



REPUBLIKA E KOSOVËS - REPUBLIKA KOSOVO - REPUBLIC OF KOSOVO

**GJYKATA KUSHTETUESE  
USTAVNI SUD  
CONSTITUTIONAL COURT**

Prishtina, on 8 October 2025  
Ref. no. AGJ 2815/25

**This translation is unofficial and serves for informational purposes only**

## **JUDGMENT**

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 issued  
within the framework of the Constitutive Session on 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).

## **Contested act**

2. The Applicants contest 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 contested acts).

## **Subject matter**

3. The subject matter of the Referral is the constitutional review of the contested 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 in cases 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, the 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 Referral has been filed based on paragraph 5 of Article 113 [Jurisdiction and Authorized Parties] and paragraph 2 of Article 116 [Legal Effect of Decisions] of the Constitution, Articles 22 (Processing Referrals), 27 (Interim Measures), 42 (Accuracy of the Referral) and 43 (Deadline) of the Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (hereinafter the Law) and Rules 25 (Filing of Referrals and Replies), 44 (Request for Interim Measures) and 72 (Referral pursuant to Article 113.5 of the Constitution and Articles 42 and 43 of the Law) 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 Court 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 contested 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 Deputy Secretary General of the Assembly submitted the following documentation to the Court:
  - (i) Proposal of 9 (nine) deputies of the Serb List for the candidate for Deputy President of the Assembly of Kosovo, no. 09/049/Do-030, of 26 August 2025;
  - (ii) Proposal of 7 (seven) deputies from the ranks of the deputies of other communities that are not in the majority for the candidate for Deputy President of the Assembly of Kosovo, no. 09/050/Do-031, of 26 August 2025;
  - (iii) Announcement of the deputy Nenad Rašić for Deputy President of the Assembly of Kosovo, from the ranks of deputies of the Serb community, no. 09/051/Do-032, of 26 August 2025;
  - (iv) Decision of the Assembly on the non-election of deputy Albulena Haxhiu, as President of the Assembly of the Republic of Kosovo, no. 09-V-009, of 20 August 2025;
  - (v) Decision of the Assembly on the non-election of deputy Donika Gërvalla-Schwarz, as President of the Assembly of the Republic of Kosovo, no. 09-V-010, of 20 August 2025;
  - (vi) Decision of the Assembly on the non-election of deputy Hekuran Murati, Speaker of the Assembly of the Republic of Kosovo, no. 09-V-011, dated 22 August 2025;
  - (vii) Decision of the Assembly on the non-election of deputy Hekuran Murati, as President of the Assembly of the Republic of Kosovo, no. 09-V-012, of 24 August 2025;
  - (viii) Decision of the Assembly on the non-election of deputy Arbërie Nagavci, as President of the Assembly of the Republic of Kosovo, no. 09-V-013, of 24 August 2025;
  - (ix) Decision of the Assembly on the non-election of deputy Dimal Basha, as President of the Assembly of the Republic of Kosovo, no. 09-V-014, of 24 August 2025;
  - (x) Decision of the Assembly on the election of deputy Dimal Basha, as President of the Assembly of the Republic of Kosovo, no. 09-V-015, of 26 August 2025;
  - (xi) Decision of the Assembly on the election of 3 (three) Deputy Presidents of the Assembly of the Republic of Kosovo, no. 09-V-016, of 26 August 2025;
  - (xii) Decision of the Assembly on the election of Deputy Emilija Redzepi, as Deputy President of the Assembly of the Republic of Kosovo, from among the deputies of the communities that are not in the majority, no. 09-V-017, of 26 August 2025;
  - (xiii) Decisions: no. 09-V-018, no. 09-V-019, no. 09-V-020, no. 09-V-021, no. 09-V-022, no. 09-V-023 and no. 09-V-024, from the continuation of the Constitutive Session of 26 August 2025, on the non-election of the Deputy President of the Assembly, from among the deputies of the Serb community;
  - (xiv) Decisions: m. 09-V-025, no. 09-V-026, no. 09-V-027, m. 09-V-028, no. 09-V-029, no. 09-V-030, no. 09-V-031, no. 09-V-032, no. 09-V-033, no. 09-V-034, no. 09-V-035, no. 09-V-036 and no. 09-V-037, from the continuation of the Constitutive Session on 28 August 2025, on the non-election of the Deputy President of the Assembly, from the ranks of the Serb community;

- (xv) Decisions: no. 09-V-038, no. 09-V-039, no. 09-V-040, no. 09-V-041, no. 09-V-042 and no. 09-V-043, from the continuation of the Constitutive Session on 30 August 2025, on the non-election of the Deputy President of the Assembly, from the ranks of the Serb community; and
  - (xvi) 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.
  11. On 9 September 2025, the President, the deputy Saranda Bogujevci from Lëvizja Vetëvendosje! (Self-Determination Movement!) (hereinafter: LVV!), the "*Multietnic Group*" and the elected President of the Assembly Mr. Dimal Basha submitted comments regarding the referral KO265/25.
  12. On 24 September 2025, the Review Panel reviewed the preliminary report proposed by the Judge Rapporteur and decided to postpone the review of the Referral for an upcoming session after additional supplementations.
  13. On 30 September 2025, the Review Panel reviewed the report of the Judge Rapporteur and unanimously recommended to the Court the admissibility of the Referral. On the same day, the full Court, after deliberation, unanimously, decided: (i) to hold, that the Constitutive Session of the Assembly, commenced on 15 April 2025, has not been concluded and as a result of nonelection of the Deputy President from the ranks of the Deputies of the Serb community, and the Assembly has not been constituted in accordance with the provisions of paragraph 1 of Article 66 [Election and Mandate] and paragraphs 1 and 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution of the Republic of Kosovo; (ii) to order, that the Constitutive Session must be concluded within the deadline set forth by Article 66 [Election and Mandate] of the Constitution of the Republic of Kosovo and according to the Judgment of the Court KO193/25 and KO196/25, namely within the remaining deadline of 12 (twelve) days from the entry into force of this Judgment; (iii) to order, all the elected deputies of the Assembly of the Republic of Kosovo, that in accordance with Article 4 [Form of Government and Separation of Powers], Article 7 [Values], paragraph 4 of Article 67 [Election of the President and Deputy Presidents] and Article 74 [Exercise of Function] of the Constitution of the Republic of Kosovo, during the procedure for the election of the Deputy President of the Assembly of the Republic of Kosovo from the ranks of the Deputies of the Serb community, to exercise their constitutional function in the best interest of the Republic of Kosovo and in accordance with the Constitution and the Rules of Procedure of the Assembly; (iv) to extend, the interim measure, which entered into force as of 5 September 2025, until the entry into force of this Judgment; (v) to notify this Judgment to the parties; (vi) to publish this Judgment in the Official Gazette of the Republic of Kosovo, in accordance with paragraph 4 of Article 20 (Decisions) of Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo; and (vii) to hold that this Judgment enters into force on the day of its publication by the Constitutional Court of the Republic of

Kosovo and notification to the parties, with the exception of item V of the enacting clause, which enters into force immediately.

## Summary of facts

14. The Court initially notes that the Applicants' Referral is related to the Constitutive Session of the IX Legislature of the Assembly (hereinafter: the Constitutive Session), which was also a subject of review in the two previous Referrals filed with the Court, 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*.
15. In what follows, and to the extent relevant to the circumstances of the present referral, the Court will reflect the findings of the Court in the aforementioned cases.
16. 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'*").
17. 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:

- (iii) the Chairperson of the Constitutive Session of the Assembly of the Republic of Kosovo to 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;
18. On 18 August 2025, the Judgment of the Court in cases KO193/25 and KO196/25 entered into force.
  19. 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 *ex-officio* 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 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 LVV! did not pass because it received 57 (fifty-seven) votes in favor, 56 (fifty-six) against, and 3 (three) abstentions.
  20. On the same date, the Chairperson of the Constitutive Session requested from the representative of 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 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.
  21. On the same day, the Assembly, by decisions [no. 09-V-009] and [no. 09-V-010], did not elect the deputies Albulena Haxhiu and Donika Gërvalla-Schwarz President of the Assembly.
  22. 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 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 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.
  23. On the same day, the Assembly, by Decision [no. 09-V-011], did not elect deputy Hekuran Murati President of the Assembly.
  24. 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 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 LVV! did not pass because it received 55 (fifty-five) votes in favor, 46 (forty-six) against, and 5 (five) abstentions.

25. On the same date, the Chairperson of the Constitutive Session requested from the representative of 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 LVV! did not pass because it received 55 (fifty-five) votes in favor, 47 (forty-seven) against, and 4 (four) abstentions.
26. On the same date, the Chairperson of the Constitutive Session requested from the representative of 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 LVV! 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.
27. On the same day, the Assembly, by decisions [no. 09-V-012], [no. 09-V-013] and [no. 09-V-014], did not elect deputy Hekuran Murati, Arbërie Nagavci and Dimal Basha President of the Assembly.
28. 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 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 LVV! passed because it received 73 (seventy-three) votes in favor, 30 (thirty) against, and 3 (three) abstentions.
29. As a result, 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.
30. On the same date, after the break, the elected President of the Assembly continued the Constitutive Session with respect to item IV 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, 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.
31. On the same day, the Assembly, by Decision [no. 09-V-016], elected deputy Albulena Haxhiu, Vlora Çitaku and Kujtim Shala, as elected Deputy Presidents of the Assembly.

32. 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 deputies of 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 other communities that are not in the majority 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 other communities that are not in the majority be held separately from the other Deputy President from the Serb community;
  - (ii) invited the representative of the deputies of the Serb 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 deputies of the Serb 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 other communities that are not in the majority, which proposal passed because it received 73 (seventy-three) votes in favor, 1 (one) against and 23 (twenty-three) abstentions. Therefore, the Assembly, by Decision [No. 09-V-017], elected deputy Emilija Redžepi to the position of elected Deputy President of the Assembly from among the deputies of other communities that are not in the majority.
  - (v) requested from the 108 (one hundred and eight) deputies present to vote on the candidate proposed by the Serb 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 from the ranks of the deputies of the Serb 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 from the ranks of the deputies of the Serb 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

communities that are not in the majority. 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 from the ranks of the deputies of the Serb 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 2 (two) more times the representative of the deputies of the Serb 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 Čeranić 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 Čeranić, 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.
33. On the same day, the Assembly, by decisions [no. 09-V-018], [no. 09-V-019], [[no. 09-V-020], [no. 09-V-021], [no. 09-V-022], [no. 09-V-023], and [no. 09-V-024], did not elect deputies Slavko Simić, Verica Čeranić, Stefan Kovačević, and Nenad Rašić Deputy President of the Assembly from the ranks of the deputies of the Serb community.
34. 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 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 3 (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 3 (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 2 (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 3 (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.
35. 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 3 (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.
36. On the same day, the Assembly, by decisions [no. 09-V-025], [no. 09-V-026], [no. 09-V-027], [no. 09-V-028], [no. 09-V-029], [no. 09-V-030], [no. 09-V-031], [no. 09-V-032], [no. 09-V-033], [no. 09-V-034], [no. 09-V-035], [no. 09-V-036], and [no. 09-V-037] did not elect deputies Branislav Nikolić, Zlatan Elek, Stefan Kovačević, Srđan Popović, Igor Simić and Nenad Rašić Deputy President of the Assembly from the Serb community.
37. 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 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 3 (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 2 (twice) with the same result as follows, no vote in favor, 54 (fifty-four) votes against and 22 (twenty-two) abstentions.
38. On the same day, the Assembly, by decisions [no. 09-V-038], [no. 09-V-039], [no. 09-V-040], [no. 09-V-041], [no. 09-V-042], and [no. 09-V-043], did not elect deputies Miljana Nikolić, Nenad Rašić, and Igor Simić Deputy President of the Assembly from the ranks of the deputies of the Serb community.
  39. 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 3 (three) times, and considered that, since all attempts had been exhausted to obtain the required votes and emphasized that: *"[...] since eight of them have not received the required votes for deputy president of the Assembly in all attempts, while two of them have refused to be candidates for deputy president."*, item IV 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**

40. 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 community to propose the Deputy President from the ranks of the deputies of the Serb 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 in violation of 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 ECHR.
41. In the context of the separation of the procedure for voting on the Deputy Presidents from the ranks of the deputies of the non-majority communities, namely those Serb and non-Serb, Applicants allege that paragraph 4 of Article 67 of the Constitution as well as paragraph

6 of Article 12 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.”*

42. 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.
43. In this regard, the same also consider 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”.*
44. Further, the 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.”*
45. Finally, the Applicants request from the Court:
  - “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**

46. 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.”*

### **Comments of the President**

47. On 9 September 2025, the President submitted to the Court comments on the Referral.
48. At the outset, the President emphasizes that: *“[...] the blocking of the constitution of the Assembly due to the non-election of only one Deputy President during the constitutive session, while the Presidency has a quorum, would seriously undermine not only institutional functionality but also the very foundations and values upon which the Republic of Kosovo is built. Pursuant to Article 7 of the Constitution, the constitutional order of the Republic of Kosovo is based on fundamental values and principles such as: democracy, respect for human rights, the rule of law and the separation of powers.”* In this regard, the President argued with regard to: *“(i) the rights guaranteed in the Constitution carry the inseparable obligation not to abuse them, and (ii) the Assembly of the Republic of Kosovo must not be blocked as a consequence of the actions of any political party or community.”*
49. Further, the President cites paragraph 4 of Article 57 [General Principles] of the Constitution, highlighting that: *“This Article of the Constitution encompasses two fundamental principles which are preconditions for the exercise of rights: first, the obligation to act in accordance with the laws of the Republic of Kosovo, and second, the obligation that through the exercise of one’s own rights, the rights of others are not violated or infringed.”* Moreover, the President emphasizes that: *“In the present case, the infringement is not only in relation to the other deputies of the Assembly, who are being prevented from exercising their function, but also in relation to all citizens of the Republic of Kosovo, who since December 2024 do not have their representative institution, namely the Assembly, functional and working in their interest.”*

50. Subsequently, the President, by referring to Article 3 [Equality Before the Law] of the Constitution, stresses that: “[...] *the blocking of the constitution of the Assembly of the Republic of Kosovo under the reasoning of guaranteeing the rights of the communities may have a completely opposite effect since it makes almost entirely impossible the exercise and protection of those rights in practice. Therefore, even the very concept of a multi-ethnic society is impossible to be realized in a non-functional state.*”
51. Based on Article 53 [Interpretation of Human Rights Provisions] of the Constitution, the President emphasizes that Article 17 (Prohibition of abuse of rights) of the ECHR expressly prohibits the abuse of rights and “[...] *that no State, group or person may engage in any activity aimed at the destruction of any of the rights or freedoms set forth in the Convention*” (see, ECtHR cases [Refah Partisi and Others v. Turkey](#), nos. 41340/98, 41342/98, 41343/98 and 41344/98, Judgment of 13 February 2003, paragraph 99; [Perinçek v. Switzerland](#), no. 27510/08, Judgment of 15 October 2015, paragraph 113; [Zdanoka v. Latvia](#), no. 58278/00, Judgment of 16 March 2006, paragraph 99). In this regard, she also cites the Opinion of the Venice Commission No. [CDL-AD \(2005\)004](#), adding that the Venice Commission found that “[...] *the veto of a group is a protective mechanism, but not a political tool for blocking.*” (see CDL-AD (2005) 004, Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Competences of the High Representative, adopted by the Venice Commission at its 62nd plenary session, 11-12 March 2005). With regard to the present case, the President adds: “[...] *if each group proposing a Deputy President in the process of making the Assembly of the Republic of Kosovo functional is guaranteed such a right of veto in such a way as to prevent and paralyze the constitution of the Assembly, then this would create a dangerous precedent and a wide range of possibilities for blocking by anyone and at any time.*”
52. In continuation, the President considers that, since the President and 4 (four) Deputy Presidents of the Assembly have been elected, then they make the Assembly a functional institution and that the Serb community has been given the possibility to propose the candidate for Deputy President, who have proposed candidates, however the latter did not receive the necessary votes. In this regard, she emphasizes that: “[...] *in the interest of the constitution of the Assembly, we consider that as long as the possibility for the election of the Deputy President during the constitutive session has been exhausted, this possibility should be given again to the Serb community in any of the subsequent sessions of the Assembly, until his/her election, but without blocking the constitution of the institution.*”
53. Furthermore, the President emphasizes that there have been instances when the Assembly was constituted even when not all Deputy Presidents had been elected, namely in 2001, 2004 and 2008, where she considers that despite the fact that the 3 (three) aforementioned legislatures were constituted prior to the adoption of the Constitution, “[...] *even at that time there existed a provision similar to that of the Constitution, which guaranteed a position for the Serb non-majority community.*”
54. Finally, the President requests the Court to: “[...] *not allow that any political party or community have the right of veto in vital processes for the state, such as the constitution of its highest representative body. Any determination to the contrary risks legitimizing procedural blockages of the establishment of key institutions, at the level of the constitutional norm, legally binding.*”

## Comments of LVV!

55. On 9 September 2025, the deputies of LVV!, represented by deputy Saranda Bogujevci, submitted to the Court comments on the Referral.
56. At the outset, the deputies of LVV! consider that the Applicants have not offered arguments which would support its admissibility, because (i) the contested act is missing; and (ii) *“the legitimacy of the signatures is missing when the number of ten (10) deputies is not completed by the deputies of that community.”* Regarding the absence of the contested act, they emphasize that: *“The Constitution explicitly provides that only acts adopted by the Assembly can be the object of constitutional review, be they substantive or procedural. In the present case, such an act does not exist. The Applicants have directed their referral against an interrupted procedure, which has not materialized into an adopted act and, consequently, has not produced any legal effect.”*
57. In this regard, the deputies of LVV! emphasize that: *“The Applicants, through prejudice, are challenging the efforts for the adoption of an act of the Assembly. The objective impossibility to take a decision cannot serve as an object of the constitutional review before the Constitutional Court. The Constitutional Court, based on the above-mentioned argument according to its jurisdiction determined in Article 113, paragraph 5, does not have the right to interpret the efforts, attempts, continuations or even the opinions, positions, or conduct of deputies during the continuation of the constitutive session, but only the formal acts voted in the Assembly.”*
58. Further, the deputies of LVV! consider that: *“the applicant deputies from the Serb List are only 9. They have obtained the signature of one deputy outside the Serb community, such as deputy Adem Hoxha even though there is another deputy of the Serb community in the Assembly. Deputy Adem Hoxha has stated that he represents the Gorani community in Kosovo and as such he is elected and recognized by the CEC. It is not understood why a deputy of a non-majority community (non-Serb), who is already represented by another Deputy President of the Assembly, should be joined in the submission challenging the Deputy President who comes from the ranks of the Serb community. If the logic of the Applicants is followed, even deputy Adem Hoxha should not be allowed to be a regular and acceptable signature for this referral.”*
59. With regard to the allegation of the Applicants that the separation of the voting for the two Deputy Presidents who come from the non-majority communities is contrary to the Constitution, the deputies of LVV! consider that the Applicants have misread paragraph 4 of Article 67, emphasizing that: *“Indeed paragraph 4 of Article 67 itself separates the two Deputy Presidents, just as the respective communities are also separated, when it states that ‘... One Deputy President shall be from among the deputies of the Assembly holding seats reserved or guaranteed for the Serb Community’, whereas ‘... and the other Deputy President from among the deputies of the Assembly holding seats reserved or guaranteed from the other Communities not in the majority.’”* Further, the deputies of LVV! emphasize that: *“The fact that the Constitution stipulates that the criterion for the election of the two Deputy Presidents is the obtaining of the majority of votes of all deputies does not mean that these two Deputy Presidents must necessarily be voted together.”*
60. Also, the deputies of LVV! add that: *“[...] the separate voting not only does not constitute an act contrary to the Constitution, but it is a necessary act for the real and unhindered or uninfluenced reflection of the will of the deputies. This was also demonstrated by the voting process in the case of the election of Ms. Emilja Rexhepi as Deputy President from*

*the non-Serb non-majority communities, whereas none of the candidates holding reserved seats from the Serb minority community obtained sufficient votes.”*

61. The deputies of LVV!, by citing a case of the Federal Constitutional Court of Austria, emphasize that: “[...] *the exercise of a constitutional right becomes abusive when its purpose is not the realization of the envisaged function, but the paralysis of the functioning of state institutions (VfSlg 16.327/2001). The Austrian Constitutional Court, further in this decision, stated that a right that is formally recognized by the Constitution loses its protection when used not for the realization of the function given to it by the constitutional order, but to paralyze or block the normal functioning of state institutions. This is a derivation of the general principle of public law according to which the right ceases where the abuse of it begins (the principle of proportionality and of ‘abus de droit’).*” Likewise, the deputies of LVV! consider that a political subject cannot block the constitution of the Assembly and, referring to the Opinion of the Venice Commission with no. [\(CDL-AD\(2019\)015\)](#), emphasize that: “*The Venice Commission has found that the interpretation of constitutional provisions cannot lead to an indefinite blockage of institutions, because this runs counter to the principle of functionality of the constitutional organs, as well as to the fundamental principles of democracy and the rule of law.*” (see CDL-AD (2019)015, Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: A Checklist, adopted by the Venice Commission at its 119th plenary session, on 21-22 June 2019).
62. Further, the deputies of LVV! emphasize that: “*The Constitution of the Republic of Kosovo (Article 67, paragraph 4) determines only the number and the composition of the Deputy Presidents of the Assembly, but the procedure of election is left to the Assembly through the Rules of Procedure.*” In this regard, the deputies of LVV!, by referring to the cases of the Federal Constitutional Court of Germany (see, cases [BVerfGE 44, 308](#): ‘*Fraktionsrechte*’; and [BVerfGE 123, 267](#) ‘*Lissabon Urteil*’), emphasize that: “*The allegations of the Applicants would paralyze the Assembly and would transform the right of representation into a right of veto. If, hypothetically, their logic were followed, then the Assembly would be paralyzed and the representation of the non-majority community would degenerate into an instrument of obstruction.*”
63. Also, the deputies of LVV!, by referring to the cases of the ECtHR (see, ECtHR cases [Yumak and Sadak v. Turkey](#), No. 10226/03, Judgment of 8 July 2008; [Mathieu-Mahin and Clerfayt v. Belgium](#), No. 9267/81, Judgment of 2 March 1987, paragraph 47; [Ždanoka v. Latvia](#) [GC], cited above, paragraph 98), consider that: “[...] *the refusal of the Serb List to propose a candidacy, with the aim of blocking the Assembly, finds no protection in the European standards of democracy and runs counter to the very principle of effective democracy protected by the Convention and the Constitution of the Republic of Kosovo.*” Further, the deputies of LVV! consider that: “[...] *the only acceptable interpretation of Article 67 paragraph 4 is the one that understands the norm as cumulative and equalizing: one Deputy President from the Serb community and one from the other non-majority communities, without sequence, without priority and without hierarchy.*”
64. With regard to the separation of the voting procedure for the election of the Deputy Presidents from the ranks of the deputies of the non-majority communities, the deputies of LVV! consider that: “[...] *the separated voting is not a deviation, but it is the most suitable, proportionate and necessary means to guarantee the factual equality and institutional functionality of the Assembly.*” In this regard, they consider that, in accordance with the Judgment of the Court in cases KO193/25 and KO196/25, “[...] *the President of the Assembly invited up to three consecutive times the deputies of the Serb*

*community, who hold the reserved seats, to propose a candidate for Deputy President. After the failure of candidate Slavko Simiq to obtain the necessary votes in all three cases, the group of referring deputies refused the invitation to present an alternative candidate. Such a refusal, within the meaning of Judgments KO193/25 and KO196/25, constitutes not the exercise of the right to propose but a waiver of that right.”*

65. Whereas, with regard to the allegation of the Applicants that proceeding with the drawing of lots is contrary to paragraph 4 of Article 67 of the Constitution, the deputies of LVV! consider that the elected President of the Assembly acted in accordance with the Rules of Procedure of the Assembly and the Judgments of the Court, emphasizing that: *“The problem does not consist in the denial of the right to run, but in the refusal of the referring deputies to propose alternative candidates and in the lack of sufficient support for those candidates who resulted from the drawing of lots.”*
66. Further, the deputies of LVV! emphasize that: *“The Serb List claims that the Court should rely on the analogy of the largest parliamentary group and the right to propose the candidate for President of the Assembly vis-à-vis the right that also the Serb community in the Assembly should have. The problem lies in that the Constitution of Kosovo does not foresee this right for the Deputy President from the Serb non-majority community. But the Constitution does not foresee it either for the non-Serb non-majority community.”*
67. Finally, the deputies of LVV! request from the Court to: *“I. Dismiss as inadmissible the referral KO265/25 which relates to: (a) ‘the procedure conducted’, ‘the continuation of the session’ and/or ‘the attempt’ for the election of the Deputy President from the Serb non-majority community, since there is no adopted act of the Assembly that may be the object of review within the meaning of Article 113 paragraph 5 of the Constitution; and, (b) the lack of legitimacy of the signatures when the number of ten (10) deputies is not completed by the deputies of that community, as an abuse of the right to address the Court; II. To hold that the Assembly acted in compliance with the Constitution and the Judgments KO193/25 and KO196/25, by: (a) applying the numerical limitation for Deputy Presidents to three (3) proposals for the same candidate as an unblocking mechanism – as in the case of the President; and, (b) using the drawing of lots as a neutral means when the proposal is missing, without infringing the rights of the deputies; III. To hold that, after the exhaustion of all procedural stages (three proposals for the same candidate and the procedure of the drawing of lots) without achieving the required majority for the candidate from the Serb community, the constitution of the Assembly is valid and the Assembly continues its work for the fulfillment of the other constitutional obligations.”*

### **Comments of the “Multiethnic Group”**

68. On 9 September 2025, the deputies of the Multi-ethnic Group in the Assembly, represented by deputy Elbert Krasniqi, submitted to the Court comments on the Referral.
69. Regarding the allegations of the Applicants that the election of the Deputy Presidents from the ranks of the deputies of the non-majority communities must be done only *en bloc*, namely by electing the two Deputy Presidents from the non-majority communities simultaneously, the deputies of the “Multi-ethnic Group” emphasize that: *“Not only is such a procedure not foreseen either by the Constitution or by the Rules of Procedure, but the very fact that the representatives of the Serb List participated in the process and proposed candidates for voting demonstrates that the procedure was open and accepted by them, respectively regular and constitutional.”*

70. The deputies of the “*Multi-ethnic Group*” also in their comments underline their preference that their representatives not be voted in a package with the representatives from the ranks of the deputies of the Serb community and emphasize that this was the reason why they proposed that the voting for the Deputy Presidents from the ranks of other communities that are not in the majority be carried out separately. In this context they state that: “*The procedure followed enjoys full democratic legitimacy, expressed through the voting of the people’s elected representatives. During the session there was no concrete objection from any group or deputy to this procedure.*”
71. With regard to the allegations of the Applicants that paragraph 4 of Article 67 of the Constitution gives them the exclusive right to propose and to elect the Deputy President from the ranks of the deputies of the Serb community, the deputies of the “*Multi-ethnic Group*” consider that there is no obligation of the Assembly to approve their candidate, but that “*The only obligation of the deputies is to participate in the voting, by voting in favour, against or by abstaining for each proposed candidate.*”
72. Further, the deputies of the “*Multi-ethnic Group*” emphasize that: “*The constitutional provisions determine that the two Deputy Presidents who represent the non-majority communities, as well as the other three Deputy Presidents of the Assembly of the Republic of Kosovo, are elected by a majority of the votes of all deputies. This formulation excludes any form of party exclusivity, making it clear that the guarantee is the representation of the community, not the imposition of a candidate by a single political subject.*”
73. With regard to the allegation of the Applicants that the Assembly cannot function without the election of a Deputy President from their ranks, the deputies of the “*Multi-ethnic Group*” claim that: “*The Constitution does not envisage a right of veto for any parliamentary group. The establishment of such a condition would create a dangerous precedent, where a political subject with a minority of votes could block the functioning of institutions.*” Moreover, they emphasize that “*The representation of the Serb community is guaranteed by the reserved seats, but this does not mean that every candidate proposed by the Serb List will be elected automatically,*” because each election requires the support of the parliamentary majority, including their group, and, according to them, “[...] *the reserved seats guarantee representation, not domination.*” In this context, they mention cases when the Assembly in practice has functioned even when some positions have remained temporarily unfilled. They also refer to the Judgment [U-5/98] of the Constitutional Court of Bosnia and Herzegovina, which declared unconstitutional any definition that gave an entity a one-sided ethnic character, which they claim is: “[...] *a precedent applicable also in the case of Kosovo, where the guaranteed seats for the Serb community cannot be interpreted as a monopoly of a single party.*”
74. The deputies of the “*Multi-ethnic Group*” also consider that: “[...] *any additional right that would potentially be given to the Serb List by the Constitutional Court of the Republic of Kosovo would be a privilege of one group over the other communities living in Kosovo. This cannot be equality before the law according to the values and principles of the Constitution, but only the superimposition of one group with the result also of the passivization of the highest institution in the country [...]*”.
75. Finally, the deputies of the “*Multi-ethnic Group*” request from the Court to: “[...] *not take into account the complaint of the Serb List because this would disrupt the balance of the respect of the rights of all non-majority communities represented in the institutions of the country.*”

## Comments of the elected President of the Assembly, Mr. Dimal Basha

76. On 9 September 2025, the elected President of the Assembly, Mr Dimal Basha, submitted to the Court comments on the Referral.
77. Initially, the elected President of the Assembly states that on 26 August 2025, he was elected President of the Assembly by a majority of votes, and in that capacity, he continued presiding over the Constitutive Session with item IV of the agenda, namely, with the election of the Deputy Presidents. He underlines that (i) the voting of the candidates for Deputy President from the Albanian parliamentary subjects was done in a package, given that there was consensus for this, these candidates having received sufficient votes to be elected, whereas (ii) the voting for Deputy Presidents of the candidates from the ranks of the deputies of non-majority communities was done separately due to the request of the representative of other communities that are not in the majority, namely deputy Elbert Krasniqi, who refused to participate in the voting in a package with the candidates of the Serb community. As a result, and since, according to him, “[...] *in the absence of consensus and with the aim of exercising my function in the best interest of making the Assembly of the Republic functional, and in compliance with the Rules of Procedure and the Constitution of the country [...]*” he proceeded with separate voting for the two Deputy Presidents who are from the ranks of the non-majority communities.
78. Further, the elected President of the Assembly emphasizes that: “[...] *as President of the Assembly I informed the representative of the Serb community that, in the spirit of the enacting clause of the Judgment of the Constitutional Court KO193/25 and KO196/25 of 18 August 2025, candidate Slavko Simiq cannot be the next proposal because his possibility to be elected is exhausted, given that on three consecutive occasions he did not receive sufficient votes to be elected Deputy President and consequently they must propose another candidate.*” The elected President of the Assembly also clarifies that after the representative from the ranks of the deputies of the Serb community refused the proposal of any other candidate, he continued with the procedure of the drawing of lots according to paragraph 7 of Article 12 of the Rules of Procedure of the Assembly.
79. The elected President of the Assembly considers that: “*Upon the non-election of any of the candidates for Deputy President from the Serb non-majority community, the entire procedure was exhausted and in this context item 4 of the agenda of the constitutive session was also exhausted. [...] As a consequence, the session concluded with a constituted Assembly because: 1. the Assembly has already exhausted the agenda in its entirety, 2. the Assembly already has a sufficient quorum in the Presidency to be fully functional, and 3. the constitution has occurred in line with the Rules of Procedure of the Assembly, which have always been interpreted in compliance with the constitutional provisions and in function of fulfilling the constitutional purpose of the constitution of the Assembly, as we are obliged by the very Judgment of the Court of 18 August.*”
80. With regard to the allegation of the Applicants concerning the election of the Deputy President from the ranks of other communities that are not in the majority prior to the proposal of the candidate for Deputy President of the Serb community, the elected President of the Assembly emphasizes that: “[...] *nowhere in the Constitution of Kosovo and in no other legal act of our state is a hierarchy, supremacy or precedence of one community over another determined, therefore the procedure of the election initially of the Deputy President from the non-Serb non-majority communities does not constitute any kind of violation, much less a constitutional violation; [...]*” In addition, the elected President of the Assembly emphasizes that the Serb community had no objection regarding

the separate voting, proposed a candidate for Deputy President and participated in the voting.

81. With regard to the procedure of the drawing of lots, the elected President of the Assembly emphasizes that this procedure is determined by paragraph 4 of Article 12 of the Rules of Procedure of the Assembly. In this respect, the elected President of the Assembly considers that: *"[...] in the voting by lot it is not determined who the proposer is, but the paragraph in question only speaks to the number of all candidates of the Serb community who become part of the lot for voting – without any explicit right of any majority, subject or parliamentary group – and any exclusion of any name from the ranks of the Serb non-majority community would be a discriminatory act and contrary to Article 67 paragraph 4 of the Constitution and to the Rules of Procedure of the Assembly;"*
82. Further, the elected President of the Assembly emphasizes that: *"The Assembly has fulfilled its phase of constitution by the fact that item 4 of the agenda has been exhausted in its entirety according to the very procedure of Judgment KO193/25 and KO196/25. The process concluded with the election of 5 members of the Presidency out of a total of 6. This fact makes the Presidency of the Assembly functional and ready to continue its work without any hindrance. This means that the Assembly has a sufficient quorum to proceed with its work, including the adoption of laws, debates and other important engagements for the development of the institutions of Kosovo."*
83. With regard to the allegation of the Applicants concerning the refusal of the request for a 48 (forty-eight) hour pause, the elected President of the Assembly emphasizes that it has no legal relevance, because this deadline is mentioned in terms of the maximum allowed limit for the interruption of the constitutive session.
84. Further, the elected President of the Assembly emphasizes that: *"[...] the failure to achieve consensus for a certain candidate does not produce legal consequences on the legitimacy or validity of the composition of the Presidency, as long as the Assembly has elected a sufficient number of members who fulfil the requirements for a quorum, and in this manner guarantees the functionality of its leadership structure."*
85. Finally, the elected President of the Assembly requests from the Court to: *"[...] render a Judgment through which to allow proceeding with the continuation of the work of the Assembly of the Republic of Kosovo within the framework of the fulfilment of the duties and responsibilities under the Constitution of the Republic of Kosovo, because as the Court itself underlines in Judgment KO124/25, paragraph 143 'there is no better interest of the Republic of Kosovo than for its highest representative body to be constituted and to commence work as soon as possible'."*

## **Relevant constitutional provisions**

### **Constitution of the Republic of Kosovo**

#### **Article 1 [Definition of State]**

*"1. The Republic of Kosovo is an independent, sovereign, democratic, unique and indivisible state.*

2. *The Republic of Kosovo is a state of its citizens. The Republic of Kosovo exercises its authority based on the respect for human rights and freedoms of its citizens and all other individuals within its borders.*
3. *The Republic of Kosovo shall have no territorial claims against, and shall seek no union with, any State or part of any State.”*

## **Article 2** **[Sovereignty]**

- “1. *The sovereignty of the Republic of Kosovo stems from the people, belongs to the people and is exercised in compliance with the Constitution through elected representatives, referendum and other forms in compliance with the provisions of this Constitution.*
2. *The sovereignty and territorial integrity of the Republic of Kosovo is intact, inalienable, indivisible and protected by all means provided in this Constitution and the law.*
3. *The Republic of Kosovo, in order to maintain peace and to protect national interests, may participate in systems of international security.”*

## **Article 3** **[Equality Before the Law]**

- “1. *The Republic of Kosovo is a multi-ethnic society consisting of Albanian and other Communities, governed democratically with full respect for the rule of law through its legislative, executive and judicial institutions.*
2. *The exercise of public authority in the Republic of Kosovo shall be based upon the principles of equality of all individuals before the law and with full respect for internationally recognized fundamental human rights and freedoms, as well as protection of the rights of and participation by all Communities and their members.”*

## **Article 4** **[Form of Government and Separation of Power]**

- “1. *Kosovo is a democratic Republic based on the principle of separation of powers and the checks and balances among them as provided in this Constitution.*
2. *The Assembly of the Republic of Kosovo exercises the legislative power.*
3. *The President of the Republic of Kosovo represents the unity of the people. The President of the Republic of Kosovo is the legitimate representative of the country, internally and externally, and is the guarantor of the democratic functioning of the institutions of the Republic of Kosovo, as provided in this Constitution.*
4. *The Government of the Republic of Kosovo is responsible for implementation of laws and state policies and is subject to parliamentary control.*
5. *The judicial power is unique and independent and is exercised by courts.*
6. *The Constitutional Court is an independent organ in protecting the constitutionality and is the final interpreter of the Constitution.*
7. *The Republic of Kosovo has institutions for the protection of the constitutional order and territorial integrity, public order and safety, which operate under the constitutional authority of the democratic institutions of the Republic of Kosovo.”*

**Article 7**  
**[Values]**

*“1. The constitutional order of the Republic of Kosovo is based on the principles of freedom, peace, democracy, equality, respect for human rights and freedoms and the rule of law, non-discrimination, the right to property, the protection of environment, social justice, pluralism, separation of state powers, and a market economy.  
2. The Republic of Kosovo ensures gender equality as a fundamental value for the democratic development of the society, providing equal opportunities for both female and male participation in the political, economic, social, cultural and other areas of societal life.”*

**Article 24**  
**[Equality Before the Law]**

*“1. All are equal before the law. Everyone enjoys the right to equal legal protection without discrimination.  
2. No one shall be discriminated against on grounds of race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status.  
3. Principles of equal legal protection shall not prevent the imposition of measures necessary to protect and advance the rights of individuals and groups who are in unequal positions. Such measures shall be applied only until the purposes for which they are imposed have been fulfilled.”*

**Article 31**  
**[Right to Fair and Impartial Trial]**

*“1. Everyone shall be guaranteed equal protection of rights in the proceedings before courts, other state authorities and holders of public powers.  
[...]”*

**Article 58**  
**[Responsibilities of the State]**

*“7. The Republic of Kosovo ensures, on a non-discriminatory basis, that all communities and their members may exercise their rights specified in this Constitution.”*

**Article 63**  
**[General Principles]**

*“The Assembly is the legislative institution of the Republic of Kosovo directly elected by the people.”*

**Article 64**  
**[Structure of Assembly]**

*“1. The Assembly has one hundred twenty (120) deputies elected by secret ballot on the basis of open lists. The seats in the Assembly are distributed amongst all parties,*

coalitions, citizens' initiatives and independent candidates in proportion to the number of valid votes received by them in the election to the Assembly.

2. In the framework of this distribution, twenty (20) of the one hundred twenty (120) seats are guaranteed for representation of communities that are not in the majority in Kosovo as follows: (1) Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community shall have the total number of seats won through the open election, with a minimum ten (10) seats guaranteed if the number of seats won is less than ten (10); (2) Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the other Communities shall have the total number of seats won through the open election, with a minimum number of seats in the Assembly guaranteed as follows: the Roma community, one (1) seat; the Ashkali community, one (1) seat; the Egyptian community, one (1) seat; and one (1) additional seat will be awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; the Bosnian community, three (3) seats; the Turkish community, two (2) seats; and the Gorani community, one (1) seat if the number of seats won by each community is less than the number guaranteed."

## **Article 65** **[Competencies of the Assembly]**

*"The Assembly of the Republic of Kosovo:*

- (1) adopts laws, resolutions and other general acts;*
- (2) decides to amend the Constitution by two thirds (2/3) of all its deputies including two thirds (2/3) of all deputies holding seats reserved and guaranteed for representatives of communities that are not in the majority in Kosovo;*
- (3) announces referenda in accordance with the law;*
- (4) ratifies international treaties;*
- (5) approves the budget of the Republic of Kosovo;*
- (6) elects and dismisses the President and Deputy Presidents of the Assembly;*
- (7) elects and may dismiss the President of the Republic of Kosovo in accordance with this Constitution;*
- (8) elects the Government and expresses no confidence in it;*
- (9) oversees the work of the Government and other public institutions that report to the Assembly in accordance with the Constitution and the law;*
- (10) elects members of the Kosovo Judicial Council and the Kosovo Prosecutorial Council in accordance with this Constitution;*
- (11) proposes the judges for the Constitutional Court;*
- (12) oversees foreign and security policies;*
- (13) gives consent to the President's decree announcing a State of Emergency;*
- (14) decides in regard to general interest issues as set forth by law."*

## **Article 66** **[Election and Mandate]**

*"1. The Assembly of Kosovo shall be elected for a mandate of four (4) years, starting from the day of the constitutive session, which shall be held within thirty (30) days from the official announcement of the election results.*

*2. Regular elections for the Assembly shall be held no later than thirty (30) days before the end of the mandate or, when the Assembly has been dissolved, no later than forty-five (45) days after the dissolution.*

3. *The President of the Republic of Kosovo shall convene the constitutive session of the Assembly. If the President of the Republic of Kosovo is unable to convene the initial session, the Assembly shall be convened without the President's participation.*
4. *The Mandate of the Assembly of Kosovo may be extended only in a State of Emergency for emergency defense measures or for danger to the Constitutional order or to public safety of the Republic of Kosovo and only for as long as the State of Emergency continues as regulated by this Constitution.*
5. *The election conditions, constituencies and procedures are determined by law."*

### **Article 67** **[Election of the President and Deputy Presidents]**

1. *The Assembly of Kosovo elects the President of the Assembly and five (5) Deputy Presidents from among its deputies.*
2. *The President of the Assembly is proposed by the largest parliamentary group and is elected by a majority vote of all deputies of the Assembly.*
3. *Three (3) Deputy Presidents proposed by the three largest parliamentary groups are elected by a majority vote of all deputies of the Assembly.*
4. *Two (2) Deputy Presidents represent non-majority communities in the Assembly and are elected by a majority vote of all deputies of the Assembly. One (1) Deputy President shall belong to the deputies of the Assembly holding seats reserved or guaranteed for the Serb community, and one (1) Deputy shall belong to deputies of the Assembly holding seats reserved or guaranteed for other communities that are not in the majority.*
5. *The President and Deputy Presidents of the Assembly are dismissed by a vote of two thirds (2/3) of all deputies of the Assembly.*
6. *The President and the Deputy Presidents form the Presidency of the Assembly. The Presidency is responsible for the administrative operation of the Assembly as provided in the Rules of Procedure of the Assembly.*

### **Article 74** **[Exercise of Function]**

*"Deputies of the Assembly of Kosovo shall exercise their function in best interest of the Republic of Kosovo and pursuant to the Constitution, Laws and Rules of Procedure of the Assembly."*

### **Article 116** **[Legal Effect of Decisions]**

1. *Decisions of the Constitutional Court are binding on the judiciary and all persons and institutions of the Republic of Kosovo.*
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.*
3. *If not otherwise provided by the Constitutional Court decision, the repeal of the law or other act or action is effective on the day of the publication of the Court decision.*
4. *Decisions of the Constitutional Court are published in the Official Gazette."*

# **RULES OF PROCEDURE OF THE ASSEMBLY OF THE REPUBLIC OF KOSOVO**

## **CHAPTER IV INAUGURAL SESSION OF THE ASSEMBLY**

### **Article 7 (Inaugural session)**

- “1. The inaugural session of the Assembly shall be convened by the President of the Republic of Kosovo within 30 (thirty) days from the day of official announcement of election results.*
- 2. If the President of the Republic does not convene the inaugural session, the Assembly shall convene on its own on the 30th (thirtieth) day.”*

### **Article 8 (Preparations for the inaugural session)**

- “1. The President of the previous term shall be responsible for preparations of the inaugural session of the Assembly.*
- 2. The President of the previous term, not later than 5 (five) days before holding the inaugural session of the Assembly, shall convene the joint meeting with the leaders of political entities which have won seats in the Assembly, to prepare the draft agenda and decide on the seating order of MPs in the plenary chamber. If the meeting does not convene within the deadline of 5 (five) days, the Assembly shall convene on its own, on the day set by the President.*
- 3. Paragraph 2 of this article shall not be applicable if the Assembly convenes according to article 7 paragraph 2 of this Regulation.*
- 4. The agenda for the inaugural session of the Assembly shall include*
- 4.1. Establishment of the Temporary Committee for Verification of the Quorum and Mandates;*
  - 4.2. Oath of MPs;*
  - 4.3. Selection of the President of the Assembly, and*
  - 4.4. Selection of the Deputy Presidents of the Assembly.*
- 5. The report of the Temporary Committee for Verification of the Quorum and Mandates shall be voted on by the Assembly.*
- 6. Designation of the seating order in the plenary chamber shall be done according to the size of political entities. If two or more political entities have the same number of MPs, their seating order shall be decided based on the number of votes received in parliamentary elections.”*

### **Article 9 (Chairing of the inaugural session)**

- “[...]*
- 3. There is no debate in the inaugural session.*
- [...].”*

**Article 11**  
**(Selection of the President of the Assembly)**

- “1. The President of the Assembly shall be elected in the inaugural session by majority of votes of all MPs.*
- 2. The Chairperson of the inaugural session shall request from the largest political entity in the Assembly to propose a candidate for the President of the Assembly.*
- 3. The Chairperson of the inaugural session shall inform the Assembly on the voting results for election of the President of the Assembly, shall announce the election of the President and invite him to take his seat.”*

**Article 12**  
**(Election of the Deputy Presidents of the Assembly)**

- “1. Deputy Presidents of the Assembly shall be elected by majority of votes of all MPs.*
- 2. The President of the Assembly shall request the three largest parliamentary political entities to propose a candidate each for Deputy President of the Assembly. The candidate for deputy president of the largest parliamentary entity shall be of a different gender from that of the President.*
- 3. If two or more political entities have the same number of MPs, the right to propose a candidate for deputy president shall belong to the entity which has received more votes in the general elections.*
- 4. The Presidents of the Assembly shall request from the MPs holding seats guaranteed for the Serb community to propose a (1) candidate for deputy president of the Assembly, as well as from MPs holding guaranteed seats for other communities, which are not in a majority, to propose a candidate for deputy president of the Assembly, who shall be elected with a majority vote of all MPs.*
- 5. The constitutive session shall end with the election of the President and deputy presidents of the Assembly. Interruptions during the constitutive session cannot be longer than 48 hours.*
- 6. Proposals from paragraph 4 of this article shall be made in writing, according to the following procedure:*
- 6.1. The candidate for the deputy speaker of the Assembly from the ranks of the Serbian community is proposed by the majority of MPs of the Serbian community, and*
- 6.2. The candidate for the deputy president of the Assembly from among the MPs of other non-majority communities is proposed by the majority of the MPs of other non-majority communities.*
- 7. In case of non-nomination of the candidates according to paragraph 6 of this article, the nomination of the candidates is done by lot, in the presence of the MPs of the respective communities. This procedure is administered by the President of the Assembly.”*

**Article 13**  
**(Mandate of the Assembly)**

- “1. The mandate of the Assembly, its continuation and dissolution, are outlined in articles 66 and 82 of the Constitution of the Republic of Kosovo.*
- 2. Following the dissolution of the Assembly, according to paragraph 1 of this article, the President shall submit the Decree on the Dissolution of the Assembly.*
- 3. The Assembly shall suspend its activity one day prior to the start of election campaign.”*

## Assessment of the admissibility of the Referral

86. Regarding the assessment of the admissibility of the Referral, the Court refers to paragraph 1 of Article 113 [Jurisdiction and Authorized Parties] of the Constitution, which sets forth that: *“The Constitutional Court decides only on matters referred to the court in a legal manner by authorized parties”*.
87. The Court notes that the Applicants have filed their Referral based on paragraph 5 of Article 113 of the Constitution, which stipulates:

*“5. 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”*.

88. In addition to the aforementioned constitutional criteria, the Court also takes into account Article 42 (Accuracy of the Referral) of the Law, specifying the filing of the Referral based on paragraph 5 of Article 113 of the Constitution, which stipulates as follows:

### Article 42 (Accuracy of the Referral)

*“1. In a referral made pursuant to Article 113, Paragraph 5 of the Constitution the following information shall, inter alia, be submitted:*

- 1.1. names and signatures of all deputies of the Assembly contesting the constitutionality of a law or decision adopted by the Assembly of the Republic of Kosovo;*
- 1.2. provisions of the Constitution or other act or legislation relevant to this referral; and*
- 1.3. presentation of evidence that supports the contest”*.

89. The Court also refers to Rule 72 (Referral Pursuant to Paragraph 5 of Article 113 of the Constitution and Articles 42 and 43 of the Law) of the Rules of Procedure, which stipulates:

### Rule 72 [Referral pursuant to Article 113.5 of the Constitution and Articles 42 and 43 of the Law]

*“(1) A referral filed under this Rule must fulfil the criteria established in paragraph (5) of Article 113 of the Constitution and Articles 42 (Accuracy of the Referral) and 43 (Deadline) of the Law.*

*(2) [...]*

*(3) A referral filed under this Rule must, inter alia, contain the following information:*

- (a) Names and signatures of all the members of the Assembly challenging the constitutionality of a law or decision adopted by the Assembly;*
  - (b) Provisions of the Constitution or other act or legislation relevant to this referral; and*
  - (c) (Presentation of evidence that supports the contest.*
- (4) The applicants shall attach to the referral a copy of the law or the challenged decision adopted by the Assembly, the register and personal signatures of the*

*members of the Assembly submitting the referral and the authorization of the person representing them before the Court.*

90. In the present case, the Court notes that the Referral was filed by 10 (ten) deputies of the Assembly, which is the minimum required by paragraph 5 of Article 113 of the Constitution, and consequently considers that the criterion for an authorized party has been met. As regards the criterion of the deadline, the Court notes that the applicants are challenging the acts issued within the framework of the Constitutive Session on 26 and 28 August 2025, while they filed the Referral on 30 August 2025, respectively, within the 8 (eight) day deadline, set out in the Constitution and the Law.
91. The Court recalls that the Applicants argue that the meetings and acts issued within the framework of the Constitutive Session conducted on 26 and 28 August are in violation of the enacting clause of the Court's Judgments in case KO124/25 and cases KO193/25 and KO196/25, and, they specifically contest: (i) the procedure for the election of the Deputy President of the Assembly from other communities that are not in the majority, namely Decision [no. 09-V-017] for the election of the Deputy Emilija Redžepi as a Deputy President of the Assembly from ranks of the deputies of other communities that are not in the majority; and (ii) the procedure for the election of the Deputy President of the Assembly from the Serb community, namely, the decisions on non-election of the Deputy President from the ranks of the deputies of Serb community.
92. Furthermore, in the Court's assessment, based on its Judgment in the case KO124/25 and in the sense of the referrals filed pursuant to paragraph 5 of Article 113 of the Constitution, the filed referrals contesting acts and actions taken by the elected deputies in the course of the Constitutive Session differ from the filed referrals contesting acts issued by the bodies of the Assembly or by the Assembly itself, the decision-making of which emanated from a constituted and functional Assembly in the sense of its legislative, decision-making and overseeing powers, as set forth by the Constitution. However, with respect to the constitution of the Assembly, the Court has reiterated that the Constitutive Session is a constitutional act, which shall be deemed concluded only upon completion of (i) verification of the mandates of the deputies; (ii) the taking of the oath by the deputies; (iii) the election of the President and his deputies. In this regard, the Court recalls that the issue of the Constitutive Session of the Assembly itself constitutes a constitutional issue, which must be subject to the assessment and interpretation of the Constitutional Court (see case KO124/25, cited above, paragraphs 83, 84 and 86).
93. Thus, given that the Applicants challenge the decisions on election of the Deputy Presidents, which were issued in the course of the Constitutive Session of the Assembly, namely on 26 and 28 August 2025, the Court holds that they are subject of the review and interpretation by the Constitutional Court.
94. Consequently, the Court considers that the Applicants' Referral is admissible for review and will consequently proceed with the review of its merits.

## **Merits of the Referral**

### **I. Introduction**

95. The Court recalls that the Constitutive Session of the Assembly commenced on 15 April 2025, with the following agenda set by the previous legislation (VIII Legislature) along with the presidents of the political entities which have won seats in the Assembly: (i) the

establishment of the Temporary Committee for Verification of the Quorum and Mandates of the Deputies; (ii) the taking of the oath by the deputies; (iii) the election of the President of the Assembly; and (iv) the election of the Deputy Presidents of the Assembly. Following the entry into force of its Judgment in the cases KO193/25 and KO196/25, the Constitutive Session, which had been interrupted on 26 July 2025, as a result of the interim measure imposed by the Court, continued on 20, 22 and 24 August 2025 with reference to item 3 of the agenda, namely election of the President of the Assembly, which failed 6 (six) times. The President of the Assembly was elected on 26 August 2025, marking thereby conclusion of the item 3 of the agenda of the Constitutive Session. The same day, the elected President of the Assembly continued with the proceedings of the Constitutive Session with reference to the last item 4 of the agenda, namely, election of the Deputy Presidents of the Assembly. The voting for the 3 (three) Deputy Presidents from the 3 (three) largest parliamentary groups was held in a package, since there was a consensus amongst them, while the voting for the Deputy Presidents from non-majority communities, following the proposal of the representative of other non-majority communities to separate the voting procedure for the Deputy Presidents from these communities, was held separately, after which the Deputy President from the other non-major communities was elected, whereas the voting for the nominated candidate from the Serb community failed 3 (three) times in a row. The same day, the elected President of the Assembly asked the Serb community to nominate another candidate given that the voting for their first nominee failed 3 (three) times. The Serb community representative refused to nominate other candidates and alleged violation of the Rules of Procedure, while the elected President of the Assembly proceeded with the voting of other candidates by lot based on paragraph 7 of Article 12 of the Rules of Procedure of the Assembly. The voting by lot failed for all candidates and consequently the session was interrupted. After that, the Constitutive Session continued on 28 and 30 August 2025, when the voting by lot for the Deputy President from the ranks of the Serb community, failed 3 (three) times for each and every deputy. Consequently, none of the candidates managed to obtain the required votes to be elected Deputy of the President of the Assembly from the ranks of the Serb community. On 30 August 2025, the elected President of the Assembly concluded the proceedings of the Constitutive Session of the Assembly.

96. With reference to this, the Court notes that the Applicants in essence contest (a) the procedure for election of the Deputy President of communities that are not in the majority as well as (b) the procedure of non-election of the Deputy President from the Serb community, and in that context, they argue that:
  - (i) Separation of the procedure for election of the deputy presidents from the ranks of the non-majority communities is in contradiction with paragraph 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution and paragraph 6 of Article 12 (Election of the Deputy Presidents of the Assembly) of the Rules of Procedure of the Assembly, since according to them, *“[...] 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.”* At the same time, they also argue that such move also violates 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”*;

- (ii) Drawing of lots is 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, since, according to them, “[...] *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 [...]*”.
97. Allegations of the Applicants are counter-argued by the President, the representative of the parliamentary group of LVV!, the representative of the “*Multiethnic Group*” and the elected President of the Assembly, who, in essence, argue that: (i) separate voting is not in violation with the Constitution and the Rules of the Procedure of the Assembly, because it does not stipulate an obligation to vote *en bloc*; (ii) limiting the proposal to 3 (three) times for the same candidate was done as an unblocking mechanism “*as in the case of the President*”; (iii) the procedure of drawing lots was conducted based on paragraph 7 of Article 12 of the Rules of Procedure of the Assembly; (iv) “*The Assembly has fulfilled its phase of constitution by the fact that item 4 of the agenda has been exhausted in its entirety*”; and (v) constitution of the Assembly cannot be blocked because of non-election of a deputy president, as long as there is quorum in the Presidency of the Assembly.
  98. Taking into account the Applicants allegations, which are related to IV and last item of the agenda of the Constitutive Session, namely, the procedure for election of the Deputy Presidents of the Assembly from the ranks of non-majority communities, as well as the arguments and counter-arguments of the interested parties, the Court considers that the constitutional issue and the subject of the review of the Referral is the issue of whether the latest Judgments of the Constitutional Court have been implemented with the constitution of the Assembly, namely, whether: (i) the constitution of the Assembly has been completed; and (ii) the constitutional procedure for election of the Deputy Presidents of the Assembly from the ranks of the non-majority communities has been complied with.
  99. That said, the Court, based on its case-law, will recall (i) the general principles regarding the constitution of the Assembly and the election of the Deputy Presidents of the Assembly, as set forth in the Constitution, its case-law and the Rules of Procedure of the Assembly, including those pertaining to the election of the deputy presidents from the ranks of the deputies of non-majority communities, and then (iii) apply them to the circumstances of the case at hand.
    - I. *General principles for the constitution of the Assembly and election of the Deputy Presidents of the Assembly*
  100. The Court first recalls paragraph 1 of Article 3 [Equality Before the Law] of the Constitution, stipulating the Republic of Kosovo as “[...] *a multi-ethnic society consisting of Albanian and other Communities, governed democratically with full respect for the rule of law through its legislative, executive and judicial institutions.*”
  101. In that context, the Court is referring to Article 64 [Structure of Assembly] of the Constitution, which stipulates that the Assembly has one hundred twenty (120) elected deputies, whereby in the framework of this distribution, twenty (20) of the one hundred twenty (120) seats are guaranteed for representation of deputies of the communities that are not in the majority in Kosovo. More precisely, subparagraphs 1 and 2 of paragraph 2 of Article 64 of the Constitution, stipulate that:

“[...]”

2. In the framework of this distribution, twenty (20) of the one hundred twenty (120) seats are guaranteed for representation of communities that are not in the majority in Kosovo as follows: (1) Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the Kosovo Serb Community shall have the total number of seats won through the open election, with a minimum ten (10) seats guaranteed if the number of seats won is less than ten (10);

(2) Parties, coalitions, citizens' initiatives and independent candidates having declared themselves representing the other Communities shall have the total number of seats won through the open election, with a minimum number of seats in the Assembly guaranteed as follows: the Roma community, one (1) seat; the Ashkali community, one (1) seat; the Egyptian community, one (1) seat; and one (1) additional seat will be awarded to either the Roma, the Ashkali or the Egyptian community with the highest overall votes; the Bosnian community, three (3) seats; the Turkish community, two (2) seats; and the Gorani community, one (1) seat if the number of seats won by each community is less than the number guaranteed."

102. The Court recalls that paragraph 1 of Article 67 [Election of the President and Deputy Presidents] of the Constitution stipulates that "*The Assembly of Kosovo elects the President of the Assembly and five (5) Deputy Presidents from among its deputies*", while, paragraph 6 of the same article stipulates that "*The President and the Deputy Presidents form the Presidency of the Assembly. The Presidency is responsible for the administrative operation of the Assembly as provided in the Rules of Procedure of the Assembly*". Furthermore, paragraphs 3 and 4 of Article 67 of the Constitution stipulate that: (i) 3 (three) Deputy Presidents proposed by the three largest parliamentary groups are elected by a majority vote of all deputies of the Assembly; and (ii) 2 (two) Deputy Presidents represent non-majority communities in the Assembly and are elected by a majority vote of all deputies of the Assembly. One (1) Deputy President shall belong to the deputies of the Assembly holding seats reserved or guaranteed for the Serb community, and one (1) Deputy shall belong to deputies of the Assembly holding seats reserved or guaranteed for other communities that are not in the majority.
103. Based on the joint reading of paragraph 2 of Article 64 and paragraphs 1, 4 and 6 of Article 67 of the Constitution, and in the context of values and principles on which the constitutional order of the Republic of Kosovo is based, among other, set forth by Articles 3 [Equality Before the Law], 4 [Form of Government and Separation of Powers] and 7 [Values] of the Constitution it results that representation of the non-majority communities, in the Presidency of the Assembly is realized through election of 2 (two) Deputy Presidents from the ranks of the deputies belonging to the non-majority communities, namely, in the following order: (i) the Serb community; and (ii) the other non-majority communities. Such representation is not discretionary, but a constitutional requirement, guaranteed by the aforementioned constitutional provisions. In that context, the Court that paragraph 7 of Article 58 [Responsibilities of the State] stipulates that: "*The Republic of Kosovo ensures, on a non-discriminatory basis, that all communities and their members may exercise their rights specified in this Constitution.*"
104. The Court notes again that the first step in the formation of the constitutional institutions following elections, as stipulated by the Constitution, namely following official announcement of the election result, is the constitution of the Assembly. The Court through its Judgment in the case KO124/25 has stipulated that "*the conduct and completion of the Constitutive Session must be guided in accordance with the constitutional provisions for the constitution of the Assembly, Chapter IV (Inaugural session of the Assembly) of the*

*Rules of the Assembly, and the previous parliamentary practices for the constitution of the Assembly of the Republic of Kosovo*” (see paragraph 187 of Judgment in the case KO124/25). To this end, considering paragraphs 1 and 6 of Article 67 of the Constitution, the constitutive session of the Assembly is considered as realized only after the election of the President and Deputy Presidents thereof. The constitution of the Assembly and the establishment of other constitutional bodies deriving from the Assembly serve to preserve the constitutional order by guaranteeing the interaction of all powers in the service of democracy and the rule of law in the Republic of Kosovo (see Judgements of the Court in the cases KO124/25, cited above, paragraph 93 and KO193/25 and KO196/25, cited above, paragraph 97).

105. As highlighted in the Court Judgment in the case KO119/14 and the latest judgments of the Court regarding constitution of the IX Legislature of the Assembly, namely the cases KO124/25, KO193/25 and KO196/25, the Court explained the following criteria for the Constitution of the Assembly and obligations of the deputies:
  - (i) The Constitutive Session of the Assembly, within the meaning of paragraph 1 of Article 66 of the Constitution, should be successfully realized within 30 (thirty) days from official announcement of election results, upon the fulfilment of all essential elements of the constituting, including the election of the President in accordance with paragraph 2 of Article 67 and of the Deputy Presidents in accordance with paragraphs 3 and 4 of Article 67 of the Constitution;
  - (ii) Election by open voting of the candidate for the President of the Assembly of the Republic of Kosovo, voting that can be realized only up to 3 (three) times for the same candidate;
  - (iii) The obligation of the deputies to be present and vote during the procedure of election of the President and Deputy Presidents of the Assembly of the Republic of Kosovo.
106. The Court emphasizes that as per the order set forth with paragraph 1 of Article 67 of the Constitution, the deputies initially are obliged to elect the President of the Assembly and after that his 5 (five) Deputies.
107. The Court reiterates the content of paragraph 3 of Article 67 of the Constitution, which regulates the issue of nominating and voting the proposal of the deputy presidents of the Assembly, stipulating that *“three (3) Deputy Presidents proposed by the three largest parliamentary groups are elected by a majority vote of all deputies of the Assembly.”*
108. In the context of the circumstances at hand, regarding the procedure for election of the Deputy Presidents of the Assembly, the Court through its Judgment in the case [KO84/18](#), clarified that, according to paragraph 3 of Article 67 of the Constitution, for the election of 3 (three) members of the Presidency of the Assembly, two conditions must be fulfilled, namely, that the candidates (a) must be proposed by the three largest parliamentary groups and (b) they must receive the votes of the majority of all deputies of the Assembly (see, case KO84/18, Applicant *Albin Kurti and 11 other deputies of the Assembly of the Republic of Kosovo*, Constitutional Review of Decision No. 06/V-145 of the Assembly of the Republic of Kosovo regarding the Proposal of the Parliamentary Group of the Lëvizja Vetëvendosje! on dismissal of Aida Dërguti from the position of Deputy President of the Assembly of the Republic of Kosovo, Judgment of 3 December 2018, paragraphs 91-96).
109. As regards the first condition, the Court notes that the Constitution, in Article 67, paragraph 3, clearly provides that the right to propose 3 (three) candidates for the positions

of Deputy Presidents belongs exclusively to the three (3) largest parliamentary groups. The Court holds that the right of the three (3) largest parliamentary groups to propose candidates for the position of Deputy President of the Assembly is essential for the preservation of the foundations of an effective and meaningful democracy in the constitution of the Assembly, governed by the rule of law. In that sense, the Court refers to the case KO119/14, in which it held that *“Therefore, the largest parliamentary group according to Article 67 (2) of the Constitution is to be considered the party, coalition, citizens' initiatives and independent candidates that have more seats in the Assembly, in the sense of Article 64 (1) of the Constitution, than any other party, coalition, citizens' initiatives and independent candidates that participated as such in the elections.”* (see Judgment in the case [KO119/14](#), Applicant *Xhavit Haliti and 29 other deputies of the Assembly of the Republic of Kosovo*, Judgment of 21 August 2014, paragraph 116).

110. As regards the second condition, the Court in its case-law has clarified that *“the majority of votes of all deputies of the Assembly”*, means that a minimum of 61 (sixty-one) votes must be reached in an Assembly of 120 (one hundred and twenty) deputies and that, according to the Court, a departure from this constitutional standard, under any circumstance, undermines the constitutional legitimacy of the process of constituting the Assembly, according to the Constitution of the Republic of Kosovo (see Judgment of the Court in the cases KO193/25 and KO196/25, cited above, paragraph 137).
111. Unlike the language of the paragraph 3 of Article 67 which enables greater freedom of the proposal, paragraph 4 of Article 67 of the Constitution expressly stipulates that *“two (2) Deputy Presidents represent non-majority communities in the Assembly and are elected by a majority vote of all deputies of the Assembly. One (1) Deputy President shall belong to the deputies of the Assembly holding seats reserved or guaranteed for the Serb community, and one (1) Deputy shall belong to deputies of the Assembly holding seats reserved or guaranteed for other communities that are not in the majority.”*
112. In this case, regarding election of the other 2 (two) members of the Presidency of the Assembly, the first condition is that (i) the elected Deputy President must be a candidate from the ranks of the Assembly deputies holding reserved or guaranteed seats of the Serb community or other communities that are not in the majority; while the second condition (ii) is a minimum of 61 (sixty-one) votes for this proposal.
113. The Court notes that while candidates for the Deputy President according to the procedure set out in paragraph 3 of Article 67 of the Constitution may also belong to other parliamentary groups provided that the proposal is made by the three (3) largest parliamentary groups, on the other hand the candidate for the Deputy President from the non-majority communities according to paragraph 4 of the same Article must belong to the non-majority communities, namely, (i) the Serb community and (ii) other communities that are not in the majority, as paragraph 4 of Article 67 of the Constitution is clear in that sense.
114. On the other hand, concerning the procedure for electing deputy presidents from the ranks of the deputies of the non-majority communities, the Court notes that such procedure is further elaborated in paragraphs 4, 6 and 7 of Article 12 of the Rules of Procedure of the Assembly, which stipulate that:

*“[...]*

*4. The President of the Assembly shall request from the MPs holding seats guaranteed for the Serb community to propose a (1) candidate for deputy president of the*

*Assembly, as well as from MPs holding guaranteed seats for other communities, which are not in a majority, to propose a candidate for deputy president of the Assembly, who shall be elected with a majority vote of all MPs.*

*[...]*

*6. Proposals from paragraph 4 of this article shall be made in writing, according to the following procedure:*

*6.1. The candidate for the deputy speaker of the Assembly from the ranks of the Serbian community is proposed by the majority of MPs of the Serbian community, and*

*6.2. The candidate for the deputy president of the Assembly from among the MPs of other non-majority communities is proposed by the majority of the MPs of other non-majority communities.*

*7. In case of non-nomination of the candidates according to paragraph 6 of this article, the nomination of the candidates is done by lot, in the presence of the MPs of the respective communities. This procedure is administered by the President of the Assembly.”*

115. As it results from the Constitution and the Rules of Procedure of the Assembly, as well as based on the case-law of the Court that the Deputy Presidents of the Assembly from the ranks of the non-majority communities (i) are elected by the majority of votes of all deputies of the Assembly; and the proposal is made (ii) in writing (iii) by the majority of the deputies of the Serb community or other communities that are not in the majority.
116. Furthermore, the Rules of Procedure of the Assembly in paragraph 7 of its Article 12 and item IV of the enacting clause of the Judgment in the cases KO193/25 and KO196/25, stipulate 2 (two) unblocking mechanisms: (i) the lot procedure only in case of non-nomination of the candidates according to the aforementioned procedure by the non-majority communities, in the presence of the deputies of the respective communities, and administered by the President of the Assembly and (ii) the voting for the same candidate can take place only up to 3 (three) times.

## *II. Application of the principles in the circumstances of the present case*

117. Returning to the circumstances of the present case, the Court recalls that after the entry into force of its Judgment in cases KO193/25 and KO196/25, the Constitutive Session of the Assembly, which commenced on 15 April 2025, and was interrupted on 26 July 2025, as a result of the interim measure imposed by the Court, continued on 20, 22 and 24 August 2025 with regard to item 3 of the agenda, namely the election of the President of the Assembly, which failed 6 (six) times. On 26 August 2025, the deputy Dimal Basha was elected President of the Assembly, concluding thereby item 3 of the agenda of the Constitutive Session. On the same day, the elected President of the Assembly continued the proceedings of the Constitutive Session regarding the fourth and final item on the agenda, namely, the election of the Deputy Presidents of the Assembly. The voting for the 3 (three) Deputy Presidents from the 3 (three) largest parliamentary groups was held in a package, as there was consensus among them for the voting in a package, when the deputies Albulena Haxhiu, Vlora Çitaku and Kujtim Shala were elected. After that, as a result of the proposal of the representative of other non-majority communities, namely the deputy Elbert Krasniqi, for the separation of the voting procedure for the Deputy Presidents from the ranks of the non-majority communities, the voting took place separately, whereby the deputy Emilija Redžepi was elected Deputy President from the ranks of other communities that are not in the majority, whereas, the voting failed 3 (three) times in a row for the candidate of the Serb community, namely the deputy Slavko Simić. On the same day, the

elected President of the Assembly asked this community to propose another candidate, given that the voting for the first candidate failed 3 (three) times and in the spirit of the Court's Judgment in cases KO193/25 and KO196/25, the same candidate can be proposed a maximum of three times. The representative of the Serb community refused to propose another candidate and alleged violation of the Rules of Procedure of the Assembly, after which the elected President of the Assembly went on with the voting of the other candidates by drawing of lots based on paragraph 7 of Article 12 of the Rules of Procedure of the Assembly. The voting failed for the deputies Verica Čeranić, Stefan Kovačević and Nenad Rašić and as a result the session was interrupted. The Constitutive Session then continued on 28 and 30 August 2025, where the voting by lot for the Deputy Speaker of the Assembly from the ranks of the Serb community failed 3 (three) times for each of the following deputies: Branislav Nikolić, Zlatan Elek, Stefan Kovačević, Srđan Popović, Igor Simić, Miljana Nikolić and Nenad Rašić, while deputies Verica Čeranić and Ljiljana Stefanović refused their candidacies. As a result, none of the candidates received the necessary votes to be elected Deputy President of the Assembly from the ranks of the Serb community. On 30 August, the elected President of the Assembly “concluded” the proceedings of the Constitutive Session of the Assembly.

118. The Court will now address the Applicants’ allegations in the light of the general principles, applying them to the circumstances of the present case
  - (i) *Regarding the procedure of election of the Deputy President from other non-majority communities*
119. The Court notes that the applicants essentially contest the procedure for election of the Deputy Presidents from other non-majority communities, arguing that the separation of the procedure for election of the Deputy Presidents from the ranks of non-majority communities is contrary to paragraph 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution and paragraph 6 of Article 12 (Election of the Deputy Presidents of the Assembly) of the Rules of Procedure of the Assembly, because according to them, the election of the Deputy Presidents from the ranks of the non-majority communities is to be conducted in a single procedure in order to ensure protection of the rights of the communities that are not in the majority, in compliance with the principles of inclusiveness and equality, without the possibility of a selective division. At the same time, they also argue that doing so also violates Article 24 [Equality Before the Law] of the Constitution, in conjunction with Article 14 (Prohibition of discrimination) of the ECHR, with justification that the elected President of the Assembly: “[...] 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”.
120. In that sense, regarding the election of the Deputy Presidents of the Assembly under paragraph 4 of Article 67 of the Constitution, namely of 2 (two) Deputy Presidents proposed from the ranks of the non-majority communities, the Court first notes that their voting for this position was held separately as a result of the proposal of the representative of other non-majority communities, who, after proposing their candidate, explicitly requested from the elected President of the Assembly to separate the procedure for the election of the respective Deputy Presidents.
121. The Court recalls that the constitutional provisions, the Rules of Procedure of the Assembly and the case-law of the Court do not result in an obligation for the deputies to vote in a package for the deputy presidents of the Assembly, whether for those nominated by the 3 (three) largest parliamentary groups or for those nominated by non-majority communities.

In that context, given that the voting in a package is not explicitly stipulated in the Constitution, the same may take place if there is agreement between the parliamentary groups of deputies. The Court notes that based on the parliamentary experience for the election of the Deputy Presidents from the ranks of the deputies belonging to the non-majority communities, as of 2011, the Deputy Presidents from the ranks of the non-majority communities have been nominated and elected in a package. Likewise, the Court holds that such voting procedure remains in the will of the deputies and parliamentary groups provided that the election of the members of the Presidency of the Assembly is accomplished.

122. Coming back to the circumstances of the present case, based on the Transcript of the continuation of the Constitutive Session on 26 August 2025, in the context of the procedure of election of the Deputy Presidents of the Assembly under paragraph 3 of Article 67 of the Constitution, the Court notes that the elected President of the Assembly held that: *“We have a consensus amongst the representatives of the three largest entities of the parliamentary groups to proceed with the voting in a package.”* Subsequently, the same, following separate nomination of the candidates for Deputy Presidents from the 3 (three) largest parliamentary groups, proceeded with the voting in a package, after which the nominated candidates received the necessary majority to get elected to this position, namely, 101 (one hundred and one) votes in favor, none against and 9 (nine) abstentions.
123. Next, based on the above-mentioned transcript, in the context of the procedure for the election of the Deputy Presidents of the Assembly under paragraph 4 of Article 67 of the Constitution, namely of 2 (two) Deputy Presidents from the non-majority communities, the Court notes that their voting for this position took place separately as a consequence of the proposal of the representative of the deputies from the ranks of the other communities that are not in the majority to proceed with the voting in a package. Although, as noted above, there is an order when electing Deputy Presidents of the Assembly from the non-majority communities, whereby in principle, the voting begins with the candidate for the Deputy President from the Serb community followed by the candidate from other communities that are not in the majority, the Court notes that the elected deputies had not agreed to vote in a package for the deputy presidents from the ranks of the non-majority communities.
124. Furthermore, with respect to the election of the Deputy President Emilija Redžepi, the Court recalls that based on the constitutional provisions as well as provisions of the Rules of the Procedure of the Assembly, (i) the candidate was proposed in writing, through letter [09/050/DO-031] of 26 August 2025, (ii) by the majority of the deputies of the other communities that are not in the majority; (ii) there was a quorum for the decision-making; (iii) the voting was open; and (iv) the candidate had received the majority of votes required for election to this position, namely, 73 (seventy-three) votes in favor, 1 (one) against and 23 (twenty-three) abstentions.
125. Consequently, the Court holds that the procedure for the election of the Deputy President of the Assembly from other communities that are not in the majority is not in violation of paragraph 4 of Article 67 of the Constitution.

(ii) *As to the procedure of (non)election of the Deputy President from the Serb community*

126. The Court reiterates that the applicants, in the context of contesting the procedure of the non-election of the Deputy President from the Serb community, allege that the application of the lot procedure is contrary to paragraph 4 of Article 67 of the Constitution and point 1 of paragraph 6 of Article 12 of the Rules of Procedure of the Assembly, since, according to

them, “[...] the winner of the elections from the Serb community should 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 [...]”.

127. The Court recalls that based on paragraph 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution and subparagraph 1 of paragraph 6 of Article 12 (Election of Deputy Presidents) of the Rules of Procedure of the Assembly, it results that the Deputy President of the Assembly from the Serb community (i) is elected by a majority vote of all deputies of the Assembly, namely 61 (sixty-one) votes in favor; and the proposal (ii) is made in writing (iii) by the majority of the deputies from the ranks of the Serb community.
128. From the aforementioned, the Court underlines that the proposal for the Deputy President of the Assembly from the ranks of the deputies from the non-majority communities, in this concrete case, the Serb community, is to be made by the majority or by the larger number of the deputies from the ranks of the deputies of the Serb community.
129. In this sense, the Court reiterates that the unblocking mechanism set out in point IV of the enacting clause of the Court's Judgment in the cases KO193/25 and KO196/25, which obliges the elected deputies of the Assembly to vote only up to 3 (three) times for the same candidate for the President of the Assembly, also applies to the position of Deputy Presidents of the Assembly.
130. Furthermore, the Court also recalls that paragraph 7 of Article 12 of the Rules of Procedure of the Assembly establishes another unblocking mechanism, namely that in the event of non-nomination of candidates according to the above-mentioned procedure by non-majority communities, the proposal of candidates is made by lot, in the presence of the deputies of the respective communities, and the procedure is administered by the President of the Assembly.
131. Coming back to the circumstances of the present case, the Court notes that on 26 August 2025, (i) the candidate for the Deputy was proposed in writing through the Letter [09/049/Do-030] of 26 August 2025; as well as (ii) the same was proposed by the majority of the deputies of the Serb community. Nevertheless, the same for 3 (three) times in a row failed to receive the required majority, stipulated by the Constitution, to be elected as Deputy President.
132. In this regard, the Court, based on the Transcript of the continuation of the Constitutive Session of 26 August 2025, recalls that despite the request of the elected President of the Assembly that the Serb community propose another candidate, this did not happen, whereby the elected President of the Assembly ascertained that with the refusal of this group to propose another candidate, it should be proceeded with the proposal of candidates by drawing lots, in the presence of the deputies of the respective communities, as set out in paragraph 7 of Article 12 of the Rules of Procedure of the Assembly.
133. The Court considers that before proceeding with the procedure for proposing candidates for Deputy President of the Serb community, the majority of the Serb community was given the right to propose their candidate in accordance with subparagraph 1 of paragraph 6 of Article 12 of the Rules of Procedure of the Assembly, but as a result of the non-nomination of another candidate in accordance with the Court's Judgment in cases KO193/25 and

KO196/25, the elected President of the Assembly proceeded with the unblocking mechanism set out in the aforementioned provisions of the Rules of Procedure of the Assembly.

134. The Court notes that the procedure for proposing candidates for Deputy President of the Assembly from the Serb community, by lot, continued on 28 and 30 August 2025. However, from the ballots held, in which there was a quorum, none of the candidates proposed 3 (three) times received the necessary votes to be elected to this position, while two candidates rejected their candidacy.
135. In the circumstances of the specific case, the two unblocking mechanisms, namely, (i) the voting up to 3 (three) times for the same candidate and (ii) the procedure of drawing lots, have given the Assembly the possibility to vote for one of the candidates nominated for the Deputy President of the Assembly from the Serb community. In this context, the Court notes that the elected deputies of the Assembly have failed to elect one of the Deputy Presidents of the Assembly, or the fifth member of the Presidency of the Assembly, given that none of the candidates received 61 (sixty-one) votes to be elected to this position.

(iii) *As to the constitution of the Assembly*

136. The Court recalls that the President, the elected President of the Assembly, the parliamentary group of LVV!, and the “*Multiethnic Group*” in their comments submitted to the Court related to the present Referral, argued that in spite of nonelection of the Deputy President from the ranks of the deputies of the Serb community, the Assembly has been constituted.
137. With respect to this, the Court once again refers to paragraph 1 of Article 67 [Election of the President and Deputy Presidents] of the Constitution, which stipulates that “*The Assembly of Kosovo elects the President of the Assembly and five (5) Deputy Presidents from among its deputies*”, as well as paragraph 6 of the same article, which stipulates that: *The President and the Deputy Presidents form the Presidency of the Assembly. The Presidency is responsible for the administrative operation of the Assembly as provided in the Rules of Procedure of the Assembly.* Further, the Court recalls that 2 (two) of the Deputy Presidents of the Assembly, who are also members of its Presidency, belong to the non-majority communities, which are expressly stipulated in paragraph 4 of Article 67 of the Constitution, as follows: “*4. Two (2) Deputy Presidents represent non-majority communities in the Assembly and are elected by a majority vote of all deputies of the Assembly. One (1) Deputy President shall belong to the deputies of the Assembly holding seats reserved or guaranteed for the Serb community, and one (1) Deputy shall belong to deputies of the Assembly holding seats reserved or guaranteed for other communities that are not in the majority.*”
138. That said, based on the joint reading of paragraph 2 of Article 64 and paragraphs 1, 4 and 6 of Article 67 of the Constitution, it results that the representation of the non-majority communities in the structure of the Presidency of the Assembly, is a constitutional guarantee, so that the non-majority communities, namely, the Serb community and the other communities that are not in the majority, are included in the full functionalization of the Presidency of the Assembly, enabling them participation in the decision-making of the Presidency of the Assembly, in the manner set forth by the Rules of Procedure of the Assembly.

139. The Court recalls that the first step after the official announcement of the election results is the constitution of the Assembly, through the Constitutive Session, which is a formal constitutional act, through which the agenda items for the constitution of the Assembly are determined in an exhaustive manner. Specifically, a session which, according to paragraph 4 of Article 8 (Preparations for the inaugural session) of the Rules of Procedure of the Assembly, has the following agenda: (i) Establishment of the Temporary Committee for the Verification of Quorum and Mandates; (ii) Oath of the Deputies; (iii) Election of the President of the Assembly and (iv) Election of the Deputy Presidents of the Assembly.
140. The Court will also refer to its judgments in the cases KO124/25, as well as KO193/25 and KO196/25, where it emphasized that the Constitutive Session of the Assembly is considered accomplished only after the election of its President and Deputy Presidents. The constitution of the Assembly and the formation of other constitutional bodies deriving from the Assembly serve to preserve the constitutional order by guaranteeing the interaction of all powers in the service of democracy and the rule of law in the Republic of Kosovo (see the judgments of the Court in cases KO124/25, cited above, paragraph 93 and KO193/25 and KO196/25, cited above, paragraph 97).
141. The Court, based on its case law, reiterates that a Constitutive Session that is held but does not elect the President and Deputy Presidents of the Assembly is an unaccomplished session, since it does not meet the requirement of paragraph 1 of Article 66 of the Constitution. In this regard, the Court recalls the Constitutive Session following the elections of the V Legislature of the Assembly, which was the subject of constitutional review before the Court in case KO119/14, in which case the Court had decided that “*The Constitutive Session of the Assembly, which started on 17 July 2014, has not been accomplished, namely by not electing President and Deputy Presidents of the Assembly.*” (see point II.c. of the enacting clause of the Court's Judgment in case KO119/14, cited above). In this regard, the Court also emphasizes that the failure to reach the required majority for the election of the candidate for Deputy President of the Assembly constitutes, on the other hand, a failure of the deputies to successfully conclude the Constitutive Session, also in terms of the constitutional obligation set out in paragraph 1 of Article 66 of the Constitution (see *mutatis mutandis*, the Court's Judgment in case KO124/25, cited above, paragraph 129).
142. The Court recalls that on 19 April 2025, in the context of the continuation of the Constitutive Session that started on 15 April 2025, where 120 (one hundred and twenty) deputies were present, (i) a unanimous vote was taken on the formation and report of the Temporary Committee for the Verification of the Quorum and Mandates of Deputies, and (ii) all deputies took their oath, thus implementing items I and II of the agenda of the Constitutive Session (see Judgment KO124/25, cited above, paragraph 29).
143. After the entry into force of the Court's Judgment in cases KO193/25 and KO196/25, the Constitutive Session of the Assembly, which started on 15 April 2025, and was adjourned on 26 July 2025, as a result of the Court's imposition of an interim measure in cases KO193/25 and KO196/25, continued on 20, 22, 24, 26 of August 2025 regarding item III of the agenda, namely the election of the President of the Assembly, an item which was accomplished on 26 August 2025, after 6 (six) attempts.
144. The Court highlights that the Constitutive Session continued on the same day, on 26 August 2025, with item IV of the agenda for the election of deputy presidents, in which case 3 (three) deputy presidents from the 3 (three) largest parliamentary groups and the deputy president from other communities that are not in the majority were elected.

145. The Court underlines that despite the use of two unblocking mechanisms, (i) the voting up to 3 (three) times for the same candidate and (ii) the procedure of lot drawing, the Deputy President from the Serb community was not elected because none of the candidates received the necessary votes to be elected Deputy President of the Assembly from the ranks of the Serb community, neither in the continuation of the Constitutive Session on 28 and 30 August 2025.
146. As stated above and confirmed in the Court's Judgments in the cases KO124/25, as well as KO193/25 and KO196/23, the Court reiterates that the Constitution provides that the Constitutive Session is concluded only after the election of the President and all Deputy Presidents, a matter already decided by the Court since 2014, in item II.c. of the enacting clause of its Judgment in case KO119/14 and confirmed through paragraph 5 of Article 12 of the Rules of Procedure of the Assembly, adopted in 2022, which expressly establishes that: *"The constitutive session shall end with the election of the President and deputy presidents of the Assembly"*.
147. Therefore, given that in the circumstances of the present case, the elected members of the Assembly, despite the alternatives offered, have not fulfilled their obligation to elect the Deputy President of the Assembly from the Serb community, as set out in paragraph 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution, the Court finds that the Assembly of the Republic of Kosovo has not been constituted as set out in paragraph 1 of Article 66 and paragraph 4 of Article 67 of the Constitution, as well as the Court's Judgments in the cases KO119/14, KO124/25 as well as KO193/25 and KO196/25, and the Rules of Procedure of the Assembly.
148. Despite the above-mentioned conclusion, the Court clarifies that in cases where the constitutional right in the procedure for electing members of the Presidency of the Assembly during the constitution of the Assembly, is not exercised by the deputies or parliamentary groups, who have the right to propose members of the Presidency of the Assembly, whether they are from the majority community or from among the communities that are not in the majority, which may manifest themselves in obstructing this process, or in cases where, despite the will of the majority of deputies to elect the member of the Presidency, the Assembly is prevented from electing members of its Presidency, the Assembly may exceptionally continue its functioning without one of the members of the Presidency of the Assembly, provided that the Presidency of the Assembly has a quorum in its decision-making in accordance with paragraph 3 of Article 20 (Meeting of the Presidency) of the Rules of Procedure of the Assembly, which stipulates that: *"Decisions of the Presidency shall be taken with a majority vote of MPs present in the meeting"*. However, the Court emphasizes that this is not the case in the concrete circumstances because the failure to constitute the Assembly in the present case is attributable to the non-voting of the majority of elected members of the Assembly for the proposed candidates, either (i) directly proposed by the ranks of deputies of the communities that are not in majority, namely the Serb community; or (ii) proceeding with the drawing of lots.
149. The Court recalls that through its judgments it has ordered the elected deputies of the Assembly:
- (i) To successfully complete the Constitutive Session of the Assembly, within the meaning of paragraph 1 of Article 66 of the Constitution, 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, including the election of the President according to paragraph 2 of Article 67 and the Deputy Presidents according to paragraphs 3 and 4 of Article 67 of the Constitution;
- (ii) to elect through open ballot the candidate for President of the Assembly of the Republic of Kosovo, a ballot which may be conducted only up to 3 (three) times for the same candidate;
  - (iii) to be present and vote during the procedure for the election of the President and Deputy Presidents of the Assembly of the Republic of Kosovo.
150. In the circumstances of the present case, the Court reiterates that after the entry into force of the Court's Judgment in cases KO193/25 and KO196/25 on 18 August 2025, the deadline for the conclusion of the Constitutive Session was 17 September 2025.
151. The Court recalls that, on 4 September 2025 it imposed *ex officio* and at the request of the applicants in the present Referral KO265/25, an interim measure through which it prohibited any action of the elected deputies of the Assembly of the Republic of Kosovo, as well as any procedure for the formation of the Government, whereby the aforementioned deadline was suspended, effective as of 5 September 2025 and in duration until 30 September 2025.
152. Consequently, the Court considers that the 30 (thirty) day deadline for the constitution of the Assembly has not been exhausted yet, given that there are still 12 (twelve) days left for the conclusion of the Constitutive Session, respectively, the completion of item IV of the agenda, by electing the Deputy President of the Assembly from the ranks of the deputies of the Serb community.
153. The Court takes into account that the voting for the 8 (eight) candidates from the ranks of the deputies of the Serb community has failed 3 (three) times, while 2 (two) candidates have refused their candidacy. However, the Court considers that the criterion of voting up to 3 (three) times for the same candidate, set forth as an unblocking mechanism in point IV of the Court's Judgment in cases KO193/25 and KO196/25, cannot in itself become an obstacle to the constitution of the Assembly, if (i) the 30 (thirty) day deadline for the constitution of the Assembly has not expired and provided that (ii) there is a will of the elected deputies of the Assembly to constitute the Assembly.
154. In these circumstances, the elected deputies of the Assembly should constitute the Assembly within the remaining 12 (twelve) days, in compliance with the procedure set forth by the Constitution and the Rules of Procedure of the Assembly. The Court recalls the obligation of deputies to participate in the proceedings of the Assembly, including their participation in voting on proposals made pursuant to the Constitution and other related rules.
155. In this regard, the Court emphasizes that the elected deputies of the Assembly must be present and vote for, against or abstain from the election of the Deputy President of the Serb community, in the spirit of the obligation for constructive cooperation in good faith, which stems from Article 67 of the Constitution itself, and which is closely related to (i) the obligation set out in Article 74 of the Constitution, according to which the deputies of the Assembly exercise their function in the best interest of the Republic of Kosovo in accordance with the Constitution, laws and rules of procedure of the Assembly, and (ii) taking into account the obligation defined in paragraph 7 of Article 58 of the Constitution of the Republic of Kosovo ensures that, on non-discriminatory basis, all communities and their members may exercise their rights, specified in this Constitution, as defined in

paragraph 7 of Article 58 of the Constitution. At the same time, such an obligation also applies to other parliamentary groups, which, in the spirit of cooperation and constructive consultations, propose candidates for Deputy Presidents of the Assembly, who, based on paragraphs 3 and 4 of Article 67 of the Constitution, are also elected by a majority of votes of all deputies (see the Court's Judgment in case KO124/25, cited above, paragraph 130).

156. As noted above, the representation of communities that are not in the majority in the Assembly, including the Presidency of the Assembly, is a constitutional obligation. If the Assembly fails to elect the Deputy President from the deputies of the Serb community, its Presidency would be incomplete and unconstitutional. In this context, the election of the Deputy President of the Assembly from the Serb community as a mandatory member of the Presidency of the Assembly is a prerequisite for the constitution of the Assembly.
157. As it has been emphasized through its case law, in terms of the effective functioning of state institutions, the Court has consistently reiterated that in the service of preserving the constitutional order of the Republic of Kosovo, which is based on the principles of democracy, respect for human rights and freedoms, the rule of law, non-discrimination, pluralism and separation of powers, the Constitution of the Republic of Kosovo is the source of the authority of every governing power and it determines the limits of the exercise of such authority (see, the Judgments of the Court in the case KO124/25, paragraph 103 as well as the cases KO193/25 and KO196/25, paragraph 130).
158. In terms of the conclusion of the Constitutive Session, the Court reiterates the importance of continuing this session and concluding it with the constitution of the Assembly in accordance with the constitutional principles and values as provided in the Constitution. For this reason, the Court invites the elected deputies of the Assembly to pursue the spirit of good faith and constructive cooperation in order to successfully fulfill their constitutional obligation to conclude the Constitutive Session by electing the fifth member of the Presidency of the Assembly, respectively, the Deputy President of the Assembly from the Serb community (see *mutatis mutandis* the Judgment of the Court in cases KO193/25 and KO196/25, cited above, paragraph 135).
159. In this context, the Court reiterates that the structure of constitutional norms, and especially those related to the establishment of state institutions stemming from the people's vote, must be interpreted in such a way as to implement and not to block the establishment and effective exercise of their functions. Thus, all actions taken by elected members of the Assembly, in the event of fulfillment of item IV of the agenda of the Constitutive Session, must comply with the Constitution and its spirit and contribute to the orderly conduct and coordination of affairs of public interest for the state, enabling it to develop and implement the values and principles it is built upon (see the Court's Judgment in case KO124/25, cited above, paragraph 188).
160. The Court reiterates that while the democratic functioning of state institutions is the primary responsibility of every person vested with public authority, all actions taken by persons vested with public power or authority must be in accordance with the Constitution and its spirit and contribute to the smooth running and coordination of affairs of public interest for the state, enabling it to develop and implement the values and principles on which it is built. According to the Court, any obstacle or lack of cooperation in fulfilling constitutional obligations and authorizations is contrary to the spirit of the Constitution (see, Court case KO72/20, Applicant *Rexhep Selimi and 29 other deputies*, Constitutional Review of the Decree of the President of the Republic of Kosovo, no. 24/2020, of 30 April 2020, paragraphs 476-478 and KO193/25 and KO196/25, cited above, paragraph 107).

161. The Court underlines that, based on paragraph 1 of Article 116 [Legal Effect of Decisions] of the Constitution, its decisions are binding on the judiciary and all persons and institutions of the Republic of Kosovo. With respect to this, Rule 60 (Enforcement of Decisions) of the Rules of Procedure of the Court also provides that: (i) all constitutional bodies, including courts and other authorities, are obliged to respect and implement the decisions of the Court, within their competences defined by the Constitution and by law; and (ii) all natural and legal persons are obliged to respect and comply with the decisions of the Court (see, also the Court's Judgment in the cases KO193/25 and KO196/25, cited above, paragraph 106).
162. Finally, the Court considers that in accordance with its constitutional role as the final authority for the interpretation of the Constitution, set in motion through the Referrals submitted to the Court by the authorized parties, it has exhaustively interpreted the constitutional provisions regarding the process of constituting the Assembly, conducted through its Constitutive Session that began on 15 April 2025. Consequently, the Court reiterates that the Constitutive Session of the Assembly, within the meaning of paragraph 1 of Article 66 of the Constitution, is a constitutional act that must be realized through the fulfillment of all essential elements of the constitution, including in this case the election of the Deputy President from the ranks of the Serb community, as defined in paragraph 4 of Article 67 of the Constitution, and any other interpretation would relativize the constitutional order of the Republic of Kosovo and would imply tolerance of institutional blockage, contrary to the functional nature of a democracy guided by the principles of democracy and the rule of law.

## **FOR THESE REASONS**

The Constitutional Court, in accordance with paragraph 5 of Article 113 of the Constitution, Article 20 of the Law, and Rules 46 (4) and 48 (1) (a) and 72 of the Rules of Procedure, on 30 September 2025, unanimously

## **DECIDES**

- I. TO DECLARE the Referral admissible;
- II. TO HOLD, that the Constitutive Session of the Assembly, commenced on 15 April 2025, has not been concluded and as a result of nonelection of the Deputy President from the ranks of the Deputies of the Serb community, and the Assembly has not been constituted in accordance with the provisions of paragraph 1 of Article 66 [Election and Mandate] and paragraphs 1 and 4 of Article 67 [Election of the President and Deputy Presidents] of the Constitution of the Republic of Kosovo;
- III. TO ORDER, that the Constitutive Session must be concluded within the deadline set forth by Article 66 [Election and Mandate] of the Constitution of the Republic of Kosovo and according to the Judgment of the Court KO193/25 and KO196/25, namely within the remaining deadline of 12 (twelve) days from the entry into force of this Judgment;
- IV. TO ORDER, all the elected deputies of the Assembly of the Republic of Kosovo, that in accordance with Article 4 [Form of Government and Separation of Powers], Article 7 [Values], paragraph 4 of Article 67 [Election of the President and Deputy Presidents] and Article 74 [Exercise of Function] of the Constitution of the Republic of Kosovo, during the procedure for the election of the Deputy President of the Assembly of the Republic of Kosovo from the ranks of the Deputies of the Serb community, to exercise their constitutional function in the best interest of the Republic of Kosovo and in accordance with the Constitution and the Rules of Procedure of the Assembly;
- V. TO EXTEND, the interim measure, which entered into force as of 5 September 2025, until the entry into force of this Judgment;
- VI. TO NOTIFY this Judgment to the parties;
- VII. TO PUBLISH this Judgment in the Official Gazette of the Republic of Kosovo, in accordance with paragraph 4 of Article 20 (Decisions) of Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo;
- VIII. TO HOLD that this Judgment enters into force on the day of its publication by the Constitutional Court of the Republic of Kosovo and notification to the parties, with the exception of item V of the enacting clause, which enters into force immediately.

**Judge Rapporteur**

**President of the Constitutional Court**

Enver Peci

Nexhmi Rexhepi

**This translation is unofficial and serves for informational purposes only**