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COUNCIL

MONTHLY BULLETIN

Activities of the Kosovo Prosecutorial Council

February 2019



1. Activities of the Kosovo Prosecutorial Council



"Justice 2020" devoted to fighting corruption and organized crime

In the framework of the "Justice 2020" agenda in the Kosovo Prosecutorial Council, the meeting of the leaders of the justice system was held, namely the Head of Kosovo Prosecutorial Council, Bahri Hyseni, Head of Judicial Council, Nehat Idrizi and Minister of Justice, Abelard Tahiri, with the participation of representatives of the EU Office in Kosovo and representatives of the US Embassy.

The meeting was attended by the President of the Supreme Court Enver Peci, the President of the Court of Appeal, Hasan Shala, the Presidents of the Courts where the targeted cases are located, as well as the Prosecution and Judicial Coordinators for these cases.

The topic of this meeting was the assessment of progress in the solution of targeted cases related to visa liberalization and the encouragement to increase the efficiency in dealing with these cases.



"Increasing efficiency in addressing targeted cases should continue with the same intensity so that fighting organized crime and corruption can be measurable and in the function of strengthening rule of law and achieving full credentials in the visa liberalization process was told by the Board of "Justice 2020" meeting.

Within this Agenda aimed at increasing efficiency within the judicial and prosecutorial system for strengthening the rule of law, in function of processes related to visa liberalization, the leaders of the justice system have confirmed their commitment to fight against corruption and organized crime.

"The fight against organized crime and corruption is a fundamental priority of the institutions and independent law enforcement bodies. Access to criminal offenses of this nature will continue to be at the center of the activity of the institutions of the justice system, which will be reflected in strengthening the rule of law, increasing citizens' confidence in the justice system and other important processes for Republic of Kosovo, such as visa liberalization ", assessed the leaders of the" Justice 2020 "agenda.

During the meeting, the holders of justice system institutions decided to present in February a comprehensive report on the progress achieved in the fight against organized crime and corruption, through which the European Union countries will be informed about the progress achieved, with particular emphasis on addressing targeted cases.



Speech of the KPC chairman Bahri Hyseni, at the Annual Conference of Prosecutors

I have the special pleasure to address today at the Annual Conference of Prosecutors, which I consider to be one of the most specific days of the prosecutorial system. This is a day and a moment of reflection on our one-year work, a moment of appreciation for the hard work and the successes achieved despite the challenges we faced.

The level of democracy of a country depends on the level of rule of law and order. This makes the work of the judicial and prosecutorial system even more special, making our work more challenging, but at the same time making it even more important.

The prosecutorial system in Kosovo has made a number of reforms in recent years, the positive outcomes of which are apparent. Secondary legislation according to the highest international standards has been fulfilled, based on the Constitution and the legislation in force, the number of prosecutors has been completed according to current needs estimates, the number of prosecuting staff increased, the budget has increased, strategies, working plans and other policy documents strategies have been developed and implemented for the functioning of the prosecutorial system. Kosovo Prosecutorial Council, with the purpose of implementing its mandate, will focus on:

- Continuous improvement of the administration system;



- Reviewing the package of Council sub-legal acts and the proactive role in the process of functional review of the justice sector;
- Systematic oversight of the work of prosecutors and prosecutions in order to strengthen integrity and accountability;
- Advancing the recruitment, transfer and promotion system of prosecutors and administrative staff;
- Further strengthening the prosecutorial performance assessment system;
- Consolidation of the new disciplinary system for prosecutors;
- Increasing transparency and cooperation,
- Enhancement of professional capacities and practical skills of prosecutors and staff.

The Council will activate and use all internal mechanisms to increase accountability and integrity in the prosecutorial system. We now have a new law on disciplinary responsibility, which requires the undertaking of new measures and we will be uncompromising in the function of the implementation of this law.

Kosovo Prosecutorial Council will be maximally committed to provide greater security in defense of prosecutors and support staff, so in this regard we will be face with all those who undertake attacks with the aim of denigrating and violating the integrity and independence of prosecutorial system.

Honorable prosecutors,

Your commitment has made all reports and statistics show for very high work efficiency. But is all this what we want? Is this what the citizens of Kosovo want? Is this what our international friends believe our work meets the highest standards? And in the end, is this enough to guarantee the rule of law and the protection of fundamental human rights?

I know we all have to agree that despite the high results shown in our work, our way forward requires commitment, sacrifice and dedication. We have reached the point where efficiency needs to be seen in a qualitative view, so our orientation will be to develop professional capacities, maximum commitment, and to the greatest respect for the work, the function we exercise, and our sacred mission.



Our formal mandate stems from the Constitution and the law, but our true mandate stems from the right of citizens to live in a state where justice is concerned. These values, in our function, oblige us for closer transparency and cooperation with citizens, civil society and the media, so I invite them all to be involved in the implementation of law and order in support of justice institutions, fulfilling their mandate correctly and in function of a better life for all citizens, even-even criticizing us constructively, because in the end, this makes us all the better.

In this regard, we are in the process of advancing the public image of the State Prosecutor, in order to increase the trust of citizens, to ensure that the public prosecution of the State Prosecutor is at the highest standards. In this regard, so far with the support of international and local partners, one of the many examples is the project implemented by "Internews Kosova", which has realized and continues to carry out trainings to have proper public presentation, which will influence the increase of transparency and public confidence in the work of the State Prosecutor.

In the end, I would particularly like to thank the international partners and friends who are making a great contribution to strengthening our role. Various reports of international organizations have highlighted the results of the prosecutorial system but also the weak points and important recommendations have been made. We have taken these recommendations very seriously and we intend to work with you, because with you and through your support we will reach the highest standards in our mission towards integration into the European family.

Dear participants,

The Kosovo Prosecutorial Council will not only be a prosecutorial system administrator, but will be the main partner of prosecutors in their work, it will be a powerful voice in the protection of values built for years and will support them on the road of justice and protection of human values.

Dear participants,

In Kosovo, peace and justice should be governed as two sides of the same medal, and we with our work and role will do our utmost to ensure justice and peace. I wish you a good luck in this conference and further success in your work!

Thank you!



The chairman Hyseni stands for an official visit to Italy

The Head of the Kosovo Prosecutorial Council, Bahri Hyseni, chief prosecutors, members of the KPC and the Kosovo Judicial Council are staying on a visit to the province of Bolzano in Italy, a visit supported by EU Twinning Project to increase the efficiency, accountability and transparency of the judicial and prosecutorial system in Kosovo.

During this visit, the chairman Hyseni and other members discussed with representatives of the justice system in Bolzano province on case resolutions, experiences, models of minority protection, activities carried out during the review and comparison of Italian and Kosovo reality in cases of protection of minorities and protection of the various linguistic components in the Italian legal system.

Meanwhile, representatives of the prosecutorial and judicial system were welcomed by the President of the Bolzano Court, Vesco Elsa, where they discussed the use of minority languages in criminal proceedings and good practices of respecting minorities in their use, various language components in the prosecution and the judiciary, procedures for access to justice, relations between minority affiliations and the discipline of appointing directors and vice-directors, relations between minority



protection and career advancement, relations between minority protection and the disciplinary system in justice.

Also, the Kosovo delegation has visited the Bolzano Tribunal, where they have closely looked at how it works.

The EU Twinning Project to Increase Efficiency, Accountability and Transparency of the Judicial and Prosecutorial System is implemented in partnership between the Kosovo Prosecutorial Council, the Kosovo Judicial Council, the Special Prosecution Office and the Italian High Council of Judiciary, the Italian Ministry Justice, the French Supreme Judiciary Council and the French Justice Ministry.



Chairperson Hyseni met the chairpersons of KPC permanent committees

The chairperson of the Kosovo Prosecutorial Council (KPC), Bahri Hyseni, held a meeting with the chairperson of the KPC permanent committees.

The aim of this meeting was the activity coordination of the KPC permanent committees, planned for 2019.

The chairperson Hyseni has requested from each permanent committee to draft its Work Plan and all the plans should be based on the Annual Work Plan of Kosovo Prosecutorial Council for 2019.

Also, the chairperson Hyseni has requested from the chairpersons of the permanent commissions to report to KPC for the realized duties in the second period of 2018.

During this meeting, the Director of the KPC Secretariat, Mr. Lavdim Krasniqi, has provided support of the Secretariat for all the committees of the Kosovo Prosecutorial Council.



The Chairperson KPC hosted in the meeting the Head of Rule of Law Sector of United Kingdom Embassy

The chairperson of Kosovo Prosecutorial Council, Bahri Hyseni, hosted in the meeting the Head of Rule of Law Sector of United Kingdom Embassy, Jennifer Blakeney.

The Chairperson initially thanked the Rule of Law Sector Representative of the United Kingdom Embassy for the visit, saying that the UK Government is giving constant support to Kosovo's prosecutorial system, expressing its willingness and readiness to continue the mutual cooperation in strengthening and advancing the rule of law in Kosovo.

Mr. Hyseni and Mrs. Blakeney discussed on this occasion the continuation of cooperation for the implementation of the project "*Strengthening of the Judicial and Prosecutorial System of Kosovo*", which is managed by the Embassy of the United Kingdom through the implementer "Axiom International", which is supposed to last by March 2020.

Ms. Blakeney said that the United Kingdom is determined to strengthen the justice system in Kosovo.



At the end of the meeting, the two interlocutors expressed their commitment and willingness to continue implementing this important project as well as other joint projects in the future.



Chairman of KPC and State Prosecutor visited the Prosecutor's Office in Mitrovica

In the course of business visits in the country's prosecutions, Kosovo Prosecutorial Council Chair, Bahri Hyseni, together with Chief State Prosecutor Aleksander Lumezi, stayed in the Basic Prosecution of Mitrovica, where they met with Chief Prosecutor Shyqyri Sylja and prosecutors of this prosecution.

Initially, the two senior heads of the prosecutorial system were informed by the Chief Prosecutor of the Basic Prosecution in Mitrovica on the achievements and challenges of this institution, which he faced in exercising his duties and established legal functions.



Following the meeting, the Chairman of Kosovo Prosecutorial Council, Bahri Hyseni, said that increased engagement is needed to increase the professionalism, accountability and transparency of prosecutors. "The KPC and I personally will be in full service to meet the needs and objectives set forth by the State Prosecutor, but we will also seek responsibility from each of you and will closely monitor your work through the permanent commissions of KPC ", said the chairman Hyseni in this case to the Prosecutors of the Basic Prosecution of Mitrovica.

In this regard, the head of the Council discussed the presence of the attendees on intensifying and respecting the procedures for the new system of disciplinary of prosecutors, mediation procedures and the responsibility of judges and prosecutors, the implementation of the Code of Conduct for Prosecutors, and the importance of the Supply of Information on the Case Management Information System (SMIL).

Meanwhile, Chief State Prosecutor Aleksander Lumezi has evaluated the recent work of prosecutors of the Basic Prosecution in Mitrovica in combating various criminal offenses, in which case he demanded further engagement and efficiency in handling and fighting cases that have dealing with corruption, smuggling, illegal trade and other offenses.

Among other things, the head of the State Prosecution has requested that in the framework of the law on extended powers for the confiscation of property acquired through criminal offenses, in addition to criminal investigations, prosecutors should also conduct financial investigations in order to demand sequestration and confiscation of property, which may have been acquired through criminal offenses.

Also, Chief Prosecutor Lumezi said that the Basic Prosecution in Mitrovica is a good example of multiethnic, inter-human and inter collegial cooperation and functionalization, values that should be cultivated in the future in the prosecutorial system of Kosovo.

Finally, KPC Chair and Chief State Prosecutor provided support to the new prosecution and prosecutorial processes of this Prosecution for their constitutional and legal duties, as well as for improving their working conditions. Such meetings of the heads of the prosecutorial system will continue in the other prosecutions of the country.



Chairman Hyseni met with the State Attorney

The Chairperson of the Kosovo Prosecutorial Council, Bahri Hyseni, met with State Attorney Sami Istrefi, with whom he talked about the possibilities of cooperation in the areas where cooperation is allowed, without encroachment the independence of the two institutions.

Chairperson Hyseni has expressed readiness of KPC for professional support to contribute to the completion of State Advocacy legislation.

Also, the Chairperson Hyseni has asked the State Attorney to notify the prosecutorial system of Kosovo if they encounter any element of the criminal offense during their work on the representation of public institutions in the judicial bodies.

Both interlocutors agreed to deepen cooperation with the aim of combating illegal acts, focusing on the obstruction of various actions aimed at damaging the budget of Kosovo.



EU support for capacity building against organized crime, corruption and extremism is assessed

The Chairman of Kosovo Prosecutorial Council, Bahri Hyseni, met with experts from the EU Project "Further Support to Kosovo Institutions in Fighting Organized Crime, Corruption and Violent Extremism", Ian McDonald and David Mattan.

On this occasion, Chairman Hyseni thanked project experts, McDonald and Mattan, highly appreciating the unsparing support of EU countries for building the necessary prosecutorial capacity in fighting organized crime, corruption and violent extremism.

During the meeting, the Chairman of the Prosecutorial Council discussed with the European experts the details of the training plan for implementing the Law on Enforced Enforcement Seizure, a plan that will focus on the training of prosecutors, judges and investigators, so that they have information and understand the full implementation of this law.



According to joint planning, the training plan is divided into three phases, which includes the first phase consisting of one-day introductory training for prosecutors and judges of all prosecutions and basic courts in seven regions of Kosovo. Whereas, the second phase will be much more specialized and more detailed, focusing on serious crime issues, while at the latter stage specific advice will be provided to prosecutors of particular cases during the use of this law.

At the conclusion of the meeting, the interlocutors agreed that this training plan should be implemented in close cooperation with the Academy of Justice to ensure its continuity and sustainability in the future, and will be sent trainers from the Academy who will be present in all the foreseen trainings.



The KPC and the Faculty of Law of the College "AAB" sign memorandum of cooperation

Kosovo Prosecutorial Council, the Faculty of Law of the College "AAB" has signed a memorandum of cooperation.

This Memorandum of Cooperation was signed by the Chairperson of the Kosovo Prosecutorial Council, Bahri Hyseni, and Dean of the Faculty of Law of the College "AAB", Veton Vula.

The purpose of this Memorandum of Cooperation is the establishment of cooperation between the Kosovo Prosecutorial Council and the Faculty of Law of the College "AAB" for the possibility of conducting internships, study visits for students of the Law Faculty, as well as presentation of experts of the Kosovo Prosecutorial Council to the students of "AAB" College on specific topics, which are related to the field of justice system.

This memorandum foresees the organization of joint professional activities with a view to exchanging good practices between the two institutions.



The Committee for Normative Issues held the next meeting

The Committee on Normative Affairs held its next meeting, which was drafted in two draft regulations, where the Kosovo Prosecutorial Council Chairman, Bahri Hyseni and members of the respective working groups participated.

At this meeting was worked on drafting of the Regulation for administration and allocation of cases and Regulation for the Public Communication service.

The drafting of these two regulations is being done based on the Work Plan of the Kosovo Prosecutorial Council 2019.

Regarding the drafting of these two regulations, Chairman Hyseni said that their adoption is very important for the prosecutorial system of Kosovo.



The 162th meeting of the Kosovo Prosecutorial Council is held

At the 162th meeting of the Kosovo Prosecutorial Council, chaired by President Bahri Hyseni, KPC members and chief prosecutors of Kosovo prosecution offices participated, where a number of items on the agenda were discussed.

Head of the Prosecutorial Council, Bahri Hyseni, said at the beginning of the meeting that the prosecutorial system is entering a phase of raising, advancing and strengthening its responsibilities and mission. "Due to the fact that today's Agenda is overloaded, which also includes the War Crimes Strategy, shows the importance that we are giving to crucial issues of law enforcement, standards and values, professionalism, continuous improvement approach quality in the prosecutorial system," said KPC chairman Hyseni.

During today's meeting of the Council, the War Crimes Strategy, initiated long ago by Chief State Prosecutor Aleksander Lumezi, was adopted, which is the result of the work of the working group composed of local prosecutors, EULEX prosecutors, representatives of Kosovo Police, EULEX Police and the Ministry of Justice. The adoption of this important strategic document was preceded by the presentation of the



Chairperson of the Working Group for Strategy Development, State Prosecutor in SPRK, Drita Hajdari, who presented the assessment of the current situation, the determination of the goals and actions needed for the state bodies in the investigation and prosecution of war crimes.

After discussions, the Council adopted the KPC Annual Report 2018, then the 2018 Annual Report of the inter-institutional tracking mechanism for characteristic criminal offenses and the Performance Evaluation Commission Report.

In the framework of advancing transparency and empowering accountability, the chairmen of the committees of the Council and all Chief Prosecutors of Kosovo prosecutions reported on the engagement in the cases of corruption and economic crime and the implementation of the Case Management Information System. The latter reported on PP and PPN cases on corruption and economic crimes, the number of these cases, the current state of affairs, actual developments in the implementation of the TIK / SMIL project, inherited cases from the previous year, received cases and cases solved in January 2019.

At the end of the meeting, the Council established the Committee for drafting a regulation on the performance evaluation of prosecutors and considered a disciplinary case.



The promotion of integrity in the justice system in Kosovo is highly appreciated

Integrity in the work of the prosecutor and the importance of its promotion in Kosovo society were at the focus of today's joint conference on the conclusion of the Project "Promoting integrity in the justice system in Kosovo", which is organized by the Democratic Institute of Kosovo (KDI), Levizja FOL and International Center for International Legal Cooperation (CILC) from the Netherlands, where was attended by the Head of Kosovo Prosecutorial Council, Bahri Hyseni, Chief State Prosecutor Aleksander Lumezi and other representatives of Kosovo justice institutions.

On this occasion there were high ratings from all for promotion of integrity in the justice sector in Kosovo, which was done within this project but which will be developed in the future through various activities, in order to advance the role, mission



and values of integrity, accountability and public transparency in Kosovo justice institutions.

In this context, the Chairman of the Council, Bahri Hyseni, during his speech said that the priority of the prosecutorial system lies in our proper orientation for the implementation of adequate legal and ethical instruments for the true promotion of integrity and for its development on the road which we have before, because integrity is closely related to law enforcement. *"In this regard, we have drafted a number of important documents that support the practical application of the integrity, independence, impartiality, transparency and accountability of prosecutors, in which I personally participated during my mandate as Chairperson of the Commission on Normative Affairs, that in fact, we have established concrete mechanisms with the support of international partners, such as Dutch partners, for the implementation of the principles of justice in Kosovo,"* said Hyseni.

Meanwhile, Chief State Prosecutor Aleksander Lumezi has emphasized the great social role that has the promotion and advancement of professional integrity in justice institutions in Kosovo. "I feel extremely happy because, day by day, there is evidence of advancement and promotion of mechanisms for law enforcement in Kosovo, because respecting such principles in our decision-making process and providing legitimate guidance is indispensable and inevitable.

On the other hand, the present international and local partners have highly appreciated the approach and the way of cooperation of prosecutorial and judicial institutions in the joint commitment to improve perception and creation of trust in Kosovo justice.

This project was financially supported by the Dutch Embassy in Pristina, which brought the Dutch experts to Kosovo, aiming at raising the level of integrity and strengthening the independence of the State Prosecutor and Judiciary, with a view to building a powerful system of justice and improving public confidence.

Specifically, to strengthen the capacity of the justice sector in integrity issues have been drafted and approved by Kosovo Prosecutorial Council - the new Code of Ethics and Professional Conduct for Prosecutors and a Commentary of this Code was drafted and training was provided for prosecutors and their professional associates, while the Assembly of Kosovo has issued the Law on the Responsibility of Judges and Prosecutors.



The Law on Mediation and the Juvenile Justice Code are discussed

The Kosovo Prosecutorial Council, in cooperation and through the UNDP Project "Improving Access to Justice Reform and Rule of Law", funded by the Norwegian Embassy in Kosovo, and with UNICEF support, has organized a discussion table on the topic "Mediation Law and Juvenile Justice Code", attended by prosecutors, judges, administrative staff of the Pristina Basic Prosecution and representatives of UNDP and UNICEF.

The purpose of this round table was to apply alternative methods of mediation for civil and criminal cases solving by the State Prosecutor and the Judiciary so that cases are resolved faster, have lower cost costs and the perpetrator not to be included to the evidence of convicts, respectively, not to be stigmatized.

In this roundtable, among others, the issues of the main handling of the innovation of the Law on Mediation, including the need for drafting the respective regulations, was presented by the state prosecutor in the Office of the Chief State Prosecutor, Besim Kelmendi.

The Kosovo Prosecutorial Council has taken additional initiatives for the organization of such roundtables, which will be realized in the future in cooperation with international and local partners, with a view to discussing and facilitating the application of appropriate legal methods, which will to become part of the work of prosecutors.



Chairman Hyseni visits Kosovo Police

The Chairman of Kosovo Prosecutorial Council, Bahri Hyseni, accompanied by senior officials of his cabinet, conducted a visit to the Kosovo Police, whereby he was hosted by the General Director of the Kosovo Police, Mr. Rashit Qalaj.

The purpose of today's visit of the Chairman Hyseni to the Kosovo Police was to continue the inter-institutional cooperation and implementation of the cooperation agreement for the interconnection of electronic systems and the exchange of data in electronic form between the Prosecutorial Council and the Kosovo Police.

On this occasion, the Chairman of the Council, Mr. Bahri Hyseni, said that linking with this electronic case management system is a great achievement; in this case it turns out as an extremely important link in the relationship between the State Prosecutor and the Police because an electronic system of standards and admirable values has been created and guided.

Both interlocutors pledged to work closely to implement all aspects of resource management to be effective and efficient in rule of law enforcement in Kosovo.



KPC Secretariat

Within the administrative and support responsibilities for the Kosovo Prosecutorial Council, the Office of the Chief Prosecutor and all Prosecutions, the KPC Secretariat has discussed the implementation of the strategic documents of the prosecutorial system.

The Director of the Kosovo Prosecutorial Council Secretariat, Lavdim Krasniqi, held a meeting with the prosecution administrators, with whom he talked about a number of issues related to the daily activities of prosecutions.

There was discussed about the system of reporting of administrative staff and administrators, in order to increase the level of accountability, while the it was requested ther exact application of the two guidelines - the Instruction on the management of official vehicles and the Instruction on asset management.

Also were reviewed the various requirements according to the standard forms and a range of other similar issues that relate to staffing, but workflow in the case management project - SMIL and the challenges in its implementation.

The Legal Office has analyzed and provided legal opinion on all acts drafted by KPC Secretariat units.

The Office of Public Communication has done the finalization of the professional and technical specifications for the creation and maintenance of the prosecutorial web portal and has been sent for further proceedings in the respective sector.

Other organizational units of the Secretariat, based on legal competencies, have implemented the planned foreseen for February.