



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-CC-2022-16

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Date: 19 April 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

Specialist Prosecutor's Office:

Jack Smith

Counsel for Pjetër Shala:

Jean-Louis Gilissen

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 the “Referral to the Constitutional Court Panel Concerning the Violation of Mr Shala’s Fundamental Rights Guaranteed by Article 33 of the Kosovo Constitution and Article 7 of the European Convention on Human Rights”(“Referral”).¹

I. PROCEDURAL BACKGROUND

1. On 18 October 2021, the Pre-Trial Judge issued the “Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers”, wherein he rejected, *inter alia*, Pjetër Shala’s motion “insofar as it alleges that the Accused’s constitutional rights have been violated on the basis of Article 39(1) of the Law” (“Impugned Decision”).²
2. On 11 February 2022, a Court of Appeals Panel denied the appeal against the Impugned Decision.³
3. On 14 April 2022, Mr Shala filed the Referral.

II. ASSIGNMENT

4. Pursuant to Article 33(3) of the Law, upon a referral to the Specialist Chamber of

¹ KSC-CC-2022-16/F00001, Referral to the Constitutional Court Panel Concerning the Violation of Mr Shala’s Fundamental Rights Guaranteed by Article 33 of the Kosovo Constitution and Article 7 of the European Convention on Human Rights, 14 April 2022.

² KSC-BC-2020-04/F00088, Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers, 18 October 2021, para. 104(a).

³ KSC-BC-2020-04/IA002/F00010, Decision on Pjetër Shala’s Appeal against “Decision on Motion Challenging the Establishment and Jurisdiction of the Specialist Chambers”, 11 February 2022, para. 48.

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 Referral:

Judge Vidar Stensland

Judge Roumen Nenkov

Judge Romina Incutti



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

Dated this Tuesday, 19 April 2022
At The Hague, the Netherlands