



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

Prishtina, 21 December 2015  
Ref. No.:VRK876/15

## **DECISION TO SUMMARILY REJECT THE REFERRAL**

in

**Case No. KI94/15**

Applicants

**Lulzim Ramaj and Shahe Ramaj**

**Constitutional review of  
unspecified ruling of an unspecified authority**

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

composed of

Arta Rama-Hajrizi, President  
Ivan Čukalović, Deputy-President  
Robert Carolan, Judge  
Altay Suroy, Judge  
Almiro Rodrigues, Judge  
Snezhana Botusharova, Judge and  
Bekim Sejdiu, Judge.

### **Applicants**

1. The Referral is submitted by Mr. Lulzim Ramaj (son) and Mrs. Shahe Ramaj (mother) from Peja (hereinafter, the Applicants).

## **Challenged decision**

2. The Applicants challenge an unspecified ruling of an unspecified authority.

## **Subject matter**

3. The Applicants complain about undue prolongation of proceedings by the regular courts and largely is a repetition of previous Referrals filed by the Applicants, individually or together.
4. The subject matter of the different previous Referrals pertained to recognition of the Kosovo Liberation Army veteran status, constitutional review of decisions of the Ministry of Transport and Telecommunication, notifications of the Office of Disciplinary Counsel and allegations against certain incumbents of public offices.
5. The Applicants neither attach any “impugned” decisions to the “Referral” nor refer to a constitutional provision allegedly violated.

## **Legal basis**

6. The Referral is based on Article 113.7 of the Constitution of the Republic of Kosovo (hereinafter, the Constitution), Article 47 of the Law No. 03/121 on the Constitutional Court of the Republic of Kosovo (hereinafter, the Law).

## **Proceedings before the Constitutional Court**

7. On nineteen different days in between 11 November 2014 and 24 August 2015, the Applicants have submitted with the Constitutional Court of the Republic of Kosovo (hereinafter, the Court) a set of six hundred and forty eight documents which constitutes the current Referral.
8. On 3 August 2015, the President of the Constitutional Court appointed Judge Almiro Rodrigues as Judge Rapporteur and a Review Panel composed of judges Altay Suroy (presiding), Bekim Sejdiu and Arta Rama-Hajrizi.
9. On 4 August 2015, the Court notified the Applicants about the registration of the Referral.
10. On 15 September 2015, the Applicants were asked to clarify and complete their Referral.
11. On 11 November 2015, 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 facts**

12. The summary of facts reflects the acts of the Applicants, acting individually or together generally envisaging a common result.

13. On 18 September 2014, the Applicant Lulzim Ramaj complained before the Office of Disciplinary Counsel of the High Judicial Council (hereinafter, the Counsel) about prolongation of his case (A. nr. 375/14). He complained that the Basic Court in Prishtina is prolonging the delivery of his appeal to the Court of Appeal of Kosovo.
14. On 19 December 2014, the Applicant Lulzim Ramaj filed a lawsuit with the Basic Court in Prishtina against the Ministry of Labor and Social Welfare. The Basic Court in Prishtina decided (Decision no. A. nr. 2544/2014 of 29 April 2015) to suspend the proceedings following the Applicant's request because, for the same matter, he has submitted a referral with the Constitutional Court.
15. On 17 November 2014, the Applicant Shahe Ramaj complained before the Counsel about the prolongation of her case (C. no. 1169/13) by the Court of Appeal of Kosovo.
16. On 8 January 2015, the Counsel informed (Notification No. ZPD/14/zp/015) the Applicant Lulzim Ramaj that there was a delay to send the case to the Court of Appeal due to objective circumstances. The Applicant Lulzim Ramaj was also informed that the case was sent to the Court of Appeal on 18 September 2014 and that he should inform the Counsel if not decided within a reasonable time.
17. On 9 March 2015, the Applicant Lulzim Ramaj complained before the Counsel about the prolongation of the case (C. no. 1560/11) by the Basic Court in Prishtina.
18. On 10 March 2015, the Counsel informed (Notification No. ZPD/14/zp/148) the Applicant Shahe Ramaj that the Court of Appeal had decided her case within a reasonable time (Decision Ac. no. 903/13 dated 1 December 2014).
19. On 3 July 2015, the Counsel informed (Notification No. ZPD/15/zp/391) the Applicant Lulzim Ramaj that there was a delay in his case which was caused by a backlog of cases. The Applicant Lulzim Ramaj was also advised to inform the Counsel if the case is not decided within a reasonable time.
20. On 14 July 2015, the Counsel informed (Notification No. ZPD/15/zp/437) the Applicant Shahe Ramaj that *"The Counsel has found that on 17 May 2012 your lawsuit was accepted by the Basic Court in Peja and was given number C. no. 388/12, and that, on 18 May 2012 was assigned to judge AB. The Counsel has found that your case was decided by decision C. no. 388/12 dated 9 December 2013. On 2 July 2014, the case C. no. 388/12 – via a complaint- was sent from the Basic Court to the Court of Appeal of Kosovo where it was assigned to judge MS (now retired). The Court of Appeal by Decision AC. no. 683/14 of 12 January 2015 has decided on your case. The Counsel has found that on 29 April 2015 your case is with the Supreme Court based on request for revision under number Rev. no. 126/15 and will be decided in due time"*.

### **Applicants' allegations**

21. The Applicants complain about prolongation of their cases by the Court of Appeal and the Basic Courts in Prishtina and Peja.

22. The Applicants complain namely against previous resolutions on inadmissibility, against the manager of the Regional Post Office in Peja, against the owner and a journalist of newspaper "Express", against a third party due to obstruction in possession of property, against the Ministry of Local Government Administration and against the Kosovo Police for influencing his brothers against him.
23. The Applicants do not refer to any constitutional provision which has been allegedly violated.
24. Finally, the Applicants request namely to get compensated in sum of 2 million euro by the Director of newspaper "Telegraf" from Albania.

### **Assessment of admissibility**

25. The Court first examines whether the Applicants have fulfilled the admissibility requirements laid down in the Constitution and as further specified in the Law and the Rules of Procedure.
26. In this respect, the Court refers to Article 113.7 of the Constitution which provides:

*"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".*

27. The Court refers to Rule 32 [Withdrawal, Dismissal and Rejection of Referrals] of the Rules of Procedure which provide:

*"(...)*

*(5) The Court may summarily reject a referral if the referral is incomplete or not clearly stated despite requests by the Court to the party to supplement or clarify the referral, if the referral is repetitive of a previous referral decided by the Court, or if the referral is frivolous".*

28. The Court considers that the Applicants have submitted a Referral which is unclear and incomprehensible. In addition, the Referral is to a large extent a repetition of previous Referrals already decided, even though the current Referral is presented with some adjustments pretending in a way to raise new allegations.
29. However, the Court considers that no new information or allegation is brought or raised by the Applicants.
30. Moreover, the Court notes that the content of decisions of the regular courts is unknown because no decisions were attached to the Referral.
31. In addition, there is nothing, in relation to the current Referral, which shows that the Applicants have initiated and finalized any sort of proceedings whether

civil, criminal or administrative before any public authority of the Republic of Kosovo as is required by Article 113(7) of the Constitution; nor have they managed to substantiate, or indeed, make sense of their Referral in any way whatsoever.

32. The Court further notes that the Applicants have not clarified and completed their Referral as requested by it.
33. The Court recalls that identical subject matters have already been decided in other nine Referrals submitted by the Applicants: Resolution on Inadmissibility in Case no. KI126/10 (Applicant *Lulzim Ramaj*), Resolution on Inadmissibility in Case no. KI32/11 (Applicant *Lulzim Ramaj*), Resolution on Inadmissibility Case No. KI102/11 (Applicant *Shahe Ramaj*), Resolution on Inadmissibility in Case no. KI106/12 (Applicant *Lulzim Ramaj*), Resolution on Inadmissibility in Case no. KI116/12 (Applicant *Lulzim Ramaj*) and Resolution on Inadmissibility in Joined Cases nos. KI228/13, KI04/14, KI11/14, KI13/14 (Applicants *Lulzim Ramaj and Shahe Ramaj*).
34. The Court further recalls that, in the Referral KI228/13 (joined referrals KI04/14, KI11/14, KI13/14), the Applicants Lulzim Ramaj and Shahe Ramaj complained against the Resolution on Inadmissibility in case no. KI126/ 10, dated 19 January 2012; Resolution on Inadmissibility in case no. KI32/11, dated 20 April 2012; and Resolution on Inadmissibility in case no. KI102/ 11, dated 12 December 2011.
35. The Court observes that all those previous Referrals contain either individual or common subject matters; however, they all converge in the current Referral.
36. The Court considers that the current Referral does not reach the minimum threshold to be considered a Referral. Moreover, the Court notes that some of the Referrals submitted by these Applicants were already rejected on the grounds of being abusive and disrespectful to the Court as an institution of justice (see Resolution on Inadmissibility in Joined Cases nos. KI228/13, KI04/14, KI11/14, KI13/14).
37. In sum, the Court finds that the Referral is not clearly stated despite requests by the Court to the party to supplement or clarify the referral, it is somehow repetitive of previous referrals already decided by the Court and it is frivolous.
38. Therefore, the Court, in accordance with Rule 32 (5) of the Rules of Procedure, concludes that the Referral is to be summarily rejected and is thus inadmissible.

## FOR THESE REASONS

The Constitutional Court, pursuant to Article 113 (7) of the Constitution, Article 48 of the Law and Rule 32 (5) of the Rules of Procedure, on 11 November 2015, unanimously:

## DECIDES

- I. TO DECLARE the Referral Inadmissible;
- II. TO NOTIFY this Decision to the Parties;
- III. TO PUBLISH this Decision in the Official Gazette, in accordance with Article 20. 4 of the Law; and
- IV. TO DECLARE this Decision effective immediately.

**Judge Rapporteur**



Almiro Rodrigues



**President of the Constitutional Court**



Arta Rama-Hajrizi