



REPUBLIKA E KOSOVËS - REPUBLIKA KOSOVO - REPUBLIC OF KOSOVO  
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CONSTITUTIONAL COURT

# Challenges and Best Practices in Communicating High-Profile Constitutional Court Rulings: A Comparative Analysis

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## Media and the Courts

- strained relationship
- media ratings and commercial interests
- misperception of the justice system



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## CCK and its means of communication with the public

Mix of traditional and modern tools:

- website, Youtube, “X”, Facebook, video-animations
- short press summaries with clear content
- periodical bulletins
- informative brochures/leaflets



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## CCK and its means of communication with the public

*Table 1: Press releases issued by CCK and Newsletters published (2009-2024)*

| Press releases<br>(2009 - 2024) | Newsletters<br>(2009 - 2024) |
|---------------------------------|------------------------------|
| 565                             | 21                           |



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## CCK and its means of communication with the public

*Table 2: Questions received from the media and other subjects (2009-2024)*

| Media<br>(2009 - 2024) | Institutions/Other parties<br>(2009 - 2024) |
|------------------------|---------------------------------------------|
| 2006                   | 2673                                        |



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## CCK and its means of communication with the public

*Table 3: Requests for access to official documents (2011-2024)*

| Filed requests for<br>access to documents | Approved | Partially approved | Rejected |
|-------------------------------------------|----------|--------------------|----------|
| 229                                       | 216      | 7                  | 7        |



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## Media and CCK high-profile rulings

- misinterpretation of the Court's rulings
- the role of the Press Unit
- safeguarding the credibility of the Court
- commitment to independence and professionalism



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## Media and CCK high-profile rulings

Case no.1

- Judgment KO47/10, 28 September 2010

*(judgment related to the former President of the  
Republic of Kosovo)*



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## Media and CCK high-profile rulings

### Case no.1

- Judgment KO47/10, 28 September 2010

This was the referral concerning the ex-President of Kosovo, Mr. Fatmir Sejdiu, submitted by a group of MPs, who claimed that the President was committing a serious constitutional violation by continuing to hold concurrently the function of the President of the country and the function of the President of his political party (*The Democratic League of Kosovo*).



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### Case no.1

- Judgment KO47/10, 28 September 2010

This situation had arisen because the sitting President had not been elected under the new Constitution, and he furthermore claimed that he was party chairman in name only, but did not actually exercise any party functions. The case was first brought forward to public attention by one of the biggest dailies in Kosovo, “Koha ditore”, on 9 April 2010, publishing statements of some politicians and independent jurists who were alleging that the current President was breaching the Constitution.



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## Media and CCK high-profile rulings

### Case no.1

- Judgment KO47/10, 28 September 2010

The Court determined that the President was in breach of his Constitutional obligations and the President chose to step down.

Due to this decision the President of the Constitutional Court of Kosovo, Prof. Dr. Enver Hasani, along with all 8 judges of our Court, were chosen as Personalities of the Year 2010 by the daily newspaper “Gazeta Express”.



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## Media and CCK high-profile rulings

Case no.2

- Judgment KI08/09, 17 December 2010

*(judgment related to a former socially owned pipe  
factory)*



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## Media and CCK high-profile rulings

### Case no.2

- Judgment KI08/09, 17 December 2010

Ruling concerning a former socially owned pipe factory, relating to the recognition of the rights of former workers of this enterprise who had been unlawfully dismissed, to compensation for unpaid wages. The issue under the Court's review was the non-execution of decisions of the regular courts regarding this compensation. The Court ordered the Government and the Kosovo Privatization Agency to execute the final judgment of the Municipal Court of Ferizaj and to report to the Court within six months on the measures taken.



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## Media and CCK high-profile rulings

### Case no.2

- Judgment KI08/09, 17 December 2010

The case was misunderstood and misinterpreted as if the Constitutional Court had granted 25 million euros in compensation. The Court issued a special press release in 2012, in order to clarify in a simple language the judgment of the Court, and even issued a non-execution decision the same year.



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## Media and CCK high-profile rulings

Case no.3

- Judgment KO119/14, 26 August 2014

*(judgment related to election of the Speaker of the  
Parliament)*



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## Media and CCK high-profile rulings

### Case no.3

Ruling involving the election of the Speaker of the Parliament from a coalition of political parties that did not secure the top position in the general election results. The Court stated in its ruling, among other things, that the authority to nominate the Speaker of the Parliament lies with the political party that has won the elections.



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## Media and CCK high-profile rulings

### Case no.3

Decision was misinterpreted by various media outlets and certain political representatives from the coalition parties, many of whom referenced specific paragraphs from the Judgement included in the summary of facts, arguments, and comments provided by the respective political parties. This misinterpretation led to the Court becoming a frequent target of criticism from certain media and political figures during TV debates, resulting in over 1000 negative news articles about the Court's decision within just 6 months. Nonetheless, the Court's decision was ultimately fully implemented.



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## Conclusion

What matters:

- public confidence in the justice system and the judiciary
- promotion of dialogue between the courts and the media
- more public hearings and increased transparency
- training of journalists in legal affairs
- professional court staff



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Thank you