



KOSOVO SPECIALIST CHAMBERS
DHOMAT E SPECIALIZUARA TË KOSOVËS
SPECIJALIZOVANA VEÇA KOSOVA

File number: KSC-CC-2023-21

Before: The President of the Specialist Chambers
Judge Ekaterina Trendafilova

Date: 14 July 2023

Language: English

Classification: Confidential

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:

Alex Whiting

Counsel for Pjetër Shala:

Jean-Louis Gilissen

Counsel for Victims:

Simon Laws

THE PRESIDENT of the Specialist Chambers (“President”), noting 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 Articles 31, 32, and 54 of the Kosovo Constitution and Articles 6 and 13 of the European Convention on Human Rights” (“Referral”).¹

I. PROCEDURAL BACKGROUND

1. On 6 December 2022, the Trial Panel issued the “Corrected version of Decision Concerning Prior Statements given by Pjetër Shala” (“Impugned Decision”) wherein it, *inter alia*, denied Mr Pjetër Shala’s request to have his prior statements to the Belgian Federal Judicial Police in 2016 declared inadmissible in the current proceedings.²
2. On 13 December 2022, Mr Shala requested leave to appeal the Impugned Decision,³ which was granted by the Trial Panel on 24 January 2023.⁴
3. On 13 February 2023, Mr Shala appealed the Impugned Decision (“Appeal”).⁵

¹ KSC-CC-2023-21/F00001, Referral to the Constitutional Court Panel Concerning the Violation of Mr Shala’s Fundamental Rights Guaranteed by Articles 31, 32, and 54 of the Kosovo Constitution and Articles 6 and 13 of the European Convention on Human Rights, 11 July 2023 (confidential).

² KSC-BC-2020-04/F00364/COR, Corrected version of Decision Concerning Prior Statements given by Pjetër Shala, 8 December 2022 (confidential), para. 114. The original decision was filed on 6 December 2022 and a public redacted corrected version was filed on 26 January 2023.

³ KSC-BC-2020-04/F00369, Request for Leave to Appeal the Decision Concerning Prior Statements Given by Pjetër Shala, 13 December 2022.

⁴ KSC-BC-2020-04/F00401, Decision on Request for Leave to Appeal the Decision Concerning Prior Statements Given by Pjetër Shala, 24 January 2023.

⁵ KSC-BC-2020-04/IA006/F00004, Defence Appeal Against the “Decision Concerning Prior Statements Given by Pjetër Shala”, 13 February 2023.

4. On 5 May 2023, the Court of Appeals Panel granted the Appeal, in part, but nevertheless held that Mr Shala's statements given in 2016 "are not inadmissible".⁶

5. On 18 May 2023, Mr Shala filed a request for reconsideration of the Impugned Decision ("Request for Reconsideration").⁷

6. On 23 May 2023, the Trial Panel rejected the Request for Reconsideration.⁸

7. On 11 July 2023, Mr Shala filed the Referral.

II. ASSIGNMENT

8. 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.

9. 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.

III. CLASSIFICATION

10. The Referral is classified as confidential and the present decision will therefore bear the same classification in accordance with Rule 82(4) of the Rules, until it is reclassified in due course consistent with Rule 3(4) of the Rules on Assignment.

⁶ KSC-BC-2020-04/IA006/F00007, Decision on Shala's Appeal Against Decision Concerning Prior Statements, 5 May 2023, para. 109.

⁷ KSC-BC-2020-04/F00515, Defence Request for Reconsideration of the "Decision Concerning Prior Statements Given by Pjetër Shala", 18 May 2023.

⁸ KSC-BC-2020-04/F00520, Decision on the Defence Request for an Expedited Ruling on its Request for Reconsideration of the "Decision Concerning Prior Statements Given by Pjetër Shala", 23 May 2023, para. 10.

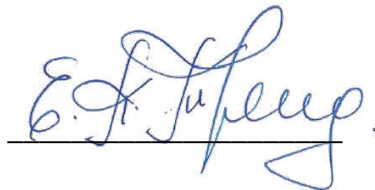
FOR THESE REASONS, THE PRESIDENT HEREBY ASSIGNS

Judge Vidar Stensland

Judge Roumen Nenkov

Judge Romina Incutti

to the Constitutional Court Panel to rule on the Referral.

A handwritten signature in blue ink, appearing to read 'E. Trendafilova', written over a horizontal line.

Judge Ekaterina Trendafilova,

President of the Specialist Chambers

Dated this Friday, 14 July 2023
At The Hague, the Netherlands