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TITULLI	Individual request over presidential election does not open proceedings at Constitutional Court
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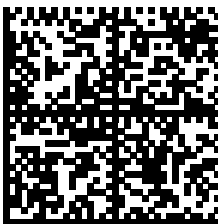
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ZINXHIRI I PROVËS

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E MËPARSHMJA	—
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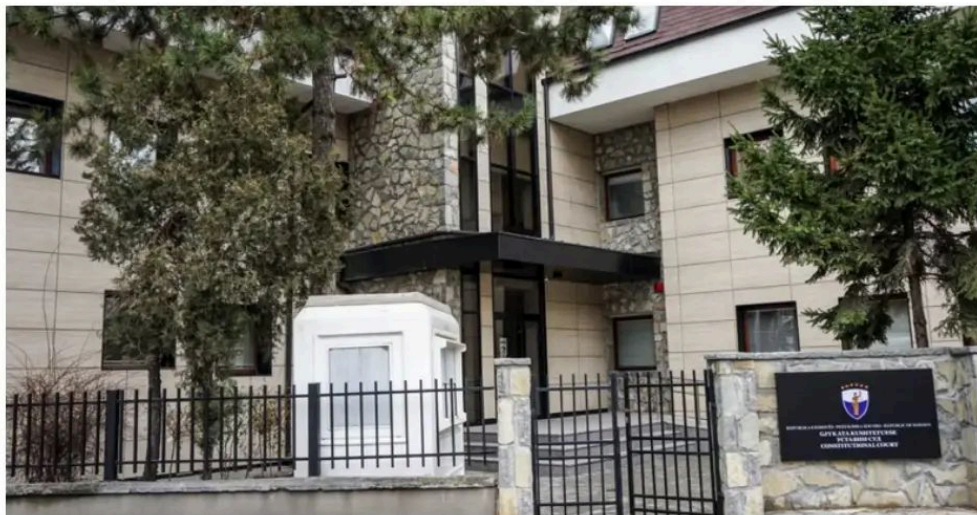
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Individual request over presidential election does not open proceedings at Constitutional Court



Two citizens approached the Constitutional Court on Wednesday over claims that its ruling on the deadline for electing the president had not been implemented. Legal experts, however, say that their initiatives do not oblige the court to open a new case.

Lawyer Arianit Koci announced that he had sent the Constitutional Court a notification concerning what he described as a failure to respect the judgment on the election of the president.

The court had ruled that the 60-day period for electing the president would end on October 6. The vote for president, however, concluded after midnight, at 00:07.

Durim Berisha, a former adviser to Prime Minister Albin Kurti who later joined the Democratic Party of Kosovo, also said he had submitted a filing to the court concerning the "non-enforcement" of the September 29 judgment.

In his filing, Berisha asked the Constitutional Court to act as the "guardian of the Constitution" and, on its own initiative, issue a ruling establishing that its decision had not been implemented and ordering the dissolution of the Assembly.

Naim Jakaj of the Kosovo Law Institute (KLI) told Radio Free Europe that citizens and lawyers do not have the right to independently initiate such a case before the Constitutional Court.

"A citizen or lawyer may notify the Court, but cannot request, on their own behalf, an abstract review of the constitutionality of the Assembly's actions. For this, parties authorized by the Constitution are required, including at least ten members of the Assembly," Jakaj said.

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He explained that the notification may serve as information for the court about a possible failure to implement the judgment, but it is not an official request obliging it to initiate a new process.

Jakaj added that, in light of developments after the deadline expired, the Constitutional Court could also be asked to clarify the case.

"The judgment of this court clearly established that the deadline for electing the President ended on October 6 and that the procedure had to be conducted and completed within that deadline," he said.

The Ombudsperson told RFE that it had not initiated proceedings on the matter and was not currently considering the possibility of bringing a case before the Constitutional Court.

"At present, we have not received any request concerning this matter and are not reviewing it in a separate procedure," the Ombudsperson Institution said in its response to RFE.

The institution said it would monitor how the matter develops. If a specific case emerges within its mandate and powers, it will be assessed in accordance with the Constitution and the law.

"In assessing any specific situation, the impact it may have on the exercise and protection of human rights must also be taken into account. The effective functioning of institutions is an important public interest and a prerequisite for the effective exercise and protection of citizens' rights," the response further stated.

Vjosa Osmani, a member of parliament from the Democratic League of Kosovo, said a day earlier that her party would not turn to the Constitutional Court over the election of the president after the deadline expired.

Eugen Cakolli, an analyst of political developments, wrote on Facebook that only a group of at least ten members of parliament could refer the matter to the Constitutional Court and that the request had to be submitted within eight days.

"If a request is not submitted within this deadline, this avenue of challenge is closed," Cakolli wrote.

A year earlier, the Serb List referred to the possibility granted to members of parliament by Article 113 of the Constitution to bring matters before this court. The request was signed by ten members of parliament: nine from the Serb List and Adem Hoxha, who was not part of it.

At the time, the issue concerned the procedure for electing the deputy speaker of the Assembly from the Serb community. Nenad Rashiq, a Serb member of parliament from the Freedom, Justice and Survival party, had been elected to the post without the nomination of the majority of Serb members of parliament.

How did events unfold on October 6?

The Assembly of Kosovo began the process of electing the president late on October 6, the final day of the 60-day deadline set by the Constitutional Court.

The vote began at 23:55, while at 00:13 on October 7, the Assembly announced that Justina Shiroka-Pula had been elected president with 81 votes.

In its judgment on cases KO256/26 and KO258/26, the Constitutional Court had ruled that the 60-day period for electing the president began on August 8 and ended on October 6.

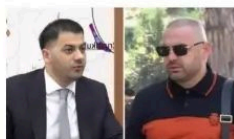
Before the vote, legal experts interviewed by Radio Free Europe had assessed that the process of electing the president had to be completed within the deadline set by the Constitutional Court.

Ehat Miftaraj of the KLI had warned that failure to elect the president within this deadline would result in the dissolution of the Assembly.

Jakaj said that the Constitutional Court could still be called upon to assess the matter, but Koci's notification alone is not sufficient to initiate such proceedings. / RFE

Shtuar më 7.10.2026 14:58

Tags: Constitutional Court , elections , Kosovo , president

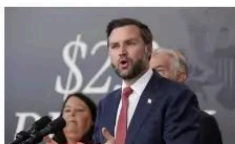


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