



SPECIALIST PROSECUTOR'S OFFICE
ZYRA E PROKURORIT TË SPECIALIZUAR
SPECIJALIZOVANO TUŽILAŠTVO

In: KSC-CC-2025-29

Before: **Specialist Chamber of the Constitutional Court**
Judge Vidar Stensland, Presiding
Judge Roumen Nenkov
Judge Piotr Hofmański

Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Prosecutor's Office

Date: 2 May 2025

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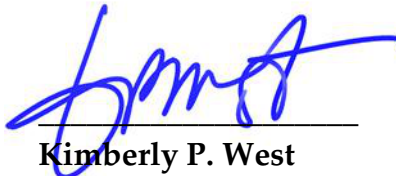
**Prosecution request for authorisation to respond to
referral KSC-CC-2025-29/F00001**

Specialist Prosecutor's Office
Kimberly P. West

Counsel for Applicant
Julius von Bóné

1. On 24 April 2025, Mr Mustafa filed the Referral.¹ Pursuant to Article 35(2)(i) of the Law² and Rule 152(2) of the Rules,³ and consistent with the prior Submissions Decision,⁴ the Specialist Prosecutor's Office ('SPO') requests leave to make submissions⁵ on the admissibility and merits of the Referral.
2. The Referral arises out of the indictment, trial, and appeal proceedings in the *Specialist Prosecutor v. Salih Mustafa* case, and concerns matters addressed in *inter partes* litigation throughout those proceedings. The SPO consequently has a direct interest in, and is directly impacted by, the subject matter of the Referral. SPO submissions concerning the admissibility and merits of the Referral would therefore assist the Panel in the proper determination of the case.
3. Should leave be granted, given the scope and importance of the issues raised in the Referral, the SPO requests until 23 May 2025 to file its submissions.

Word count: 318



Kimberly P. West

Specialist Prosecutor

Friday, 2 May 2025

At The Hague, the Netherlands.

¹ Referral to the Constitutional Court Panel concerning the violations of Mr Salih Mustafa's fundamental rights guaranteed under Article 33(3) of the Constitution of the Republic of Kosovo, KSC-CC-2025-29/F00001, 24 April 2025 ('Referral').

² Law No.05/L-053 on Specialist Chambers and Specialist Prosecutor's Office, 3 August 2015 ('Law'). See also Decision on Working Languages and Further Proceedings, KSC-CC-2022-14/F00004, 15 March 2022, para.7 ('Also, under Article 35(2)(i) of the Law, where the Referral concerns pursuance of an indictment filed by the Specialist Prosecutor's Office [...], the SPO has the authority to respond to the Referral').

³ Rules of Procedure for the Specialist Chamber of the Constitutional Court, KSC-BD-03/Rev3/2020, Part II ('Rules').

⁴ Decision on working language and further proceedings, KSC-CC-2024-27/F00007, 17 October 2024 ('Submissions Decision'), para.9.

⁵ See Rule 15(4) (providing that the Panel shall decide the referral on the basis of written submissions, unless a hearing is in the interests of the proper administration of justice). Should the Panel deem an oral hearing to be necessary, the SPO requests the opportunity to also make oral submissions.