Constitution. If this is the aim of the Applicant as a legal person, he can not be considered as authorized party.
13. In fact, the Applicant is not challenging any decisions of public authorities in order to become an authorized party in the proceedings before the Constitutional Court as provided for in Articles 113.7 and 21.4 of the Constitution as legal basis for filing his application. In addition, the Applicant did not present arguments to prove that he is the direct victim of incorrect interpretation of Constitutional provisions whose interpretation is required.
14. Only individuals, as is explicitly provided for in Article 113.2 to 113.6 of the Constitution, shall be authorized parties to address the Court on the matters of abstract constitutional assessment.
15. Moreover, Kosovo’s constitutional and legal system does not provide “*actio popularis*”, which is a modality of individual complaints which allows any individual who tends to protect public interest and constitutional order, to address cases of such violations with the Constitutional Court, although does not have the status of a victim.
16. Therefore, the Court finds that the Applicant is not an authorized party to request interpretation of the constitutional norms in the abstract and therefore this Referral should be declared inadmissible. At the same time, the Court found that he request for protection of identity is unfounded.

FOR THESE REASONS

The Constitutional Court pursuant to Article 113.1 and 113.7 of the Constitution, Article 46, Articles 47 and 48 of the Law and Rules 36 (1a) and 36 (3c) of the Rules of Procedure, in the session held on 20 September 2012, unanimously

DECIDED

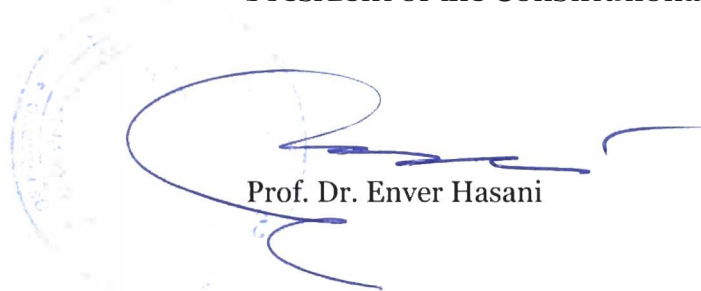
- I. TO REJECT the Referral as Inadmissible;
- II. This Decision shall be notified to the Parties and shall be published in the Official Gazette, in accordance with Article 20 (4) of the Law; and
- III. This Decision is effective immediately.

Judge Rapporteur



Kadri Kryeziu

President of the Constitutional Court



Prof. Dr. Enver Hasani