



REPUBLIKA E KOSOVËS - REPUBLIKA KOSOVO - REPUBLIC OF KOSOVO
GJYKATA KUSHTETUESE
USTAVNI SUD
CONSTITUTIONAL COURT

Prishtina, on 5. Septembra 2025
Ref. no. VMP 2762/25

This translation is unofficial and serves for informational purposes only.

DECISION
ON IMPOSING INTERIM MEASURE

in

Case No. KO265/25

Applicant

Igor Simić and 9 (nine) other deputies of the Assembly of the Republic of Kosovo

Constitutional review of
***“the Minutes of the sessions of the Assembly of Kosovo”*, and the decisions**
adopted in the sessions of 26 and 28 August 2025

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF KOSOVO

composed of:

Nexhmi Rexhepi, President
Safet Hoxha, Deputy President
Bajram Ljatifi, Judge
Radomir Laban, Judge
Remzije Istefi-Peci, Judge
Enver Peci, Judge, and
Jeton Bytyqi, Judge

Applicants

1. The Referral was submitted by Igor Simić, Slavko Simić, Verica Ćeranić, Zlatan Elek, Adem Hodža, Srđan Popović, Branislav Nikolić, Stefan Kovačević, Miljana Nikolić and Ljiljana Stefanović, elected deputies of the Assembly of the Republic of Kosovo (hereinafter: the

Assembly), represented by Igor Simić, an elected deputy of the Assembly (hereinafter: the Applicants).

Challenged act

2. The Applicants challenge the constitutionality of the “*Minutes of the sessions of the Assembly of Kosovo*” and the decisions adopted in the sessions of 26 and 28 August 2025 (hereinafter: the challenged acts).

Subject matter

3. The subject matter of the Referral is the constitutional review of the challenged acts for which the Applicants allege violations of Article 31 [Right to Fair and Impartial Trial], Article 24 [Equality Before the Law], paragraph 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution, and Article 6 (Right to a fair trial) of the European Convention on Human Rights (hereinafter: the ECHR), as well as incompatibility with the Judgments of the Constitutional Court KO119/14, KO124/25 and KO193/25 and KO196/25. Applicants also allege a violation of item 1 of paragraph 6 of Article 12 (Election of Deputy Presidents of the Assembly) of the Rules of Procedure of the Assembly.
4. In addition, Applicants request from the Constitutional Court of the Republic of Kosovo (hereinafter: the Court) to impose an interim measure, “*whereby the further unconstitutional actions of the President of the Assembly shall be prohibited, in order to prevent the election of an unconstitutional Government or the commencement of the time limits for the election of the Government of Kosovo, because the non-imposition of the interim measure would cause irreparable damages and would potentially lead to the formation of unconstitutional institutions, thereby undermining the legal and democratic order in Kosovo*”.

Legal basis

5. The decision regarding the imposition of an interim measure is based on paragraph 2 of Article 116 [Legal Effect of Decisions] of the Constitution of the Republic of Kosovo (hereinafter: the Constitution), on Article 27 (Interim Measures) of Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (hereinafter: the Law) and paragraph 2 of Rule 44 (Request for Interim Measures) of the Rules of Procedure No. 01/2023 of the Court (hereinafter: the Rules of Procedure).

Proceedings before the Court

6. On 30 August 2025, the Applicants submitted the Referral to the Court by electronic mail, which the latter registered on 1 September 2025.
7. On 1 September 2025, the President of the Court, by Decision [No. GJR. KO265/25], appointed Judge Enver Peci as Judge Rapporteur and by Decision [No. KSH. KO265/25] the Review Panel composed of Judges: Nexhmi Rexhepi (Presiding), Bajram Ljatifi and Remzije Istrefi-Peci (members).
8. On 3 September 2025, the Court notified about the registration of the Referral: (i) the Applicants, requesting them to specify the challenged decisions; (ii) the President of the Republic of Kosovo (hereinafter: the President), who was also notified about the possibility

to submit comments; (iii) the Ombudsperson, who was also notified about the possibility to submit comments; (iv) the Deputy Secretary General of the Assembly of the Republic of Kosovo (hereinafter: the Deputy Secretary General of the Assembly), who was requested to submit to the Court all relevant documents related to the subject matter of the contested case and to serve a copy of the Referral to all deputies of the Assembly. The deadline for the submission of the comments and relevant documents of the Assembly was set no later than 9 September 2025, while for the Applicants, the deadline for the completion of the Referral was set until 5 September 2025.

9. On 4 September 2025, the Assembly submitted to the Court the relevant documentation regarding the subject matter of the contested case, including the *“Transcript of the continuation of the Constitutive Session of the Assembly of the Republic of Kosovo, (started on 15 April 2025) on: 20, 22, 24, 26, 28 and 30 August 2025”*.
10. On the same day, the Review Panel considered the proposal of the Judge Rapporteur regarding the Applicants’ request for the imposition of an interim measure. On the same date, the Court, unanimously, decided to: (i) impose *ex officio* and upon the Applicants’ request an interim measure whereby any action of elected deputies of the Assembly of the Republic of Kosovo, as well as any procedure related to the formation of the Government, is prohibited; (ii) order that the interim measure enters into force on 4 September 2025, with a duration until 30 September 2025; (iii) notify this Decision to the parties; (iv) publish this Decision in the Official Gazette, in compliance with paragraph 4 of Article 20 of the Law; and (v) hold that the Decision enters into force on 4 September 2025.

Summary of facts

11. The Court initially emphasizes that Applicants’ Referral is related to the previous referrals submitted to the Court concerning the Constitutive Session of the IX Legislature of the Assembly (hereinafter: the Constitutive Session), namely Referral KO124/25, with Applicant *Time Kadrijaj and 10 (ten) other deputies of the Assembly* and the joined referrals no. KO193/25 and KO196/25, with Applicants: KO193/25, *Memli Krasniqi and 12 (twelve) other deputies of the Assembly*; and KO196/25, *Hykmete Bajrami and 10 (ten) other deputies of the Assembly*.
12. In what follows, and to the extent relevant to the circumstances of the present referrals, the Court will reflect the findings of the Court in the aforementioned cases.
13. On 26 June 2025, the Court, by Judgment in case KO124/25, held that:
 - (i) The Constitutive Session of the Assembly, which began on 15 April 2025, has not been concluded and, as a result of the failure to elect the President and the Deputy Presidents of the Assembly of the Republic of Kosovo, it has not been conducted in accordance with the provisions and requirements of paragraph 1 of Article 66 [Election and Mandate] of the Constitution; and
 - (ii) The elected deputies of the Assembly, in applying paragraph 1 of Article 66 [Election and Mandate] in conjunction with Article 67 [Election of the President and Deputy Presidents], Article 70 [Mandate of Deputies] and Article 74 [Exercise of Function] of the Constitution of the Republic of Kosovo, Chapter IV of the Rules of Procedure of the Assembly of the Republic of Kosovo and in accordance with the Judgment, must, as soon as possible and no later than 30 (thirty) days, conclude the Constitutive Session of the Assembly by electing its President and Deputy Presidents. (see the operative part of the

Judgment of the Court, case KO124/25, with Applicant *Time Kadrijaj and 10 (ten) other deputies of the Assembly of the Republic of Kosovo*, Constitutional review of the “*Decision of the Assembly of Kosovo to refuse the establishment of the Committee for secret ballot, as well as all other decisions of the same nature taken in the previous and subsequent sessions on the same matter, contained in the document entitled ‘transcript of the constitutive meeting of the Assembly of the Republic of Kosovo, held on 15, 17, 19, 21, 23, 25, 27, 29 April, 1, 3 and 5 May 2025’.*”)

14. On 7 August 2025, the Court, by Judgment in cases KO193/25 and KO196/25, held that:

(i) the elected deputies of the Assembly of the Republic of Kosovo did not implement the Judgment of 26 June 2025 of the Constitutional Court of the Republic of Kosovo in case KO124/25, and, consequently, all sessions held from 27 June to 26 July 2025 are declared invalid;

(ii) the Chairperson of the Constitutive Session of the Assembly of the Republic of Kosovo did not act in compliance with the Judgment of the Constitutional Court of the Republic of Kosovo in case KO124/25, of 26 June 2025 and, consequently, his actions are incompatible with paragraph 1 of Article 116 [Legal Effect of Decisions] of the Constitution of the Republic of Kosovo;

and ordered that:

(iii) the Chairperson of the Constitutive Session of the Assembly of the Republic of Kosovo shall proceed with item 3 of the agenda of the Constitutive Session, approved on 8 April 2025, and, in compliance with paragraph 2 of Article 67 [Election of the President and Deputy Presidents] of the Constitution of the Republic of Kosovo, shall call the representative of the largest parliamentary group to propose the candidate for President of the Assembly of the Republic of Kosovo, who shall be elected through open ballot, a vote which may be held only up to three (3) times for the same candidate;

(iv) all elected deputies of the Assembly of the Republic of Kosovo, in compliance with Article 4 [Form of Government and Separation of Power], Article 7 [Values] and Article 74 [Exercise of Function] of the Constitution of the Republic of Kosovo, shall be present and vote during the procedure for the election of the President and Deputy Presidents of the Assembly of the Republic of Kosovo;

(v) the elected deputies of the Assembly of the Republic of Kosovo, in compliance with paragraphs 2, 3 and 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution of the Republic of Kosovo, shall elect the President and Deputy Presidents of the Assembly of the Republic of Kosovo according to items 3 and 4 of the agenda of the Constitutive Session within 30 (thirty) days from the day of entry into force of this Judgment;

15. On 18 August 2025, the Judgment of the Court in cases KO193/25 and KO196/25 entered into force.

16. On 20 August 2025, the Constitutive Session of the Assembly, commenced on 15 April 2025 and interrupted on 26 July 2025 as a result of the imposition of an interim measure by the Court, continued. Present at the session were 116 (one hundred and sixteen) deputies. The Chairperson of the Constitutive Session, after reiterating the findings of the Judgment of the Court, requested from the representative of Lëvizja Vetëvendosje! (hereinafter: Lëvizja LVV!) to propose the candidate for President of the Assembly of the Republic of Kosovo, whereupon the latter proposed deputy Albulena Haxhiu. The proposal of Lëvizja LVV! did

not pass because it received 57 (fifty-seven) votes in favor, 56 (fifty-six) against, and 3 (three) abstentions.

17. On the same date, the Chairperson of the Constitutive Session requested from the representative of Lëvizja LVV! to propose the candidate for President of the Assembly of the Republic of Kosovo, whereupon the latter proposed deputy Donika Gërvalla-Schwarz. The proposal of Lëvizja LVV! did not pass because it received 56 (fifty-six) votes in favor, 56 (fifty-six) against, and 3 (three) abstentions. After the voting, the session was adjourned.
18. On 22 August 2025, the Constitutive Session of the Assembly continued, where 115 (one hundred and fifteen) deputies were present. The Chairperson of the Constitutive Session requested from the representative of Lëvizja LVV! to propose the candidate for President of the Assembly of the Republic of Kosovo, whereupon the latter proposed deputy Hekuran Murati. The proposal of Lëvizja LVV! did not pass because it received 57 (fifty-seven) votes in favor, 52 (fifty-two) against, and 6 (six) abstentions. After the voting, the session was adjourned.
19. On 24 August 2025, the Constitutive Session of the Assembly continued, where 106 (one hundred and six) deputies were present. The Chairperson of the Constitutive Session requested from the representative of Lëvizja LVV! to propose the candidate for President of the Assembly of the Republic of Kosovo, whereupon the latter proposed deputy Hekuran Murati. The proposal of Lëvizja LVV! did not pass because it received 55 (fifty-five) votes in favor, 46 (forty-six) against, and 5 (five) abstentions.
20. On the same date, the Chairperson of the Constitutive Session requested from the representative of Lëvizja LVV! to propose the candidate for President of the Assembly of the Republic of Kosovo, whereupon the latter proposed deputy Arbërie Nagavci. The proposal of Lëvizja LVV! did not pass because it received 55 (fifty-five) votes in favor, 47 (forty-seven) against, and 4 (four) abstentions.
21. On the same date, the Chairperson of the Constitutive Session requested from the representative of Lëvizja LVV! to propose the candidate for President of the Assembly of the Republic of Kosovo, whereupon the latter proposed deputy Dimal Basha. The proposal of Lëvizja Vetëvendosje! did not pass because it received 57 (fifty-seven) votes in favor, 25 (twenty-five) against, and 24 (twenty-four) abstentions. After the voting, the session was adjourned.
22. On 26 August 2025, the Constitutive Session of the Assembly continued, where 115 (one hundred and fifteen) deputies were present. The Chairperson of the Constitutive Session requested from the representative of Lëvizja LVV! to propose the candidate for President of the Assembly of the Republic of Kosovo, whereupon the latter proposed deputy Dimal Basha. The proposal of Lëvizja Vetëvendosje! passed because it received 73 (seventy-three) votes in favor, 30 (thirty) against, and 3 (three) abstentions.
23. Accordingly, the Assembly by Decision [no. 09-V-015] elected deputy Dimal Basha as the President of the Assembly. He took over the chairing of the Constitutive Session, which he interrupted for a one-hour break.
24. On the same date, after the break, the elected President of the Assembly continued the Constitutive Session with respect to item four of the agenda, namely, the election of the Deputy Presidents of the Assembly. Present at the session were 110 (one hundred and ten)

deputies. The elected President of the Assembly, after referring to paragraph 3 of Article 67 of the Constitution and paragraphs 2 and 3 of Article 12 of the Rules of Procedure of the Assembly, and after holding that: “*There is consensus among the representatives of the three largest parliamentary groups to proceed with voting as a package*”, requested from the representatives of the largest parliamentary groups that represent the majority community, namely, Lëvizja LVV!, the Democratic Party of Kosovo (hereinafter: PDK) and the Democratic League of Kosovo (hereinafter: LDK), to propose the candidates for Deputy Presidents of the Assembly of the Republic of Kosovo, whereupon the latter proposed the deputies: Albulena Haxhiu, Vlora Çitaku and Kujtim Shala. The proposals for the Deputy Presidents of the Assembly representing the majority community passed by being voted as a package, because they received 101 (one hundred and one) votes in favor, none against and 9 (nine) abstentions.

25. On the same date, the elected President of the Assembly continued the Constitutive Session with respect to the election of the Deputy Presidents of the Assembly who represent the non-majority communities. After referring to paragraph 4 of Article 67 of the Constitution and paragraph 4 of Article 12 of the Rules of Procedure of the Assembly, the elected President of the Assembly took the following actions:
 - (i) invited the representative of the deputies of the non-Serb non-majority community to propose the Deputy President of the Assembly of the Republic of Kosovo, whereupon the latter proposed, by rotation, deputy Emilia Redžepi from 26 August 2025 to 26 December 2026, deputy Fidan Jilta from 26 December 2026 to 26 June 2027, as well as deputy Artan Asllani from 26 June 2027 until the end of the mandate, and requested that the vote for the Deputy President from the non-Serb non-majority communities be held separately from the other Deputy President from the Serb non-majority community;
 - (ii) invited the representative of the deputies of the Serb non-majority community to propose the Deputy President of the Assembly of the Republic of Kosovo, whereupon the latter proposed deputy Slavko Simić;
 - (iii) established that there is no “*consensus to proceed with voting as a package for the non-majority communities*” and gave the floor to deputy Nenad Rašić upon his request, who nominated himself as a candidate for Deputy President representing the Serb non-majority community;
 - (iv) finally established that: “*there is incompatibility to proceed with voting as a package, consequently, as the President of the Assembly I propose that the vote for the non-majority communities be held separately*”, and thereafter requested from the 110 (one hundred and ten) deputies present to vote on the candidate proposed by the non-Serb non-majority community, which proposal passed because it received 73 (seventy-three) votes in favor, 1 (one) against and 23 (twenty-three) abstentions;
 - (v) requested from the 108 (one hundred and eight) deputies present to vote on the candidate proposed by the Serb non-majority community, which proposal did not pass because it received 10 (ten) votes in favor, 55 (fifty-five) against and 23 (twenty-three) abstentions;

- (vi) again invited the representative of the deputies of the Serb non-majority community to propose the Deputy President of the Assembly of the Republic of Kosovo, whereupon the latter proposed deputy Slavko Simić, and emphasized that the Deputy President representing this community may be proposed only by the majority of the deputies who represent the Serb community in the Assembly. This proposal did not pass because it received 10 (ten) votes in favor, 56 (fifty-six) against and 21 (twenty-one) abstentions;
- (vii) again invited the representative of the deputies of the Serb non-majority community to propose the Deputy President of the Assembly of the Republic of Kosovo, whereupon the latter proposed deputy Slavko Simić, and emphasized that the elected President of the Assembly had violated the Rules of Procedure of the Assembly when he separated the vote for the Deputy President from the other non-Serb non-majority communities. This proposal did not pass because it received 10 (ten) votes in favor, 56 (fifty-six) against and 21 (twenty-one) abstentions.
- (viii) again invited the representative of the deputies of the Serb non-majority community to propose the Deputy President of the Assembly of the Republic of Kosovo but not to repeat the candidate Slavko Simić, given that based on the Judgment of the Constitutional Court the same candidate may be proposed only three times, and emphasized that no debate is allowed in the Constitutive Session. Nevertheless, the latter took the floor and emphasized that by not putting to vote their proposal, the elected President of the Assembly had violated the Rules of Procedure of the Assembly and that he is not competent to interpret the decisions of the Constitutional Court;
- (ix) invited two more times the representative of the deputies of the Serb non-majority community to propose another name for the Deputy President of the Assembly of the Republic of Kosovo, with the warning that in case of non-proposal of a candidate, based on paragraph 7 of Article 12 of the Rules of Procedure of the Assembly, the proposal of candidates shall be done by lot. Nevertheless, the latter insisted on the same candidate and on the right of his political entity to propose the Deputy President and requested a one-hour consultation for the sake of constructiveness;
- (x) invited the representatives of the parliamentary groups to the rostrum for a short consultation, and after establishing that the Serb List refused to propose another candidate, continued the Constitutive Session by drawing lots based on paragraph 7 of Article 12 of the Rules of Procedure of the Assembly, in which procedure the Serb List refused to participate. According to the lot procedure, the voting failed twice for the candidate Verica Ćeranić with the result of no vote in favor, 50 (fifty) votes against and 20 (twenty) abstentions, whereas once for the candidate Stefan Kovačević, with the result of no vote in favor, 48 (forty-eight) votes against and 19 (nineteen) abstentions. Deputy Ljiljana Stefanović refused to be a candidate, as did deputy Verica Ćeranić, who for the third time refused to be nominated. Consequently, the elected President of the Assembly eliminated these two candidates from the race. Whereas, the next candidate according to the lot was deputy Nenad Rašić, for whom the voting also failed with the result, out of 95 (ninety-five) deputies present, 55 (fifty-five) votes in favor, 1 (one) vote against and 17 (seventeen) abstentions;

- (xi) adjourned the Constitutive Session until 28 August 2025, at 11:00 hrs.
26. On 28 August 2025, the elected President of the Assembly continued the Constitutive Session with respect to the election of the Deputy President of the Assembly who represents the Serb non-majority community, by drawing lots based on paragraph 7 of Article 12 of the Rules of Procedure of the Assembly. According to the drawing-lots procedure:
- (i) The voting for deputy Branislav Nikolić failed three times with the following result:
 - 1. The first time, where 107 (one hundred and seven) deputies were present, no vote in favor, 55 (fifty-five) votes against and 25 (twenty-five) abstentions;
 - 2. The second time, no vote in favor, 54 (fifty-four) votes against and 15 (fifteen) abstentions;
 - 3. The third time, no vote in favor, 54 (fifty-four) votes against and 15 (fifteen) abstentions;
 - (ii) The voting for deputy Zlatan Elek failed three times with the following result:
 - 1. The first time, where 107 (one hundred and seven) deputies were present, no vote in favor, 54 (fifty-four) votes against and 19 (nineteen) abstentions;
 - 2. The second time, where 98 (ninety-eight) deputies were present, no vote in favor, 54 (fifty-four) votes against and 19 (nineteen) abstentions;
 - 3. The third time, no vote in favor, 55 (fifty-five) votes against and 19 (nineteen) abstentions;
 - (iii) The voting for deputy Stefan Kovačević failed twice with the following result:
 - 1. The first time, no vote in favor, 53 (fifty-three) votes against and 19 (nineteen) abstentions;
 - 2. The second time, no vote in favor, 55 (fifty-five) votes against and 15 (fifteen) abstentions;
 - (iv) The voting for deputy Srđan Popović failed three times with the following result:
 - 1. The first time, 54 (fifty-four) votes against and 19 (nineteen) abstentions;
 - 2. The second time, no vote in favor, 55 (fifty-five) votes against and 15 (fifteen) abstentions;
 - 3. The third time, no vote in favor, 52 (fifty-two) votes against and 15 (fifteen) abstentions;
 - (v) The voting for deputy Igor Simić failed with the result of no vote in favor, 55 (fifty-five) votes against and 18 (eighteen) abstentions;
 - (vi) The voting for deputy Nenad Rašić failed with the result of 56 (fifty-six) votes in favor, 1 (one) against and 20 (twenty) abstentions;
27. On the same date, after establishing that deputies Branislav Nikolić, Zlatan Elek, Stefan Kovačević and Srđan Popović were eliminated from the race as a result of the voting having failed three times, the elected President of the Assembly adjourned the Constitutive Session, proposing that consultations continue among the parliamentary groups for the voting of deputy Nenad Rašić, who, according to the results, had a greater chance of being elected.
28. On 30 August 2025, the elected President of the Assembly continued the Constitutive Session with respect to the election of the Deputy President of the Assembly who represents the Serb non-majority community, by drawing lots based on paragraph 7 of Article 12 of the Rules of Procedure of the Assembly. According to the drawing-lots procedure, in which the deputies of the Serb List refused to participate:

- (i) The voting for deputy Miljana Nikolić failed three times with the same result as follows, no vote in favor, 52 (fifty-two) votes against and 24 (twenty-four) abstentions;
 - (ii) The voting for deputy Nenad Rašić failed with the result of 56 (fifty-six) votes in favor, none against and 21 (twenty-one) abstentions;
 - (iii) The voting for deputy Igor Simić failed twice with the same result as follows, no vote in favor, 54 (fifty-four) votes against and 22 (twenty-two) abstentions.
29. From the transcript of the meeting of the Constitutive Session held on 30 August 2025, it results that the elected President of the Assembly, after establishing that deputies Miljana Nikolić, Nenad Rašić and Igor Simić were eliminated from the race as a result of the voting having failed three times, and considered that, since all attempts had been exhausted to obtain the votes needed for a total of 8 (eight) candidates of the deputies from the Serb non-majority community, and the refusal of two female deputies to be candidates, item four of the agenda of the Constitutive Session with respect to the election of the Deputy Presidents from the non-majority communities had been exhausted. The same concluded the proceedings of the Constitutive Session with the reasoning that: *“In the name of the functionalization of the Assembly and the materialization of the election result of 9 February 2025, I consider that the non-election of one of the five Deputy Presidents or one of the six members of the Presidency cannot become an impediment that blocks the constituting of the Assembly of the Republic of Kosovo”,* and emphasized that: *“After the conclusion of the constitutive session, I consider that the Assembly of our Republic should continue its work as provided by the Constitution, whereas as to how to proceed further in relation to our work as the Assembly, I consider that I will consult the members already elected of the Presidency of the Assembly, at the meeting that will be held in Office C-301 on Monday, at 13:00 hrs.”*

Applicants’ allegations

30. The Applicants challenge the constitutionality of the *“Minutes of the sessions of the Assembly of Kosovo”* and of the decisions adopted in the sessions of 26 and 28 August 2025. More precisely, they challenge: (i) *“the procedure conducted for the election of Deputy President for the Assembly of Kosovo from the non-majority communities dated 26.08.2025”*; (ii) *“the decision on the election of Deputy President Emilija Redžepi from the non-Serb non-majority community, namely the other communities in Kosovo that are not in the majority”* and (iii) *“the continuation of the session and the attempt to elect the Deputy President from the Serb non-majority community, as well as the entire procedure conducted for the election of the Deputy President from the non-majority communities in Kosovo and all decisions of the Assembly adopted in the sessions of 26.08.2025 and 28.08.2025”*, alleging that the elected President of the Assembly, by not inviting the representatives of the Serb non-majority community to propose the Deputy President from the Serb non-majority community, violated paragraph 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution and item 1 of paragraph 6 of Article 12 (Election of Deputy Presidents of the Assembly) of the Rules of Procedure of the Assembly, and acted in contradiction with the enacting clause of the Judgments of the Constitutional Court KO119/14, KO124/25 and KO193/25 and KO196/25, as well as with the right to legal certainty, thereby also violating Article 31 [Right to Fair and Impartial Trial] of the Constitution of Kosovo in conjunction with Article 6 (Right to a fair trial) of the European Convention on Human Rights (hereinafter: the ECHR).

31. In the context of the separation of the procedure for voting on the Deputy Presidents from the non-majority communities, namely those Serb and non-Serb, Applicants allege that paragraph 4 of Article 6 of the Constitution as well as paragraph 6 of the Rules of Procedure of the Assembly have been violated, because according to him, *“[...] the election of the Deputy President is conducted in a single procedure with the aim of ensuring efficiency and the protection of minority rights [...].”*, in compliance with *“[...] the principles of inclusiveness and equality, without the possibility of a selective division that enables manipulation by the majority.”*
32. Applicants also allege that the elected President of the Assembly, by bypassing the proposal of the largest representative of the political entity that represents the Serb community, violated Article 24 [Equality Before the Law] of the Constitution in conjunction with Article 14 (Prohibition of discrimination) of the ECHR, with the reasoning that: *“[...] he acted differently in the same or similar situations when it was a matter of the election of the three Deputy Presidents from the Albanian community of Kosovo”*, and that in this context, according to him, without reason he conducted the drawing of lots based on paragraph 7 of Article 12 of the Rules of Procedure of the Assembly, in contradiction with paragraph 4 of Article 67 of the Constitution as well as item 1 of paragraph 6 of Article 12 of the Rules of Procedure of the Assembly.
33. In this regard, the same also considers that: *“[...] the winner of the elections from the Serb community must have the exclusive right to propose the Deputy President for the Serb community, just as the winner of the elections has the exclusive right to propose the President of the Assembly from the Albanian community. Moreover, we consider that if the proposer from the Albanian community has the right to 48-hour breaks and to consultations, the other communities must also have the same right”*.
34. Furthermore, Applicants also state in their Referral that: *“It is normal that if the political entity Vetëvendosje has won the largest number of mandates from among the Albanian political entities and has the exclusive right to propose the President of the Assembly, which has been established by the judgments of the Constitutional Court, then it is impossible to deny the same right to the political entity that won the largest number of votes from the Serb community when it comes to the position of the Deputy President from the Serb community, because this undermines the principles of proportional representation and the protection of minorities.”*
35. Finally, Applicants request from the Court that:
 - “1. To accept the Referral as grounded because, in compliance with Article 113 paragraph 5, it is submitted by ten deputies against the decision of the Assembly on the separation of the voting for the Deputy Presidents from the non-majority communities.*
 - 2. To hold that the President of the Assembly has violated Article 67 paragraph 4 of the Constitution and Article 12 paragraph 6 item 1 of the Rules of Procedure of the Assembly, as well as that he has acted in contradiction with the enacting clause of the Judgments of the Constitutional Court KO119/14, KO124/25 and KO193/25 and KO196/25.*
 - 3. To hold that the President of the Assembly has exceeded his competencies and that he, in contradiction with the Constitution and the Rules of Procedure of the Assembly, first invited the other non-majority communities to make the proposal, even though in the Constitution and the Rules of Procedure of the Assembly it is clearly prescribed that the first proposal from the non-majority communities is submitted by the Serb community.*

4. To hold that the President of the Assembly has exceeded his competencies and that he, in contradiction with the Constitution and the Rules of Procedure of the Assembly, separated the voting for the Deputy Presidents of the Assembly from the non-majority communities, even though, in compliance with the Constitution, the Rules of Procedure of the Assembly and the practice to date of the Assembly, as well as the enacting clause of the Judgments of the Constitutional Court, it must be conducted as a single vote, namely a unified vote for the two Deputy Presidents from the non-majority communities.
5. To hold that the election of the Deputy President from the non-Serb non-majority community is unconstitutional because it was conducted in contradiction with Article 67 paragraph 4 of the Constitution and Article 12 paragraph 6 item 1 of the Rules of Procedure of the Assembly, as well as that he has acted in contradiction with the enacting clause of the Judgments of the Constitutional Court KO119/14, KO124/25 and KO193/25 and KO196/25.
6. To order the President of the Assembly to effect restoration to the previous situation, whereby the unconstitutional actions of the President of the Assembly described above shall be annulled.
7. To order that, in compliance with legal certainty, the procedure of voting for the Deputy Presidents from the non-majority communities be repeated in a unified vote. [...].”

Request for interim measure

36. Applicants request from the Court that: “8. Taking into account the public interest, to impose an interim measure, whereby the further unconstitutional actions of the President of the Assembly shall be prohibited, in order to prevent the election of an unconstitutional Government or the commencement of the time limits for the election of the Government of Kosovo, because the non-imposition of the interim measure would cause irreparable damages and would potentially lead to the formation of unconstitutional institutions, thereby undermining the legal and democratic order in Kosovo.”

Assessment regarding the request for interim measures

37. For the purpose of assessing Applicants’ request for interim measures, the Court first recalls the constitutional basis on which the relevant request was submitted to the Court.
38. In this regard, the Court refers to paragraph 1 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution, which provides that “The Constitutional Court decides only on matters referred to the court in a legal manner by authorized parties”.
39. In addition, the Court also refers to paragraph 5 of Article 113 of the Constitution, which provides:

“Ten (10) or more deputies of the Assembly of Kosovo, within eight (8) days from the date of adoption, have the right to contest the constitutionality of any law or decision adopted by the Assembly as regards its substance and the procedure followed”.
40. The Court also refers to paragraph 2 of Article 116 [Legal Effect of Decisions] of the Constitution, which provides

“[...]

2. While a proceeding is pending before the Constitutional Court, the Court may temporarily suspend the contested action or law until the Court renders a decision if the Court finds that application of the contested action or law would result in unrecoverable damages.

[...].”

41. Furthermore, the Court also refers to Article 27 (Interim Measures) of the Law, which provides:

“1. The Constitutional Court ex-officio or upon the referral of a party may temporarily decide upon interim measures in a case that is a subject of a proceeding, if such measures are necessary to avoid any risk or irreparable damages, or if such an interim measure is in the public interest”.

42. The Court also recalls paragraph 1 of Rule 44 (Request for interim measures) of the Rules of Procedure, which provides:

“(1) At any time, as long as the Court has not rendered a decision on a referral, any party may request the imposition of interim measures regarding the issue that is a subject of the procedure before it, as stipulated by Article 27 (Interim Measures) of the Law.

[...]

(3) The request for interim measures must be submitted in writing, it must describe the facts related to the request, the arguments in support of the request, the measures requested and the reasonably foreseeable consequences if the request is not granted. The party requesting interim measures may attach to the request other documents and evidence that are relevant and support the request.

[...]”

43. Finally, the Court recalls Rule 45 (Decision-making Regarding the Request for Interim Measure) of the Rules of Procedure, which specifies:

“(1) If the Judge Rapporteur appointed for the referral deems necessary to address the request for interim measure separately from the basic referral, he/she shall prepare a special report regarding the admissibility of the request for interim measure, within a reasonable period.

[...]

(4) The Review Panel shall recommend the approval in whole or in part of the request for interim measure, if it finds that:

(a) irreparable harm or damages will be avoided if the interim measure is granted; or

(b) the interim measure is in the public interest.

[...]”

44. The Court recalls that the Judgment of the Court in case KO193/25 and KO196/25 entered into force on 18 August 2025, which, inter alia, determined that: *“the elected deputies of the Assembly of the Republic of Kosovo, in accordance with paragraphs 2, 3 and 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution of the Republic of Kosovo, to elect the President and its Deputy Presidents of the Assembly of the Republic of Kosovo pursuant to items 3 and 4 of the agenda of the Constitutive Session within 30 (thirty) days of the date of entry into force of this Judgment”*.
45. From the facts elaborated above, it results that the Constitutive Session as a constitutional act, which must be successfully completed within 30 (thirty) days from the date of the official announcement of the election results, through the fulfillment of all essential elements of the constitution of the Assembly, for the purpose of implementing the judgment in cases KO193/25 and KO196/25, was continued on 20, 22, 24, 26, 28 and 30 August 2025. In this regard, the Court notes that the deadline for the conclusion of the Constitutive Session according to the aforementioned Judgment of the Court is 17 September 2025.
46. The Court also notes that on 30 August 2025, the elected President of the Assembly, having established that the deputies Miljana Nikolić, Nenad Rašić and Igor Simić were eliminated from the race due to the failure to be voted three times, and considered that, having exhausted all attempts to obtain the necessary votes for a total of 8 (eight) candidates for deputies from the non-majority Serb community, and the refusal of two deputies to run, the fourth item on the agenda of the Constitutive Session regarding the election of Deputy Presidents from the non-majority communities had been exhausted.
47. In the circumstances of the concrete case, the Court emphasizes that Applicants challenge the decisions and actions taken during the sessions held on 26 and 28 August 2025, namely: (i) *“the procedure conducted for the election of the Deputy Presidents of the Assembly of Kosovo from the non-majority communities on 26.08.2025”*; (ii) *“the decision to elect Deputy President Emilija Redžepi from the non-majority non-Serb community, namely other communities in Kosovo that are not in the majority”* and (iii) *“the continuation of the session and the attempt to elect the Deputy President from the non-majority Serb community, as well as the entire procedure conducted for the election of the Deputy President from the non-majority communities in Kosovo, as well as all decisions of the Assembly adopted in the sessions of 26.08.2025 and 28.08.2025”*, alleging that the elected President of the Assembly, by not inviting representatives of the non-majority Serb community to propose the Deputy President from the non-majority Serb community, has violated paragraph 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution and point 1 of paragraph 6 of Article 12 (Election of Deputy Presidents of the Assembly) of the Rules of Procedure of the Assembly, and has acted in violation of the enacting clause of the Constitutional Court judgments KO119/14, KO124/25 and KO193/25 and KO196/25, as well as the right to legal certainty, thus violating Article 31 [Right to a Fair and Impartial Trial] of the Constitution in conjunction with Article 6 of the ECHR, as well as the right to equality before the law guaranteed by Article 24 [Equality before the Law] of the Constitution in conjunction with Article 14 of the ECHR.
48. Whereas, regarding the request for the imposition of an interim measure, the Court notes that Applicants request the Court: *“8. To impose, taking into account the public interest, an interim measure, which will prohibit further unconstitutional actions of the President of the Assembly, in order to prevent the unconstitutional Government from being elected or the deadlines for the election of the Government of Kosovo from starting to run, because*

the failure to impose an interim measure would cause irreparable damage and potentially lead to the formation of unconstitutional institutions, thus violating the legal and democratic order in Kosovo”.

49. From the transcript of the session of 30 August 2025, the Court notes that, the elected President of the Assembly concluded the proceedings of the Constitutive Session, with the reasoning that *“In the name of the functionalization of the Assembly and the materialization of the election result of 9 February 2025, I consider that the failure to elect one of the five Deputy Presidents or one of the six members of the Presidency cannot become an obstacle blocking the constitution of the Assembly of the Republic of Kosovo”.* In this context, the Court emphasizes that the conclusion of the Constitutive Session paves the way for the establishment of other institutions after the general elections, such as the election of the Government of the Republic of Kosovo in accordance with Article 95 [Election of the Government] of the Constitution.
50. In this regard, based on the aforementioned provisions of the Constitution, the Law and the Rules of Procedure, an interim measure may be imposed *ex officio* or upon the referral of applicants *“in a case that is a subject of a proceeding, if such measures are necessary to avoid any risk or irreparable damages, or if such an interim measure is in the public interest”.*
51. Based on its case-law, the Court underlines that the establishment of state institutions, such as the highest representative body of the sovereign after the announcement of the election results, which is the primary responsibility of the elected deputies, must be in accordance with the Constitution. Given that Applicants’ claims essentially relate to the constitutionality of the decisions taken and actions undertaken during the Constitutive Session, as a constitutional act, the Court considers that the claims and facts presented by Applicants raise constitutional issues related to the establishment of state institutions after the elections to the Assembly.
52. Having said this, the Court considers that without assessing the above-mentioned allegations of Applicants in the case before it, it is necessary to stop all further actions towards the election of the Government and the continuation of the work of the Assembly, in order not to violate the legal and democratic order in the Republic of Kosovo.
53. In the above-mentioned context, the Court considers that the prohibition of all decisions and actions of elected deputies of the Assembly, as well as any further procedure for the formation of the Government, may *“avoid risks or irreparable damage”* related to the establishment of state institutions and the issuance of decisions contrary to the Constitution. Furthermore, the Court considers that, within the meaning of the provisions of Article 27 of the Law, there are circumstances of *“public interest”* that include the safeguarding of the constitutional order of the Republic of Kosovo.
54. Consequently, the Court, in light of the above clarifications, considers that the request of Applicants for interim measures should be approved, because it serves the *“avoidance of risks or irreparable damage”* and is in the *“public interest”*.
55. The Court, finally, reiterates that the approval of the interim measure until 30 September 2025 does not in any way prejudice the merits of the Referral.

FOR THESE REASONS

The Constitutional Court of the Republic of Kosovo, pursuant to Article 116 (2) of the Constitution, Article 27 of the Law and Rules 44, 45, 46 (2) and 48 (1) (d) of the Rules of Procedure, on 4 September 2025, unanimously

DECIDES

- I. TO IMPOSE *ex officio* and upon the referral of Applicants the interim measure prohibiting any action of elected deputies of the Assembly of the Republic of Kosovo, as well as any procedure regarding the formation of the Government;
- II. TO ORDER that the interim measure shall enter into force on 5 September 2025, for the duration until 30 September 2025;
- III. TO NOTIFY this Decision to the parties;
- IV. TO PUBLISH this Decision in the Official Gazette, in accordance with paragraph 4 of Article 20 of the Law;
- V. This Decision shall enter into force on 5 September 2025.

Judge Rapporteur

President of the Constitutional Court

Enver Peci

Nexhmi Rexhepi