



REPUBLIKA E KOSOVËS - REPUBLIKA KOSOVO - REPUBLIC OF KOSOVO

GJYKATA KUSHTETUESE

USTAVNI SUD

CONSTITUTIONAL COURT

KABINETI I KRYETARIT / URED PRESEDNIKA / CABINET OF THE PRESIDENT

Prishtina, 29 March 2024

Nr. Ref.: KK 222/24

**To: Mr. Villu Kõve, Chief Justice
Supreme Court of the Republic of Estonia**

Honorable Chief Justice Kõve,
Dear Villu,

I hope this letter finds You and Your colleagues at the Supreme Court of Estonia well and in good health. It was wonderful to see you in Riga last month and celebrate together Latvia's membership anniversary to the European Union. Also, allow me to please convey once more my gratitude for Your esteemed presence at the Solemn Ceremony and International Conference marking the 14th Anniversary of the Constitutional Court of the Republic of Kosovo, in October 2023. It was an honor to have You as our distinguished speaker and a pleasure to hear about the constitutional review system in Estonia and the pivotal role of the Supreme Court. We hope that in the near future, we will have the pleasure to welcome more delegations from Your Court in the Republic of Kosovo.

As briefly discussed in Riga, on behalf of the Constitutional Court of the Republic of Kosovo, I am writing this letter to kindly ask for Your support for our Court's application to join the Conference of European Constitutional Courts (CECC). As You may be aware, since 2011, our Constitutional Court has made continuous efforts to join the Conference. This because it fully shares the values and the aims of the CECC and strongly believes that as the youngest Constitutional Court in Europe, not only will it benefit from this membership and expanded partnerships with its peers around Europe, but it will also provide its tireless contribution to the community of the European Constitutional Courts. The upcoming Congress has been scheduled and will be held in Chisinau, Moldova in May 2024. I remain hopeful and committed to do my best in order to ensure that, after more than a decade of efforts, we will have a chance for a successful outcome in 2024. This certainly, cannot be achieved, without the support of Constitutional and Supreme Courts such as the one You represent.

The culmination of our decade long efforts to become members of the CECC, is also supported by another historic momentum, namely the recommendation of the Committee on Political Affairs and Democracy of the Parliamentary Assembly of the Council of Europe (PACE), that Kosovo be invited to become a member of the Council of Europe, thus finally paving the way of Kosovo's membership to the Council of Europe. With Kosovo's membership to the Council of Europe catalyzing momentum to continue making progress in strengthening human rights, democracy and the rule of law, membership of our Court to the CECC becomes even more pivotal.

In terms of background, let me please inform You that our Court has repeated its application and interest to join the CECC through the most recent letter dated January 29, 2024, submitted to the President of the Constitutional Court of Moldova, as the current chair of the CECC Circle of Presidents. The letter re-emphasizes our strong commitment to join the Conference and provides some background on our efforts in this respect throughout the last decade, including the necessary elaborations in terms of fulfillment of the membership criteria

as per the CECC Statute requirements. For Your convenience, I am kindly attaching the letter that we have submitted to the Constitutional Court of Moldova, including the respective annexes.

Moreover and in terms of additional background, please note that the most significant challenge that we have faced throughout the years is simply to be included in the agenda, as the decision-making on this matter has been continuously postponed to subsequent Congresses. I hope that the Circle of Presidents will avoid this scenario in May and address the question of our membership through a vote. If this happens, our Court might have a chance, taking into account (i) the significant progress made towards Council of Europe membership, as noted above; and (ii) the fact that 3/4 of the current CECC members represent countries that have recognized Kosovo, while, throughout the last couple of years, our Court has developed constructive partnerships with most of the remaining member courts representing countries that have not yet formally done so. We have invested significant efforts towards the CECC membership and I am hopeful, that with the support of Your Court, as well as other Courts who have stood by our side throughout the years, we might manage to be successful this time in joining the CECC family.

Honorable Chief Justice Kõve,

As the youngest Constitutional Court in Europe, eager to draw upon the expertise of its counterparts across the continent, our Court has continuously prioritized international cooperation and partnerships. Further, the role of our Court has been tremendous in interpreting a new Constitution in a young country. Our case-law has established the most essential principles in terms of democratic values, rule of law principles and protection of fundamental rights and freedoms. The Court has served as the guardian of Kosovo's deep commitment to fully align with the values of the members of the Council of Europe and the European Union. The membership of our Constitutional Court in professional forums such as the Conference of the European Constitutional Courts, which, among others, is designed to serve as a forum of exchange of experiences pertaining to constitutional jurisprudence, would not only enhance the capacities of our Court, but in exchange, would also contribute to the continuous advancement of rule of law and democratic values in the Republic of Kosovo.

I remain at Your availability to discuss in more detail the respective arguments in support of our Court's application to the CECC. I am also at Your disposal for any information necessary, beyond the documents that have already been attached to this letter.

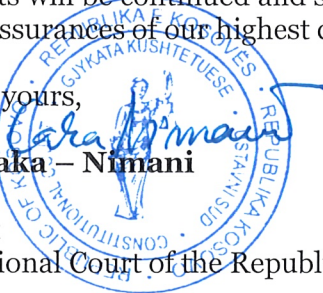
Finally, and on behalf of the Constitutional Court of the Republic of Kosovo, allow me to thank You once more for Your support for our institution. My colleagues and I remain tremendously appreciative for Your friendship, partnership and support.

While expressing my sincere hope that the friendly relationship and cooperation between our two Courts will be continued and strengthened, I avail myself of this opportunity to renew to You the assurances of our highest considerations.

Cordially yours,

Gresa Caka – Nimani

President
Constitutional Court of the Republic of Kosovo



Attachments:

1. Letter addressed to Ms. Domnica Manole, President of the Circle of Presidents and of the Constitutional Court of the Republic of Moldova;
2. Annex 1: The legal instruments governing the establishment and composition of the Constitutional Court of the Republic of Kosovo, status of judges and the texts establishing the nature and scope of its jurisdiction; and
3. Annex 2: Summary of key decisions of the Constitutional Court of the Republic of Kosovo throughout the years.