



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

Prishtina, 17 April 2015
Ref. No.: KK 109/15

Mr. Sylë Hoxha

Acting Chief State Prosecutor and Head of Prosecutorial Council
Prishtina, Republic of Kosovo

Re: Implementation of Judgment of the Constitutional Court of the Republic of Kosovo in Case KI99/14 and KI100/14 of 8 July 2014

Dear Mr. Hoxha,

Following up the communication with you, the Constitutional Court of the Republic of Kosovo (hereinafter: the “Court”) reiterates that to request information is in compliance with the authority of the Court to monitor the execution of its decisions, pursuant to Article 116 [Legal Effect of Decisions] of the Constitution of the Republic of Kosovo (hereinafter: the “Constitution”) and Rule 63 [Enforcement of Decisions] of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo, as well as in accordance with its constant constitutional practice.

After having reviewed the entirety of the documents you submitted, the Court considers that Judgment of the Constitutional Court of the Republic of Kosovo in Case KI99/14 and KI100/14 of 8 July 2014 has been enforced by annulling the challenged Decisions KPK No. 146/ 2014 and KPK No. 151/ 2014 on the Nomination of the candidate for Chief State Prosecutor and by repeating the election procedure for the position of Chief State Prosecutor.

As far as any other issues which might have arisen from the repeated election procedure, they are not within the Court’s jurisdiction, as no Referral was filed with the Court by an authorized party.

Therefore, the Court cannot comment on any eventual constitutional aspect of the repeated election procedure.

Thus, the Court recalls that any matter related to the repeated proceedings, that might have a constitutional basis to discuss, should be referred to the Court in a legal manner, since the Court cannot act *ex officio*.

In so far as to the repeated election procedure is concerned, it is now the President of the Republic of Kosovo, based on her constitutional mandate, to assess that procedure.

The Court reiterates that it is an independent organ in protecting the Constitution and in ensuring the respect of the separation of powers and rule of law.

This letter was discussed and decided unanimously by the full Court in its session of 17 April 2015.

Sincerely yours,



Prof. Dr. Enver Hasani,
President of the Constitutional Court of the Republic of Kosovo

