



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File numbers: KSC-CC-2022-13
KSC-CC-2022-14
KSC-CC-2022-15

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Date: 1 March 2022

Language: English

Classification: Public

Decision to Assign Judges to a Constitutional Court Panel

Judges of the Constitutional Court Panel:

Judge Vidar Stensland

Judge Roumen Nenkov

Judge Romina Incutti

Counsel for Hashim Thaçi:

Gregory Kehoe

Counsel for Kadri Veseli:

Ben Emmerson

Specialist Prosecutor's Office:

Jack Smith

Counsel for Jakup Krasniqi:

Venkateswari Alagendra

THE PRESIDENT of the Specialist Chambers (“President”), acting pursuant to Article 33(3) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”) and Rules 3 and 4(2) of the Rules on the Assignment of Specialist Chambers Judges from the Roster of International Judges (“Rules on Assignment”), herewith assigns a Constitutional Court Panel to rule on: (i) the “Krasniqi Defence Referral to the Constitutional Court Panel on the Legality of Charging Joint Criminal Enterprise with public Annex 1”;¹ (ii) the “Constitutional Referral by Kadri Veseli Against ‘Decision on Appeals Against ‘Decision on Motions Challenging the Jurisdiction of the Specialist Chambers’”;² and (iii) the “Referral to the Constitutional Court Panel on the Violation of Mr Thaçi’s Fundamental Rights to an Independent and Impartial Tribunal Established by Law, and to a Reasoned Opinion”³ (collectively “Referrals”).

I. PROCEDURAL BACKGROUND

1. On 22 July 2021, the Pre-Trial Judge issued a decision on the motions by Messrs Hashim Thaçi, Kadri Veseli, and Jakub Krasniqi challenging the jurisdiction of the Specialist Chambers (“Impugned Decision”).⁴
2. On 23 December 2021, a Court of Appeals Panel, *inter alia*, denied the appeals filed by Messrs Thaçi, Veseli, and Krasniqi against the Impugned Decision.⁵

¹ KSC-CC-2022-13/F00001, Krasniqi Defence Referral to the Constitutional Court Panel on the Legality of Charging Joint Criminal Enterprise with public Annex 1, 28 February 2022.

² KSC-CC-2022-14/F00001, Constitutional Referral by Kadri Veseli Against “Decision on Appeals Against Decision on Motions Challenging the Jurisdiction of the Specialist Chambers”, 28 February 2022.

³ KSC-CC-2022-15/F00001, Referral to the Constitutional Court Panel on the Violation of Mr Thaçi’s Fundamental Rights to an Independent and Impartial Tribunal Established by Law, and to a Reasoned Opinion, 28 February 2022.

⁴ KSC-BC-2020-06/F00412, Decision on Motions Challenging the Jurisdiction of the Specialist Chambers, 22 July 2021, para. 214.

⁵ KSC-BC-2020-06/IA009/F00030, Decision on Appeals against “Decision on Motions Challenging the Jurisdiction of the Specialist Chambers”, 23 December 2021, para. 237.

3. On 28 February 2022, Messrs Thaçi, Veseli, and Krasniqi filed the Referrals.

II. ASSIGNMENT

4. Pursuant to Article 33(3) of the Law, upon a referral to the Specialist Chamber of the Constitutional Court ("SCCC"), the three Judges of the SCCC shall be assigned. Should one of these Judges not be available for assignment, the President shall assign the reserve constitutional judge.

5. In this respect, the President notes that one of the three Judges of the SCCC is not available for assignment. Accordingly, the President shall assign the reserve constitutional Judge, in accordance with Article 33(3) of the Law and Rule 4(2) of the Rules on Assignment.

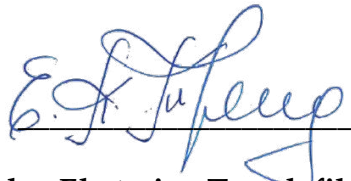
FOR THESE REASONS, THE PRESIDENT HEREBY

assigns the following Judges to the Constitutional Court Panel to rule on the Referrals:

Judge Vidar Stensland

Judge Roumen Nenkov

Judge Romina Incutti



**Judge Ekaterina Trendafilova,
President of the Specialist Chambers**

Dated this Tuesday, 1 March 2022
At The Hague, the Netherlands