



Update

Welcome to the weekly press briefing of the Kosovo Specialist Chambers, where we aim to provide journalists with an update on the latest developments at the court, and the opportunity to ask questions.

On 13 June, the Specialist Chamber of the Constitutional Court issued decisions on the referrals from Mr Thaçi, Mr Veseli and Mr Krasniqi.

Mr Thaçi, Mr Veseli and Mr Krasniqi alleged that their fundamental rights were violated and challenged, among others, the jurisdiction of the Specialist Chambers to adjudicate matters related to a form of individual criminal liability known as a “joint criminal enterprise”, the direct application of international customary law, the extent to which the charges should relate to the report endorsed by the Parliamentary Assembly of Europe and the assignment of a Court of Appeals Panel to an interlocutory appeal by Mr Thaçi.

The Specialist Chambers of the Constitutional Court dismissed all three referrals on the basis that they are currently premature. In other words, the three individuals cannot, before the completion of the proceedings against them, claim to be victims of the alleged violations, since there has not yet been a determination of whether they are innocent or guilty of the charges against them.

The Chamber dismissed Mr Thaçi’s complaint regarding the composition of the Court of Appeals Panel assigned to decide on his appeals concerning his detention and affirmed President Trendafilova’s reasoning in previous decisions that judges are not permanently assigned to interlocutory appeals in a case, but are assigned anew to each interlocutory appeal and that this has been the consolidated practice at the Specialist Chambers.

The Chamber addressed, as a matter of general principle, the fundamental question of whether the jurisdiction of the Specialist Chambers as set out in the Law is limited





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to the content set out in the Council of Europe Parliamentary Assembly Report and found that “insofar as charges must relate to the Council of Europe Report, such a relation should be understood as taking into consideration the contents and context reflected in the Report and Kosovo’s international obligations stemming from the Report. In other words, the grave acts to be assessed should relate to the contents and context of the Report, which *inter alia*, outlined an overall worrying picture of the situation in Kosovo including a lack of accountability for certain serious criminal conduct.”

In the case of Mr Gucati and Mr Haradinaj, the Court of Appeals Panel on 15 June granted, in part, Mr Haradinaj’s request to extend the word limit for a notice of appeal against the trial judgment due to the complex legal issues arising from the judgment.

The Panel considered the request untimely since the deadline to file the notices of appeal is 17 June 2022 and noted in this respect that the parties received a certified copy of the judgment on 18 May. However, being mindful of the complexity of the matters raised in the trial judgment, the Panel granted both Mr Haradinaj, as well as the other parties, an extension of 800 words.

Journalist Questions

No questions asked.

