|  |  |  |
| --- | --- | --- |
| **DHOMA E POSAÇME E GJYKATËS SUPREME TË KOSOVËS PËR ÇËSHTJE QË LIDHEN ME AGJENSINË KOSOVARE TË PRIVATIZIMIT** | **SPECIAL CHAMBER OF THE SUPREME COURT OF KOSOVO ON PRIVATIZATION AGENCY OF KOSOVO RELATED MATTERS** | **POSEBNA KOMORA VRHOVNOG SUDA KOSOVA ZA PITANJA KOJA SE ODNOSE NA KOSOVSKU AGENCIJU ZA PRIVATIZACIJU** |

*Decision of 31 October 2013 – AC-I-13-0094*

**Procedural and Factual Background:** [1] On 9 August 2013, the State Prosecutor has filed a request for protection of legality with the Appellate Panel, considering that in the Judgments, mentioned above under A, B and C on this legal matter, a violation of legal provisions has taken place.

[2] The State Prosecutor concludes that said judgments/decisions are to be annulled and the matter is to be sent for retrial to the respective Trial Panel of the SCSC.

**Legal reasoning:** [3]The request for protection of legality filed by the State Prosecutor is inadmissible.

[4] Pursuant to Art 64.1 of Annex, the Appellate Panel decided to dispense with the oral proceedings.

[5] The Appellate Panel considers that pursuant to Art 10.14 of LSC, all judgments and decisions of the Appellate Panel are final and not subject to any further appeal. In addition, the LSC and its Annex do not foresee any extraordinary remedy against such decisions or judgments of the Appellate Panel (such extraordinary remedy is neither foreseen by UNMIK Reg 2008/4 nor by UNMIK AD 2008/6).

[6] The Appellate Panel finds that the cases at hand, as mentioned above sub A, B and C are already decided and all legal remedies have been exhausted after the Appellate Panel`s Decision of 30 April 2013 which became final on the same day. Therefore, the request for protection of legality, as an extraordinary remedy, may not be applied against such decisions, so, it is dismissed as inadmissible.

[7] Based on the above mentioned arguments and pursuant to Art 10.10 of LSC, the Appellate Panel decided as in the enacting clause of this Decision.

[8] The request for protection of legality submitted by the State Prosecutor pursuant to provisions of the LCP on behalf of one party may apply for this extraordinary legal remedy against a final decision of lower instance Courts, but not against a final decision of the Appellate Panel of the SCSC because as it was mentioned above Art 10.14 of LSC prevents such possibility.