



REPUBLIKA E KOSOVËS  
Republika Kosova-Republic of Kosovo  
Gjykata Kushtetuese / Ustavni sud / Constitutional Court  
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Prishtina, date: 21 January 2010  
Ref.: Nr. MP- 01/10

**DECISION**  
on the request for interim measures  
in

**Case No. KI. 41/09**

AAB-RIINVEST University L.L.C., Prishtina  
vs.  
Government of the Republic of Kosovo

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

Composed of:

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

With Mrs. Njomza Uka, Officer for Case Registration, as minute taker at the Court's deliberations and voting on the Request for interim measures, which took place on 25 November 2009, regarding Case No. KI 41/09, initiated by

**The Applicant**

1. The Applicant is called "AAB-RIINVEST University", with its Headquarters in Prishtina and represented by its Secretary, Granit Curri.

**The Opposing Party**

2. The Opposing Party is the Government of the Republic of Kosovo.

## **Subject Matter**

3. The Applicant's Request of 23 September 2009 to impose interim measures regarding in Case Kl. 41/09, filed by "AAB-RIINVEST University".

## **Legal Basis**

4. Art. 116 of the Constitution of the Republic of Kosovo (hereinafter referred to as: the Constitution), Art. 27 of Law No. 03/L-121 on the Constitutional Court of the Republic Kosovo (hereinafter referred to as: the Law), and Art. 52(1) of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo (hereinafter referred to as: the Rules of Procedure).

## **The facts**

5. By Decision No. 01/73 of 7 July 2009, taken pursuant to Arts 92.4 and 93.4 of the Constitution and Art 4.3 of the Regulation on the Functions of the Government of Kosovo No. 01/2007, and based on the recommendations of the National Quality Council of the Kosovo Accreditation Council, the Government decided, in compliance with the recommendations of the NQC of the KAA, to grant the name "College" to AAB-RIINVEST, limiting thereby the number of students to be enrolled for the academic year 2009/2010 to 500.

6. On 23 September 2009, the Applicant filed a constitutional complaint, requesting the Court to evaluate the constitutionality and legality of Decision No. 01/73 of the Government, by which the Applicant was granted the name "College".

## **The Applicant's complaints**

7. The Applicant filed a constitutional referral on 23 September 2009, requesting the Court to evaluate the constitutionality and legality of Decision no 01/73, taken by the Government on 7 July 2009, by which the Applicant was granted the name "College" instead of "University".

8. The Applicant also requested the Court to impose a temporary measure for the suspension of the execution of the Decision concerned. It considers that the requirements of Art 27 (Interim Measures) of the Law on the Constitutional Court are met. The Applicant proposes the interim measure to be imposed with regard to the name "College" and the limitation of the number of new students to be enrolled for the 2009/2010 academic year.

9. The Applicant further argued that, if the contested Decision continued to be in force, there would be a real risk of irreversible damages, causing its activity and business, as one of the providers of higher education in the Republic of Kosovo, to be stopped or significantly hampered, since it would limit the number of new students to be enrolled for the academic year 2009/2010 to 500. It also suggested that the interim measure should last until the Court would have issued its final Decision.

## The Opposing Party's response

10. The Opposing Party, to which the Referral was communicated by the Court's Registry Office on 2 October 2009, has not submitted its comments within the time limit of 45 days, as stipulated by Art. 22(2) of the Law.

## THE CONSTITUTIONAL COURT

11. After having heard the Judge Rapporteur, Ms Snezhana Botusharova, and having discussed the Applicant's submissions regarding his Request for interim measures, deliberated on 25 November 2009. The Court concluded that, without prejudging the final outcome of the Referral, the Applicant had not put forward any convincing arguments or proof that, during the adjudication of the Referral, the Court should suspend Decision No. 01/73 of the Government regarding the name "College" as well as the number of students which the Applicant would be allowed to enroll for the academic year 2009/2010.

12. The Applicant has, therefore, not substantiated the irreparable damage it allegedly would suffer or that the measure would be in the public interest, if the Court would not impose any such measure.

## FOR THESE REASONS

The Court, pursuant to Art. 116(2) of the Constitution, Article 27(1) of the Law, and Art. 52(1) of the Rules of Procedure, by majority vote,

## DECIDES

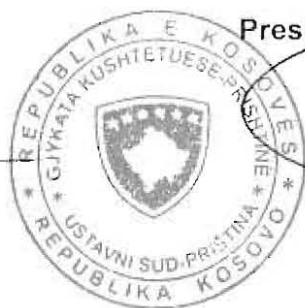
I. TO REJECT the request for interim measures;

II This Decision is to be notified to the Parties

III. This Decision shall be published in accordance with Art. 20(4) of the Law and is effective immediately

Judge Rapporteur

Snezhana Botusharova



President of the Constitutional Court

Prof. Dr. Enver Hasani

