



REPUBLIKA E KOSOVËS  
Republika Kosova - Republic of Kosovo  
Gjykata Kushtetuese / Ustavni sud / Constitutional Court

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Pristina, 15 October 2010  
Ref. No.: RK 52/10

**RESOLUTION ON INADMISSIBILITY**

in

Case No. KI 28/09

**Ilaz Çerkinaj**

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

composed of

Enver Hasani, President  
Kadri Kryeziu, Deputy-President  
Robert Carolan, Judge  
Altay Suroy, Judge  
Almiro Rodrigues, Judge  
Snezhana Botusharova, Judge  
Ivan Čukalović, Judge  
Gjyljeta Mushkolaj, Judge and  
Iliriana Islami, Judge

**Applicant**

1. The Applicant is Mr. Ilaz Çerkinaj, a practising lawyer in Pristina.

**Subject Matter**

2. The Applicant requests the Constitutional Court (hereinafter: the "Court") to interpret Article 111 [Advocacy] of the Constitution of the Republic of Kosovo.

### **Legal Basis**

3. Article 113 (7) of the Constitution, Article 22 (7) and (8) of Law (No. 03/L-121) on the Constitutional Court of the Republic of Kosovo of 16 December 2008, (hereinafter: "the Law") and Section 54 (b) of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo (hereinafter: "the Rules of Procedure").

### **Proceedings before the Court**

4. On 10 December 2009, the Applicant submitted the Referral to the Court.
5. On 8 April 2010, the Review Panel, consisting of the Judges Ivan Čukalovič (Presiding), Almiro Rodrigues and Gjyljeta Mushkolaj, considered the Report of Judge Rapporteur Iliriana Islami and made a recommendation to the full Court on the inadmissibility of the Referral.

### **Allegations of the Applicant**

6. The Applicant requests the Court to interpret Article 111 of the Constitution, alleging that the Kosovo Business Registration Agency, which is part of the Ministry of Economy and Trade of the Republic of Kosovo, registers businesses of attorneys who are not registered with the Chamber of Advocates.
7. According to the Applicant, this opportunity is used by those who are prohibited to practise law because of poor professional behavior. They register instead as a business to continue the profession.

### **Assessment of the admissibility of the Referral**

8. In order to be able to adjudicate the Applicant's Referral, the Court needs first to examine whether the Applicant has fulfilled the admissibility requirements laid down in the Constitution as further specified in the Law and the Rules of Procedure.
9. From the submitted documents it appears that the Applicant does not have *locus standi* before this Court because he has not substantiated that a public authority has violated any of his individual rights and freedoms guaranteed by the Constitution, as required by Article 113 (7).
10. The Applicant simply requests an interpretation of Article 111 of the Constitution.
11. In these circumstances, the Court concludes that the Referral must be rejected as inadmissible.

**FOR THESE REASONS**

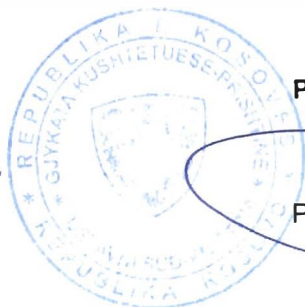
The Constitutional Court, pursuant to Article 48 of the Law and Section 54 (b) of the Rules of Procedure, unanimously,

**DECIDES**

- 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.
- III. This Decision is effective immediately.

**Judge Rapporteur**

  
Dr. Iliriana Islami



**President of the Constitutional Court**

  
Prof. Dr. Enver Hasani