



Judgment on the Referral of the Rules of Procedure and Evidence

The Specialist Chamber of the Constitutional Court has today delivered its Judgment on the Referral of the Rules of Procedure and Evidence. The Referral aimed at ensuring compliance of the Rules with Chapter II of the Constitution of the Republic of Kosovo. Chapter II of the Constitution concerns ‘Fundamental Rights and Freedoms’.

The Rules of Procedure and Evidence (the ‘Rules’) govern the conduct of proceedings before the Specialist Chambers and were adopted on 17 March 2017 by the other Judges of the Kosovo Specialist Chambers at their first Plenary meeting. The Judges of the Specialist Chamber of the Constitutional Court did not participate in their adoption.

The Rules were [referred](#) to the Specialist Chamber of the Constitutional Court on 27 March 2017. The three international Judges of the Specialist Chamber of the Constitutional Court were assigned as a Constitutional Court Panel. The Reserve Judge was also assigned. Pursuant to the [Law on the Specialist Chambers and Specialist Prosecutor’s Office](#) (‘the Law’), the Panel had thirty days to review the Rules.

In today’s Judgment, the Specialist Chamber of the Constitutional Court declared that the Referral was admissible. It recalled that, pursuant to the Law, the Rules are required to reflect the highest standards of international human rights law with a view to ensuring fair and expeditious proceedings. Having reviewed the 208 rules which were adopted by the Plenary, the Court determined that nine rules were not consistent with Chapter II of the Constitution. It also found that it was unable to declare one further rule to be consistent with Chapter II of the Constitution.

The Court’s determination in respect of the Rules is now sent to the Judges in Plenary for further action on the affected provisions. The Judges of the Specialist Chamber of the Constitutional Court will not participate in that action.

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CONTACT:

Public Information and Communication Unit of the Specialist Chambers:

mediaKSC@scp-ks.org Tel: +31(0)6 249 21 03