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TITULLI	Krasniqi: Amendments to the law on the Specialist Chambers do not automatically overturn the verdict
ADRESA	https://albeu.com/english/krasniqi-amendments-to-the-law-on-the-specialist-chambers-do-not-automatically-overturn-the-verdict/1032148/
BURIMI	albeu.com
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KOHA

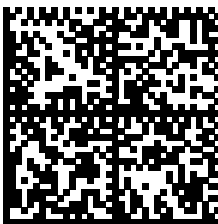
KAPUR NGA NE	29 shtator 2026, 08:34:22 UTC <i>Dritarja jonë e pasigurisë: ± 300 s — intervali me të cilin e kontrollojmë këtë burim.</i>
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ZINXHIRI I PROVËS

KJO HYRJE	b19ce61cc85a173a97465085cc29807a7b784a6514b57d8597d69414a3d72285
E MËPARSHMJA	—
RRËNJA MERKLE	5542c6f376d7530e05241a95b291e64e02f5f89d799222f37a26423635f8fe31
ANKORIMI	submitted — dërguar, ende pa bllok <i>Deri te blloku, kjo provon integritetin, jo kohën.</i>



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Krasniqi: Amendments to the law on the Specialist Chambers do not automatically overturn the verdict



Professor Kolë Krasniqi has stated that amending the Law on the Specialist Chambers would not automatically change the verdict of September 16, 2026, nor would it bring an end to the judicial proceedings currently taking place in The Hague.

According to him, any intervention in legislation must respect the Constitution and international agreements. In the case of the four former KLA leaders, the appeal would continue to be considered in The Hague, while the possibility of transferring the proceedings to Kosovo could be discussed only after a final decision had been issued.

Krasniqi emphasized that adopting legal amendments without a comprehensive legal analysis could open the way to new institutional and legal disputes.

Can amending the Law on the Specialist Chambers achieve its intended objective?

The Assembly of Kosovo has the right and reason to consider amendments to Law No. 05/L-053 on the Specialist Chambers and the Specialist Prosecutor's Office. However, a new law would not automatically change the verdict of September 16, 2026, and would not halt the judicial proceedings in The Hague. The concrete consequences would depend on the content of the provisions, their compatibility with the Constitution and international obligations, as well as how they would be applied in cases that are still ongoing.

According to public reports, the draft law submitted by the PDK seeks to limit the jurisdiction of the Specialist Chambers solely to offenses directly related to the allegations in Dick Marty's report. For matters that would not fall within this redefined jurisdiction, their transfer to Kosovo's judicial institutions is proposed, together with the case files, evidence and other relevant materials.

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case files, evidence and other relevant materials.

The draft law stipulates that proceedings already under way in The Hague should continue under the current provisions until a final decision is issued. Consequently, the appeal proceedings in the case of the four former KLA leaders would also take place in The Hague. Only after the conclusion of the appeal could the possibility arise of addressing subsequent steps in Kosovo, including a possible retrial or the use of an extraordinary legal remedy.

Such a development would not occur automatically. For this reason, any new law would have to clearly define the competent court, the procedure for transferring the case, the status of previous decisions, and the manner in which the case files and material evidence underpinning the verdicts would be handed over. It would also have to clarify the relationship between the new proposals and the powers that current Law No. 05/L-053 grants to the Specialist Chambers Supreme Court Panel to review extraordinary legal remedies, including a request for the protection of legality.

The legislative initiative also proposes a maximum sentence of 15 years in prison, the serving of sentences in Kosovo, and the possibility for convicted persons to receive a presidential pardon. These provisions have not yet entered into force and do not automatically change the sentence handed down at first instance. The draft law has been forwarded to the Government for its opinion.

On September 28, the Assembly adopted a declaration on the verdict. This document represents a political and institutional position, but it does not change the law, remove the Specialist Chambers' jurisdiction or annul the verdict. The declaration and the draft law are two separate actions.

The legal basis of the Specialist Chambers is not limited solely to Law No. 05/L-053. Their establishment and operation are also based on Article 162 of the Constitution, as well as the relevant international agreements, including agreements with the European Union and the Netherlands as the host state. Under Article 19 of the Constitution, ratified international agreements take precedence over Kosovo's laws. For this reason, any amendment must be analyzed in relation to these legal sources. The Assembly may amend the law, but this power must be exercised within constitutional and international limits.

In the case of the four former KLA leaders, this distinction is particularly important. The public description of the draft law does not indicate that the appeal would immediately be transferred to Kosovo. Thus, the issue of transferring jurisdiction could arise primarily after a final decision had been issued. A new law cannot replace the decision of the appeals court, while an appeal remains the only direct legal remedy for challenging the first-instance verdict.

In my assessment, the Assembly should address this debate responsibly and ensure full respect for fair-trial standards. Before the draft law is put to a vote, its compatibility with the Constitution, international agreements and the rights of the parties to the proceedings must be carefully verified. If this is not done, the initiative could lead to a new legal and institutional conflict and unnecessary tensions with Western strategic partners, without achieving the intended result.

This is my assessment and not a conclusion that the draft law is unjustified or unconstitutional.

Shtuar më 29.09.2026 10:30

Tags: amendment , Kosovo , Kosovo Assembly , law



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