

In: KSC-CC-2022-14
Before: Constitutional Court Panel
Judge Vidar Stensland
Judge Roumen Nenkov
Judge Romina Incutt
Registrar: Dr Fidelma Donlon

Filing Participant: Specialist Counsel for Hashim Thaçi

Date: 10 March 2022
Language: English
Classification: Public

Thaçi's Joinder to the Constitutional Referral by Kadri Veseli Against "Decision on Appeals Against 'Decision on Motions Challenging the Jurisdiction of the Specialist Chambers'"

Applicant

Kadri Veseli

Counsel for Applicant

Ben Emmerson

Third Parties

Counsel for Hashim Thaçi

Gregory Kehoe

Counsel for Rexhep Selimi

David Young

Counsel for Jakup Krasniqi

Venkateswari Alagendra

I. SUBMISSIONS

1. On 28 February 2022, the Defence for Mr Kadri Veseli ("Veseli Defence") filed its *Constitutional Referral by Kadri Veseli Against "Decision on Appeals Against 'Decision on Motions Challenging the Jurisdiction of the Specialist Chambers'"* ("Veseli Referral").¹
2. The current Constitutional Panel was assigned on 1 March 2022.²
3. The Defence for Mr Hashim Thaçi ("Defence") agrees with the submissions presented in the Veseli Referral, that accused should be tried according to the law in force at the time of the impugned conduct, and are protected from the retroactive application of less favourable provisions of criminal law, and from unequal treatment before the law and discrimination in the enjoyment of fundamental rights.³
4. The Defence submits that the arguments presented in support by the Veseli Referral warrant the intervention of the Constitutional Court Panel to correct the identified errors on the part of the Pre-Trial Judge and Appeals Panel. On this basis, the Defence hereby joins the Veseli Referral, and supports the request for relief as set out therein.

¹ 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.

² KSC-CC-2022-14/F00002, Decision to Assign Judges to a Constitutional Court Panel, 1 March 2022.

³ Veseli Referral, paras. 14-91.

Word count: 212 words

Respectfully submitted,



Gregory W. Kehoe

Counsel for Hashim Thaçi

Thursday, 10 March 2022

At Tampa, United States of America