



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

Prishtina, on 18 December 2017
Ref. No.: RK 1170/17

RESOLUTION ON INADMISSIBILITY

in

Case No. KIo6/17

Applicants

L. G. and five others

**Request for Constitutional Review of Judgment Rev. No. 248/2016 of the
Supreme Court of Kosovo, of 25 October 2016**

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

composed of:

Arta Rama-Hajrizi, President
Ivan Čukalović, Deputy-President
Altay Suroy, Judge
Almiro Rodrigues, Judge
Snezhana Botusharova, Judge
Bekim Sejdiu, Judge
Selvete Gërxhaliu-Krasniqi, Judge and
Gresa Caka-Nimani, Judge.

Applicant

1. The Referral was submitted by L. G. and her five children from Obilić (hereinafter: the Applicants). The Applicants are represented by Zaim Istrefi, a lawyer from Prishtina.

Challenged decision

2. The Applicants challenge Judgment [Rev. no. 248/2016] of the Supreme Court of Kosovo of 25 October 2016, which was served on them on 16 November 2016.

Subject matter

3. The subject matter is the constitutional review of the abovementioned Judgment of the Supreme Court, whereby the Applicants' rights and freedoms guaranteed by Article 31 [Right to Fair and Impartial Trial] and Article 50 [Rights of Children] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution) have allegedly been violated.
4. The Applicants also request that in the proceedings before the Constitutional Court (hereinafter: the Court) their identity not be disclosed, because they consider that *"this case is of a sensitive nature, as it relates to claims in connection to a tragically deceased parent."*

Legal basis

5. The Referral is based on paragraphs 1 and 7 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution, Articles 22 [Processing Referrals] and 47 [Individual Requests] of the Law No. 03/L-121 on Constitutional Court of the Republic of Kosovo (hereinafter: the Law) and Rule 29 [Filing of Referrals and Replies] of the Rules of Procedure of the Court (hereinafter: the Rules of Procedure).

Proceedings before the Court

6. On 25 January 2017, the Applicants submitted the Referral to the Court.
7. On 27 February 2017, the President of the Court appointed Judge Gresa Caka-Nimani as Judge Rapporteur and the Review Panel composed of Judges: Almiro Rodrigues (Presiding), Snezhana Botusharova and Ivan Čukalović.
8. On 3 March 2017, the Court notified the Applicants about the registration of the Referral, and sent a copy of the Referral to the Supreme Court.
9. On 23 October 2017, the Review Panel considered the report of the Judge Rapporteur, and made an unanimous recommendation to the Court on the inadmissibility of Referral.

Summary of facts

10. The Applicants' spouse and father, respectively, died on 08 May 2005, as a consequence of an accident at his working place. He was an employee of the Kosovo Energy Corporation (hereinafter: KEK). On 24 March 2005, he had an accident at his working place, where he sustained injuries leading to his death.

11. On an unspecified date, the Applicants filed a statement of claim with the Municipal Court in Prishtina requesting that the respondent (KEK) pays them compensation for “*sustained mental anguish*” experienced due to the loss of the spouse and parent.
12. On 27 December 2006, the Municipal Court in Prishtina rendered Judgment [C. No. 987/05], which approved the statement of claim of the Applicants. The Municipal Court decided that:

“The statement of claim of the claimants [...] is granted as grounded and the respondent – Kosovo Energy Corporation in Prishtina is obliged to reimburse to each claimant € 7000, respectively the total amount of € 42.000, in the name of sustained mental anguish due to death of the spouse and father – the late F. G.”
13. The respondent (KEK) filed to the District Court in Prishtina an appeal alleging incomplete and erroneous determination of the facts and violation of provisions of the contested procedure.
14. On 7 October 2008, the District Court rendered Judgment [Ac. No. 267/2007], which rejected the respondent’s appeal as ungrounded, and upheld the Judgment of the Municipal Court in its entirety.
15. In order to implement the Judgment of the Municipal Court, KEK decided to pay the total amount due in a series of monthly payments for a period of 5 years. These monthly payments took place from 01 July 2005 until 01 July 2010, which concluded payment of the total amount of 42,000 EUR ordered by the regular courts.
16. On 03 February 2010, the Applicants submitted to the Municipal Court in Prishtina a new statement of claim against KEK, requesting the reimbursement of material damage, specifically, the reimbursement of the lost profit, based on the Law on Contract and Torts in force at the time (Official Gazette of the SFRY No. 29/78 as amended). The Applicants maintained that, “*due to the lost alimony the respondent makes monthly payments and considering the costs which the deceased would have had if he was alive, in the amount € 500 per month, as long as the conditions for this exist.*”
17. KEK responded to the Applicants’ claims by arguing that it does not have passive legitimacy in the case because the business units under whose authority the accident had occurred had been privatized and now formed part of the new company Kosovo Transmission, System and Market Operator (KOSTT), and that, the Applicants claim for damages had expired due to the statute of limitations, as specified in Article 376 of the Law on Contracts and Torts.
18. On 29 December 2015, the Basic Court rendered Judgment [C. No. 241/10], which approved the Applicants’ statement of claim as grounded. The Basic Court addressed the allegations related to passive legitimacy invoked by the responded (KEK). As it pertains to the allegations related to the statute of limitations, the Basic Court, among others, reasoned:

“Also, allegations made against the annuity claim being subject of statute of limitations, the court assessed being ungrounded because, pursuant to provisions of Article 373, paragraph 3 of LOR, is provided that the right to alimony determined by the law, is not subject of statutory limitations.”

19. The respondent (KEK) filed an appeal with the Court of Appeals against the Judgment of the Basic Court [C. No. 241/10], claiming erroneous application of the law, specifically pertaining to passive legitimacy and expiration of statute of limitations period for claiming compensation for the damages for the loss caused.
20. On 17 June 2016, the Court of Appeals rendered Judgment [CA. No. 1735/2016], which approved the appeal of KEK and annulled the Judgment of the Basic Court [C. No. 241/10].
21. The Court of Appeals based on Article 376 of the Law on Contract and Torts reasoned that claims of damages for the loss caused expire after three years after the party sustained or became aware of injury. It rejected the interpretation of the Basic Court on the application of Article 373 of the Law on Contracts and Torts, according to which right to alimony is not subject to statute of limitations, as in the reasoning of the Court of Appeals, in this specific case, the question does not pertain to the right to alimony but rather to claim for damages for loss caused.
22. The Applicants filed a request for revision with the Supreme Court against Judgment [CA. no. 1735/2016] of the Court of Appeals alleging erroneous application of the substantive provisions of the law and the fact that the second instance court applied Article 376 of Law on Contracts and Torts (claiming damages for loss), whereas in fact, according to the Applicants it should have applied Article 373 of Law on Contracts and Torts (claims for alimony).
23. On 25 October 2016, the Supreme Court rendered Judgment [Rev. No. 248/2016] which rejected the Applicants’ request for revision as ungrounded and upheld the Judgment of the Court of Appeals with detailed reasoning.

Applicant’s allegations

24. The Applicants allege that the Judgment [Rev. no.248/16] of the Supreme Court of 25 October 2016, in conjunction with the Judgment [CA no. 1735/2016] of the Court of Appeals of 23 May 2016, violated their right to a fair and impartial trial as guaranteed by Article 31 [Right to a Fair and Impartial Trial], and their right to protection and care as guaranteed by Article 50.1 [Protection of Children] of the Constitution.
25. With respect to Article 31 of the Constitution, the Applicants claim that the Supreme Court and the Court of Appeals Judgments violated their right to a fair and impartial trial because they manifestly erroneously applied the provisions of the Law on Contract and Torts as it pertains to the statute of limitations.

26. With respect to Article 50 of the Constitution, the Applicants allege that by rejecting their claims, the Supreme Court and the Court of Appeals violated the rights of the children of the deceased for protection and care necessary for their well-being. The Applicants claim that they are dependent upon the payment of an annuity for their continued survival and well-being.
27. Finally, the Applicants request the Court to declare their Referral admissible and to uphold Judgment [C. No. 241/10] of 29 December 2015, of the Basic Court in Prishtina, by declaring invalid Judgment [Rev. No. 248/2016] of the Supreme Court of 25 October 2016 in conjunction with Judgment [Ac. No. 1735/16] of 23 May 2016 of the Court of Appeals.

Admissibility of Referral

28. The Court first examines whether the Referral has fulfilled the admissibility requirements laid down in the Constitution, and as further specified in the Law and Rules of Procedure.
29. In this respect, the Court refers to paragraphs 1 and 7 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution, which establish that:

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

[...]

7. 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.”

30. In continuation, the Court examines whether the Applicants has fulfilled the admissibility requirements as further specified in the Law. In this respect, the Court refers to Article 48 [Accuracy of the Referral] and 49 [Deadlines] of the Law, which provide:

Article 48 [Accuracy of the Referral]

“In his/her referral, the claimant should accurately clarify what rights and freedoms he/she claims to have been violated and what concrete act of public authority is subject to challenge.”

Article 49 [Deadlines]

“The referral should be submitted within a period of four (4) months. The deadline shall be counted from the day upon which the claimant has been served with a court decision....”

31. Regarding the fulfillment of these requirements, the Court finds that the Applicants submitted the Referral in the capacity of an authorized party, challenging an act of a public authority, namely the Supreme Court Judgment [Rev. No. 248/2016] of 25 October 2016, after having exhausted all legal

remedies determined by law. The Applicants has also clarified the rights and freedoms that he alleges have been violated, as per the requirements of Article 48 of the Law and has submitted the Referral in accordance with the deadlines prescribed in Article 49 of the Law.

32. However, the Court must further assess whether the criteria foreseen in Rule 36 [Admissibility Criteria] of the Rules of Procedure have been met. Rule 36, paragraphs (1) (d) and (2) (d) of the Rules of Procedure, stipulates that:

“(1) The Court may consider a referral if:

(d) the referral is prima facie justified or not manifestly ill-founded.

(2) The Court shall declare a referral as being manifestly ill-founded when it is satisfied that:

[...]

(d) the Applicant does not sufficiently substantiate his claim.”

33. The Court recalls that the Applicants’ proceedings relate to the issue of a claim for damages for loss caused against the respondent (KEK), as compensation for the death of the Applicants’ spouse and father on 08 May 2005. The dispute was settled by the Supreme Court Judgment [Rev. no. 248/2016] of 25 October 2016, which the Applicants challenges in the Court claiming violation of their rights guaranteed by Article 31 [Right to Fair and Impartial Trial] and Article 50 [Rights of Children] of the Constitution, because the Supreme Court allegedly manifestly erroneously applied the Law on Contract and Torts. The Applicants argue that in the circumstances of their specific case, Article 373 applies, which provides that the right to alimony is not subject to statute of limitations, instead of Article 376 which regulates claims for damages for loss caused. According to the Applicants, if the correct provision of the Law on Contract and Torts were applied, their claims would have been approved.
34. The Court initially notes that in the first set of proceedings against KEK, the Applicants only requested compensation for the “*sustained mental anguish*” as a consequence of the death of their spouse and father. The Municipal Court awarded the Applicants an amount in compensation, and this award was upheld by the District Court in its Judgment [Ac. No. 267/2007] of 07 October 2008. KEK fulfilled the obligations resulting from this Judgment.
35. Subsequently, the Court notes that on 03 February 2010, the Applicants filed a new statement of claim with the Municipal Court, starting a second set of proceedings. Through the new statement of claim, the Applicants requested the continued payment of a monthly annuity, which was approved by the Municipal Court Judgment, and annulled by the Court of Appeals and Supreme Court Judgments. The Applicants maintained that if the provisions of the Law on Contract and Torts pertaining to the statute of limitations would have been applied correctly, the initial Municipal Court Judgment would have been upheld.

36. In this regard, the Court notes that the Applicants base their allegations on the manifestly erroneous interpretation of the provisions of the Law on Contract and Torts, allegedly made by the Supreme Court. The Court recalls that this allegation relates to the scope of legality and as such does not fall within the jurisdiction of the Constitutional Court, and, therefore, in principle, cannot be considered by the Court.
37. The Court reiterates that it is not its task to deal with errors of facts or law allegedly committed by the regular courts (legality), unless and in so far as they may have infringed the fundamental rights and freedoms protected by the Constitution (constitutionality). It may not itself assess the law which has led a regular court to adopt one decision rather than another. If it were otherwise, the Court would be acting as a court of “fourth instance”, which would be to disregard the limits imposed on its jurisdiction. In fact, it is the role of regular courts to interpret and apply the pertinent rules of both procedural and substantive law. (See, case *García Ruiz v. Spain*, ECtHR no. 30544/96, of 21 January 1999, par. 28 and see, also case: KI70/11, Applicants *Faik Hima, Magbule Hima and Besart Hima*, Resolution o Inadmissibility, of 16 December 2011).
38. This stance has been consistently held by the Court, following the case law of the European Court of Human Rights (hereinafter: ECtHR), which clearly maintains that it is not the role of this Court to review the conclusions of the regular courts in respect of the factual situation and application of the substantive law. (see: ECtHR, *Pronina v. Russia*, Decision on admissibility of 30 June 2005, application no. 65167/01).
39. The Court, however, also notes that the case-law of the the ECtHR also provides for the circumstances under which exceptions from this position can be made. In *Anđelković v. Serbia* (Judgment of 9 April 2013, No. 1401/08, paragraph 24), the ECtHR reiterated again that it will not question the interpretation of law by the courts, unless, however, it is evidently arbitrary or the decisions of those courts are not flawed by arbitrariness or otherwise manifestly unreasonable. In this case the ECtHR maintains:

“The Court reiterates at the outset that it is not its task to take the place of the domestic courts. It is primarily for the national authorities, notably the courts, to resolve problems of interpretation of domestic legislation (see, among many authorities, Brualla Gómez de la Torre v. Spain, 19 December 1997, § 31, Reports of Judgments and Decisions 1997-VIII). That being so, the Court will not question the interpretation of domestic law by the national courts, save in the event of evident arbitrariness (see, mutatis mutandis, Ādamsons v. Latvia, no. 3669/03, § 118, 24 June 2008), in other words, when it observes that the domestic courts have applied the law in a particular case manifestly erroneously or so as to reach arbitrary conclusions and/or a denial of justice. (see, mutatis mutandis, Farbers and Harlanova v. Latvia (dec.), no 57313/00 6 September 2001, and, albeit in the context of Article 1 of Protocol No. 1, Beyeler v. Italy [GC], no. 33202/96, § 108, ECtHR 2000-I).”

40. The ECtHR reiterated this standing view also holding that “while it is primarily for the national authorities, notably the courts, to resolve problems of interpretation of domestic legislation, the role of the Court is to verify whether the effects of such interpretation are compatible with the Convention”. (see, mutatis mutandis, *Miragall Escolano and Others v. Spain*, no. 38366/97, §§ 33-39, ECtHR 2000-I). “Therefore, even though it has only limited power to review compliance with domestic law, the Court may draw appropriate conclusions under the Convention where it observes that the domestic courts have applied the law in a particular case manifestly erroneously or so as to reach arbitrary conclusions”. (see the above cited *Anheuser-Busch Inc. Judgment*, § 83; *Kuznetsov and Others v. Russia*, no. 184/02, §§ 70-74 and 84, 11 January 2007; *Păduraru v. Romania*, no. 63252/00, § 98, ECtHR 2005-... (extracts); *Sovtransavto Holding v. Ukraine*, no. 48F553/99, §§ 79, 97 and 98, ECtHR 2002-VII, *Beyeler v. Italy [GC]*, no. 33202/96, § 108, ECtHR 2000-I; and, mutatis mutandis, *Tsirlis and Kouloumpas v. Greece*, judgment of 29 May 1997, Reports of Judgments and Decisions 1997-III, §§ 59-63. See also the ECtHR case *Koshoglu v. Bulgaria*, Application No. 48191/99, Judgment of 10 May 2007, § 50).
41. Accordingly, based on the case law of the Court and the case law of the ECtHR it is the task of the regular courts to assess the facts and the evidence presented (see ECtHR judgment, *Thomas v. United Kingdom*, 10 May 2005, application no. 19354/02). The task of the Constitutional Court is to examine whether there has been a violation of constitutional rights (right to a fair trial, right of access to court, right to an effective remedy, etc.), and whether the manner in which the regular courts have applied of the law was manifestly erroneous or otherwise arbitrary or discriminatory. (See, for example, ECtHR cases *Koshoglu v. Bulgaria*, Judgment of 10 May 2007, No. 48191/99; *Anheuser-Busch Inc. v. Portugal*, Judgment of 11 January 2007, No. 73049/01; *Kuznetsov and Others v. Russia*, Judgment of 11 January 2007, No. 184/02; *Khamidov v. Russia*, Judgment of 15 November 2007, No. 72118/01; *Andelković v. Serbia*, Judgment of 9 April 2013, No. 1401/08; *Dulaurens v. France*, Judgment of 21 March 2000, No. 34553/97).
42. In this specific case, the Applicants argue that the regular courts have manifestly erroneously and arbitrarily applied the law. The Court notes however that the Court of Appeals, and subsequently the Supreme Court, reviewed the Applicants’ essential allegations, and addressed and reasoned the allegations pertaining to the application and interpretation of the correct provisions of the Law on Contract and Torts in this specific case.
43. In this regard, the Court of Appeals found that under Article 376 of Law on Contract and Torts it is provided that a claim for compensation for damages expires after three years from the date when the injured party became aware of the damage. The Court of Appeals found that the Applicants became aware of the damage on the date when their spouse and father died, namely on 05 May 2005, whereas they did not submit their new statement of claim until 03 February 2010. As a result, the Court of Appeals concluded that the new claim for damages was barred by statute of limitations.

44. The Court notes that the Supreme Court also reviewed the Applicants' claim in revision, and concluded that the period of statutory limitation starts to run from the date when the claimant becomes aware of the damage. In this case, it is not in dispute when the Applicants became aware of the damage, and taking into account the date of filing the statement of claim, namely 03 February 2010, the Supreme Court concluded that the statement of claim was barred from consideration due to the statute of limitations as foreseen by Article 376 of the Law on Contracts and Torts. In addition, the Supreme Court also explained why the Applicants arguments for the application of Article 373 of the Law on Contract and Torts do not apply and the difference between the right to alimony and the right for compensation for damages. The Supreme Court has, among others, reasoned:

"Starting from the determined factual situation, the court of revision finds that the conclusion of the second instance court is correct due to the fact that the accident happened on 24 March 2005 whereas his death occurred on 08 May 2005 while the claim was filed with the court on 03 February 2010, which is after expiry of the time limit set by Article 376 of LOR whereby is envisaged that a claim for damages for loss caused shall expire three years after the party sustaining injury or loss became aware of the injury and loss and of the tort-feasor. It is considered that the claimants became aware of the damage and of the tort- feasor on the date when the accident occurred. From this perspective, there is no room to apply Article 373, paragraph 1 of LOR and the objection to the statute of limitations period shall be assessed based on Article 376 of LOR because, we are here dealing with the claim for material compensation in the form of a payment, a monetary rent which according to Article 373, paragraph 3 is not a claim because the legal maintenance (alimony) shall mean the legally established liability as it is the case with supporting the minor children by their parents, support to the parents by their children, support among the spouses and close relatives; whereas the claim for an annuity in the form of material award and counting for statute of limitations for a claim shall be based on Article 376 of LOR."

45. Based on the foregoing, the Court considers that in the present case there are no elements of illogical interpretation, or of incorrect and arbitrary application of the law, because the relevant provisions of the law, have been applied and the regular courts have provided clear and complete reasons for their decisions.
46. In addition, the Court considers that the Applicants did not show and prove that the proceedings before the Supreme Court were unfair or arbitrary or that their fundamental rights and freedoms protected by the Constitution were infringed by the alleged erroneous interpretation of the specific articles of the Law on Contract and Torts. No constitutional matter has been substantiated by the Applicants. (See, case KI63/16, Applicant *Astrit Pira*, Resolution on Inadmissibility, of 8 August 2016, para. 44. and see, also case KI150/15; KI161/15; KI162/15; KI14/16; KI19/16; KI60/16 and KI64/16, Applicants *Arben Gjukaj, Hysni Hoxha, Driton Pruthi, Milazim Lushtaku, Esat Tahiri, Azem Duraku dhe Sami Lushtaku*, Resolution on Inadmissibility, 15 November 2016, para. 62).

47. Accordingly, the Court is of the opinion that there had been no violation of the right to a fair and impartial trial as guaranteed by Article 31 of the Constitution.
48. The Court recalls that the Applicants also allege that by rejecting their request for compensation, the regular courts have violated their right for protection and care of children, as guaranteed by Article 50(1) of the Constitution. The Applicants base this allegation on the fact that they received a monthly payment from KEK between 01 July 2005 and 01 July 2010, and they had requested the courts to order KEK to continue to pay a monthly annuity after that date.
49. The Court notes that the monthly payments which the Applicants received from KEK were as the result of an award for compensation for “*sustained mental anguish*” due to the death of the Applicants’ spouse and father. The Court notes that the regular courts awarded a total sum to the Applicants, which the respondent party (KEK) decided to pay out in the form of a monthly annuity. As such, the Court notes that these monthly payments were not designated as payments for child protection and care.
50. Furthermore, the Applicants have not indicated how the respondent party (KEK) was under any other legal obligation to provide for the protection and care of the children of the deceased. The Applicants in support of their allegation primary argue that the regular courts manifestly erroneously applied the law pertaining to the statute of limitations’ provisions to their claim for the continued payment of an annuity, an argument that has already been addressed in this Resolution. The Applicants’ allegations that their right to protection and care necessary for their wellbeing had been violated by the challenged decisions of the regular courts have not been further substantiated by any additional argument.
51. Having found that there was no violation of the right to a fair and impartial trial in the application of the law by the regular courts, the Court considers that the Applicants’ allegation that they were entitled to the continued payment of a monthly annuity for the protection and care of the minor children does not rise to the level of a constitutional violation.
52. Therefore, the Court considers that the Applicants have not substantiated their allegations, nor have they submitted any *prima facie* evidence indicating a violation of the rights guaranteed by the Constitution and the European Convention on Human Rights (hereinafter: the Convention). (See, case No.KI19/14 and KI21/14 Applicants *Tafil Qorri and Mehdi Sylja*, Constitutional Court of the Republic of Kosovo, Constitutional Review of Decision CA. no. 2129/2013, of the Court of Appeal of Kosovo, of 5 December 2013, and Decision CA. no. 1947/2013, of the Court of Appeal of Kosovo, of 5 December 2013).
53. In sum, the Court considers that in the challenged Judgment there are no facts or circumstances that would in any way indicate that in the proceedings before

the regular courts, the Applicants' human rights or freedoms guaranteed by the Constitution or the Convention have been violated.

54. Consequently, the Referral is manifestly ill-founded on a constitutional basis and it should be declared inadmissible pursuant to Rule 36, paragraphs (1) (d) and (2) (d), of the Rules of Procedure.

The request for non-disclosure of identity

55. The Court recalls that the Applicants requested for his identity not to be disclosed to the public, *"due to the reason that my name is irrelevant in reviewing the case, and publicity may indirectly affect my children"*.

56. In this connection, the Court refers to Rule 29 (6) of the Rules of Procedure, which provides:

"The party filing the referral may request that his or her identity not be publicly disclosed and shall state the reasons for the request. The Court may grant the request if it finds that the reasons are well-founded".

57. The Court also refers to Article 8 (1) of the Convention on the Rights of the Child, which establishes;

"States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference."

58. The Court considers that in a family case the publicity may, even indirectly, affect the identity, name and family relations of the children.

59. Therefore, pursuant to Article 8 (1) of the Convention on the Rights of the Child and Rule 29 (6) of the Rules of Procedure, the Court grants as well-founded the Applicants' request for not disclosing their identity to the public.

FOR THESE REASONS

The Constitutional Court of Kosovo, pursuant to Article 113 paragraph 7 of the Constitution, Article 47 of the Law and Rule 36 (1) (d) and (2) (d) of the Rules of Procedure, in the session held on 23 October 2017, 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 paragraph 4 of the Law; and
- IV. This Decision is effective immediately.

Judge Rapporteur


Gresa Caka-Nimani

President of the Constitutional


Arta Rama-Hajrizi

