



KOSOVO SPECIALIST CHAMBERS  
DHOMAT E SPECIALIZUARA TË KOSOVËS  
SPECIJALIZOVANA VEĆA KOSOVA

**File number:** KSC-CC-2023-22

**Before:** **The Specialist Chamber of the Constitutional Court**  
Judge Vidar Stensland, Presiding  
Judge Roumen Nenkov  
Judge Romina Incutti

**Registrar:** Fidelma Donlon

**Date:** 11 January 2024

**Language:** English

**File name:** Referral by Nasim Haradinaj to the Constitutional Court Panel Concerning the Haradinaj Defence Referral to the Specialist Chamber of the Constitutional Court

**Classification:** Public

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### Order on Time Limits for Submissions

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**Applicant**

Nasim Haradinaj

**Registry**

Fidelma Donlon

**Specialist Prosecutor**

Kimberly P. West

## I. BACKGROUND TO THE PROCEEDINGS

1. On 21 November 2023, Mr Nasim Haradinaj (“Applicant”) lodged with the Specialist Chamber of the Constitutional Court (“Chamber”)<sup>1</sup> a referral (“Referral”)<sup>2</sup> under Articles 31(2), 33(1) and 40 of the Constitution of the Republic of Kosovo, Article 49(3) of Law No. 05/L-053 on Specialist Chambers and Specialist Prosecutor’s Office, and 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 Toby Cadman, Ms Almudena Bernabeu and Mr John Cubbon.

2. On 27 November 2023, the Chamber rendered a decision on, *inter alia*, written submissions in relation to the Referral (“Decision on Written Submissions”),<sup>3</sup> inviting the Specialist Prosecutor’s Office (“SPO”), should it wish to do so, to file written submissions not exceeding 8000 words in relation to the Referral by 22 January 2024.<sup>4</sup> The Chamber also invited the Applicant, should he wish to do so, to file, in reply to the SPO, written submissions not exceeding 4000 words within 21 days from the filing of the written submissions from the SPO.<sup>5</sup>

3. On 27 December 2023, the Applicant submitted with the Chamber a request for the admission as evidence of a Whistleblower Complaint (“Admission of Evidence Request”).<sup>6</sup>

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<sup>1</sup> KSC-CC-2023-22, F00003, Decision to Assign Judges to a Constitutional Court Panel, 22 November 2023, confidential, reclassified as public on 28 November 2023, with Annex 1, public.

<sup>2</sup> KSC-CC-2023-22, F00001, Haradinaj Defence Referral to the Specialist Chamber of the Constitutional Court, 21 November 2023, confidential, reclassified as public on 11 December 2023.

<sup>3</sup> KSC-CC-2023-22, F00003, Decision on the Working Language, Written Submissions and Public Redacted Version of the Referral, 27 November 2023, public.

<sup>4</sup> Decision on Written Submissions, Disposition, para. 2.

<sup>5</sup> Decision on Written Submissions, Disposition, para. 3.

<sup>6</sup> KSC-CC-2023-22, F00005, Confidential Request for Admission of Whistleblower Complaint, 27 December 2023 (the filing is dated on the cover page 22 December 2023), confidential (a public redacted version was filed on 28 December 2023), with Annex 1, confidential.

4. On 5 January 2024, the SPO filed a notification noting that, in the absence of a statutory deadline, it intends to respond to the Admission of Evidence Request within its allotted time limit for submissions on the Referral (“SPO Notification”).<sup>7</sup>

5. On 8 January 2024, the Applicant submitted with the Chamber a request seeking a finding that the SPO Notification is of no legal effect (“Applicant Request”).<sup>8</sup> He claims in this regard that, pursuant to Rule 1(2) of the SCCC Rules and Rule 76 of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers, the SPO was either entitled to file a response within 10 days of the Admission of Evidence Request, or to submit an application for extension of time sufficiently in advance to enable the Chamber to rule on the application before the expiry of the time limit.<sup>9</sup>

## II. THE CHAMBER’S ASSESSMENT

6. At the outset, the Chamber informs the SPO and the Applicant that it has duly taken note of both the SPO Notification and the Applicant Request. Having carefully considered the Parties’ submissions, and mindful of Rule 15(2)-(3) of the SCCC Rules and the previous order on time limits issued in its Decision on Written Submissions, the Chamber shall not, at this juncture, preclude the SPO from responding to the Admission of Evidence Request within the time limit allocated to it for its written submissions on the Referral, namely by 22 January 2024. The Chamber also invites the Applicant, should he wish to do so, to reply to the SPO’s response on the Admission of Evidence Request within the same time limit as previously set for its replying submissions on the Referral, namely 21 days from the filing of the written submissions by the SPO. The response by the SPO, and the reply by the Applicant, if any, shall be consolidated into the same filing as their written submissions on the Referral. This

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<sup>7</sup> KSC-CC-2023-22, F00006, Notification Concerning KSC-CC-2023-22/F00005, 5 January 2024, public.

<sup>8</sup> KSC-CC-2023-22, F00007, Request Regarding Notification Concerning KSC-CC-2023-22/F00005, 8 January 2024, public.

<sup>9</sup> Applicant Request, paras 10-11.

finding is without prejudice to the Applicant Request, which shall be examined by the Chamber after it has received all the submissions by the Parties.

7. Relatedly, having regard to the additional submissions allowed to be filed, the Chamber is of the view that the SPO may exceed the word limit initially prescribed in the Decision on Written Submissions by up to 600 words. The Applicant shall also be allowed to exceed the initial word limit for its written submissions by up to 300 words.

FOR THESE REASONS,

The Constitutional Court Chamber

1. *Allows* the SPO to respond to the Admission of Evidence Request together with its written submissions on the Referral, by 22 January 2024;
2. *Invites* the Applicant, should he wish to do so, to reply to the SPO response on the Admission of Evidence Request together with its reply to the latter's written submissions on the Referral, within 21 days from the filing of the SPO's written submissions;
3. *Allows* the SPO and the Applicant to exceed the word limit initially prescribed for the responding and replying submissions on the Referral by 600 words and 300 words, respectively; and
4. *Defers* its decision on the Applicant Request until after it has received all the submissions by the Parties.



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

Done in English on Thursday, 11 January 2024  
At The Hague, the Netherlands