



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-CC-2022-13

Before: **The Specialist Chamber of the Constitutional Court**

Judge Vidar Stensland, Presiding

Judge Roumen Nenkov

Judge Romina Incutti

Registrar: Fidelma Donlon

Date: 1 April 2022

Language: English

File name: Referral by Jakup Krasniqi to the Constitutional Court Panel
Concerning the Legality of Charging Joint Criminal Enterprise

Classification: Public

Decision on the Time Limit for the Submissions by the Applicant

Applicant

Jakup Krasniqi

Specialist Prosecutor

Jack Smith

1. On 28 February 2022, Mr Jakup Krasniqi (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. In the Referral, the Applicant raises a constitutional complaint in relation to the criminal proceedings against him, taking place before the Specialist Chambers. The Applicant is represented by Ms Venkateswari Alagendra and Mr Aidan Ellis.

2. On 15 March 2022, the Constitutional Court Panel² invited the SPO and the Applicant to file written submissions, should they wish so to do, in relation to the Referral, addressing specific questions put by the Panel. The Panel directed the SPO to file written submissions, if any, by 29 March 2022, and the Applicant – by 5 April 2022. The Panel also directed that the SPO’s written submissions do not exceed 20 pages and the Applicant’s submissions – 15 pages.³

3. On 30 March 2022, the SPO filed its written submissions.⁴ On 31 March 2022, the Applicant requested the Panel to extend the time limit for the filing of his written submissions to 8 April 2022. The Applicant submits that: (i) the questions put by the Panel raise complex matters of admissibility while the Constitutional Chamber’s jurisprudence on these issues is, as yet, limited; (ii) the SPO’s submissions refer to a

¹ KSC-CC-2022-13, F00001, Krasniqi Defence referral to the Constitutional Court Panel on the legality of charging joint criminal enterprise, public, 28 February 2022, with Annex 1, public.

² With regard to assignment of the Constitutional Court Panel under Article 33(3) of the Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office, see KSC-CC-2022-13, F00002, Decision to assign judges to a Constitutional Court Panel, public, 1 March 2022.

³ KSC-CC-2022-13, F00005, Decision on further submissions, public, 15 March 2022.

⁴ KSC-CC-2022-13, F00006, Prosecution response to decision on further submissions in relation to Krasniqi referral (KSC-CC-2022-13/F00005), public, 29 March 2022 (filed 30 March 2022), with Annex 1, public.

complex and lengthy list of authorities; and (iii) the SPO's submissions were notified to the Applicant on 30 March 2022.⁵

4. In relation to the Applicant's request to extend the time limit, the Panel recalls that, pursuant to Rule 6(4)(a) of the Rules of Procedure for the Specialist Chamber of the Constitutional Court, the Panel may, on a showing of good cause by a participant in the proceedings, extend a time limit set by the Panel.

5. In that regard, the Panel notes that the SPO filed its submissions one day late, and that they cite to a considerable case law. In the list of authorities, the SPO has specified 49 rulings of the Kosovo Constitutional Court and of the European Court of Human Rights.⁶

6. In that light, the Panel finds it appropriate to grant the Applicant's request for the extension of time, and extend the time limit for the Applicant to file his written submissions to 8 April 2022.

FOR THESE REASONS,

The Constitutional Court Panel

1. *Grants* the Applicant's request for the extension of time; and *extends* the time limit for the Applicant to file his written submissions on the questions put by the Panel and to comment on the SPO's written submissions to **8 April 2022**;
2. *Recalls* that the Applicant's written submissions shall not exceed 15 pages; and that the Panel will disregard any unsolicited submissions.

⁵ KSC-CC-2022-13, F00007, Krasniqi defence request for a variation of the time to submit written submissions, public, 31 March 2022.

⁶ KSC-CC-2022-13, F00006/A01, Annex 1 to Prosecution response to decision on further submissions in relation to Krasniqi referral (KSC-CC-2022-13/F00005), List of authorities, public (filed 30 March 2022).



Vidar Stensland
Presiding Judge

Done in English on Friday, 1 April 2022
At The Hague, the Netherlands