



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**File number:** KSC-CC-2023-21

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

Judge Vidar Stensland, Presiding

Judge Roumen Nenkov

Judge Romina Incutti

**Registrar:** Fidelma Donlon

**Date:** 20 July 2023

**Language:** English

**File name:** Referral by Pjetër Shala 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

**Classification:** Public

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## Decision on the Working Language and Reclassification

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**Applicant**

Pjetër Shala

**Registry**

Fidelma Donlon

**Acting Specialist Prosecutor**

Alex Whiting

**Counsel for Victims**

Simon Laws

Maria Radziejowska

1. On 10 July 2023, Mr Pjetër Shala (“Applicant”) lodged with the Specialist Chamber of the Constitutional Court (“Chamber”) a referral (“Referral”)<sup>1</sup> under Articles 31, 32, 54, and 113(7) of the Constitution of the Republic of Kosovo (“Constitution”), Article 49(3) of the Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office (“Law”), as well as Rules 4(c) and 20 of the Rules of Procedure for the Specialist Chamber of the Constitutional Court (“SCCC Rules”). The Applicant is represented by Mr Jean-Louis Gilissen, Mr Hédi Aouini and Ms Leto Cariolou.
2. On 13 July 2023, the Applicant filed a request to authorise the reclassification of the Referral from confidential to public (“Request for Reclassification”).<sup>2</sup>
3. On 14 July 2023, the President of the Specialist Chambers (“President”), pursuant to Article 33(3) of the Law, assigned the above Panel to rule on the Referral.<sup>3</sup>
4. Under Article 20 of the Law and Rule 5 of the SCCC Rules, the Panel shall decide the working languages for its proceedings. The Panel notes that the Applicant has made the Referral in English. Thus, 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.
5. In accordance with Rule 11(4) of the SCCC Rules, Rules 82 to 84 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers (“Rules”) shall apply *mutatis mutandis* to the classification of the record of proceedings and evidence before the Chamber. In this regard, the Panel observes that, pursuant to Rule 82(5) of the

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<sup>1</sup> 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, confidential, 10 July 2023.

<sup>2</sup> KSC-CC-2023-21, F00002, Defence Request to Reclassify Filing KSC-CC-2023-21/F00001 as Public, public, 13 July 2023. A corrigendum was filed on 14 July 2023, F00002/COR.

<sup>3</sup> KSC-CC-2023-21, F00003, Decision to Assign Judges to a Constitutional Court Panel, confidential, 14 July 2023.

Rules, where the basis for the classification no longer exists, whoever submitted the original filing shall apply to the Panel for reclassification. Having regard to the principle of publicity, and considering that the Referral does not contain confidential information, the Panel finds that it may be reclassified as public.

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. *Grants* the Applicant's Request for Reclassification; and
3. *Instructs* the Registrar to reclassify the Referral as public.



**Judge Vidar Stensland**  
**Presiding Judge**

Done in English on Thursday, 20 July 2023  
At The Hague, the Netherlands