



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEĆA KOSOVA

File number: KSC-CC-2022-15

Before: The Specialist Chamber of the Constitutional Court

Judge Vidar Stensland, Presiding

Judge Roumen Nenkov

Judge Romina Incutti

Registrar: Fidelma Donlon

Date: 10 March 2022

Language: English

File name: Referral by Hashim Thaçi to the Constitutional Court Panel Concerning the Fundamental Rights to an Independent and Impartial Tribunal Established by Law and to a Reasoned Opinion

Classification: Public

Decision on the Working Language and Further Proceedings

Applicant

Hashim Thaçi

Specialist Prosecutor

Jack Smith

1. On 28 February 2022, Mr Hashim Thaçi (the “Applicant”) lodged with the Specialist Chamber of the Constitutional Court a referral, dated 28 February 2022 (the “Referral”),¹ under Article 113(7) of the Constitution of the Republic of Kosovo (the “Constitution”) and Article 49(3) of the Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (the “Law”). The Applicant is represented by Mr Gregory W. Kehoe.
2. On 1 March 2022, the President of the Specialist Chambers, pursuant to Article 33(3) of the Law, assigned the above Panel to rule on the Referral.²
3. Under Article 20 of the Law and Rule 5 of the Rules of Procedure for the Specialist Chamber of the Constitutional Court (the “Rules”), the Panel shall decide the working languages for its proceedings. The Panel notes that the Applicant has made the Referral in English. In that light, the working language of the present proceedings shall be English with official translation or interpretation provided by the Registry into the official languages of the Specialist Chambers, namely, Albanian, Serbian and English.
4. Further, the Panel notes that, pursuant to Rule 15(2) of the Rules, the Panel may request additional information or submissions, as deemed necessary, in relation to the Referral. Pursuant to Rule 15(3), any responding submissions directed by the Panel shall be filed within the time limits set by the Panel. 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”), the SPO has the authority to respond to the Referral.
5. The Panel considers it appropriate to request additional submissions in relation to the Referral. The Panel will issue a decision in this regard in due course, indicating

¹ 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, public, 28 February 2022.

² KSC-CC-2022-15, F00002, Decision to Assign Judges to a Constitutional Court Panel, public, 1 March 2022.

specific questions to the SPO and the Applicant in relation to the Referral and time limits by which the SPO and the Applicant may file their submissions on the specific questions. The Panel therefore also indicates to the SPO that it shall not respond to the Referral until the Panel has issued the said decision, which, as noted, will specify the questions and time limits for the submissions.

FOR THESE REASONS,

The Constitutional Court Panel

1. *Decides* that the working language of the present proceedings shall be English with official translation or interpretation provided by the Registry into the official languages of the Specialist Chambers, namely, Albanian, Serbian and English;
2. *Indicates* that the Panel will in due course issue a decision on additional submissions by the SPO and the Applicant in relation to the Referral and time limits for the filing of the submissions by the SPO and the Applicant.



Judge Vidar Stensland
Presiding Judge

Done in English on Thursday, 10 March 2022
At The Hague, the Netherlands