



BULLETIN OF THE KOSOVO PROSECUTORIAL COUNCIL

August 2021

BULLETIN OF THE KOSOVO PROSECUTORIAL COUNCIL

August 2021

ACTIVITIES OF THE KOSOVO PROSECUTORIAL COUNCIL

(The edition of this monthly bulletin reflects the activities for the month of August 2021)

Press release of the Kosovo Prosecutorial Council

The Kosovo Prosecutorial Council (KPC) is closely following the audio recordings posted by several portals and is committed to ensuring that the prosecutorial system and the KPC act only in accordance with the Constitution and applicable laws.

The Kosovo Prosecutorial Council announces the public opinion that the Chief Prosecutor of the Basic Prosecution in Prishtina, within the legal competencies, has submitted today to the KPC a request to initiate disciplinary proceedings against a prosecutor of this prosecution related to the audio recordings published in portal "Shqip.com".



KPC, within the legal competencies, will address this request of the Chief Prosecutor of the Basic Prosecution of Prishtina, establishing the investigative panel which is competent to address the alleged violations.

Also, KPC assures the public that it will take all legal actions to handle this case and at the same time informs the entire public and the institutions of executive power that it will not be subject to any kind of pressure or attempted influence from outside, but its actions will always be in accordance with the competencies guaranteed by the Constitution and the Law.

Clarification from the Kosovo Prosecutorial Council

The conference organized by the Ministry of Justice is a continuation of the efforts to denigrate the independent constitutional institution, in this case the Kosovo Prosecutorial Council (KPC)

The Kosovo Prosecutorial Council announces the public opinion that it has never made payments to forensic experts illegally, as it was said today at a press conference by the Deputy Minister of Justice, Blerim Sallahu.

In order to clarify the public opinion, the Prosecutorial Council requests from the executive bodies, specifically from the Ministry of Justice, that for not fulfilling its legislative obligations, not to blame the KPC.



The law in force on Forensic Medicine, of 2016, sponsored by the Ministry of Justice, has provided in Article 13, paragraph 1, as follows: "Employees of the Institute, who directly or indirectly participate in forensic examinations due to the nature of work have the right to additional personal income in accordance with applicable law".

Also in article 19, paragraph 2 of this law, it is stated that "until the issuance of bylaws according to paragraph 1 of this article are implemented bylaws which are in force, if they are not in conflict with the provisions of this law".

For the sake of accurate and fair notification of the public opinion regarding the payments of forensic experts, we inform you that the Administrative Instruction of the Government of Kosovo no. 07/2013 on compensation of overtime work and participation in court hearings of forensic experts, where in its article 5 the Judicial

Council and the State Prosecutor are obliged to make all payments to forensic experts based on the fees set out in the instruction, which are executed by the Ministry of Finance.

Although at the conference it was emphasized that "with the entry into force of this Law were repealed all bylaws that were based on the previous law", this finding does not stand and it reveals the basic, legal and professional ignorance of the Deputy Minister of Justice, misinforming the media and the public, because in Law no. 05 / L-060 on Forensic Medicine of 2016, no provision repeals any sub-legal act.

Since the Administrative Instruction no. 07/2013 on the compensation of overtime work and participation in court hearings of forensic experts has not been repealed or supplemented - the same competence that is entirely of the Government of the Republic of Kosovo, KPC has been legally obliged to make payments with bylaws in force, in order to continue fulfilling the constitutional and legal mandate of the State Prosecutor.

For your attention, the Kosovo Prosecutorial Council has addressed a request to the Ministry of Justice to review the administrative instruction of the Government of Kosovo, which regulates the compensation of experts (attached find the request of the KPC addressed to the Ministry of Justice).

Also, there is no claim that prosecutors select forensic experts, because they are appointed by the Institute of Forensic Medicine, which is within the Ministry of Justice (attached find the form of the Decision on forensic expertise).

Therefore, all allegations made by the Deputy Minister of Justice against the Prosecutorial Council are unfounded and show deep professional ignorance with the only tendency to denigrate and strike on the independent constitutional institution, the Kosovo Prosecutorial Council.

Reaction of the Kosovo Prosecutorial Council

The Kosovo Prosecutorial Council (KPC), as a constitutional and independent body, is being unjustly attacked continuously and unreasonably by the Ministry of Justice, as happened in today's conference of Minister Albulena Haxhiu.

We inform you that the Prosecutorial Council does not need to be supported by anyone, much less by the executive power, because the Prosecutorial Council and the State Prosecutor are protected by the Constitution and the laws in force, and not by political will.

The assistance that the executive power can give to the prosecutorial system is the proposal of adequate laws in coordination and cooperation with the Prosecutorial Council and the State Prosecutor to advance the position of these institutions and to meet their needs in the realization of the constitutional and legal mandate, as defined by the separation of powers.



Public trust in justice institutions cannot be gained by attacking these institutions every day with certain allegations and inaccurate and unfounded data, because this does not contribute to the cooperation of institutions.

Even today we inform the public and the Minister of Justice that the payments of forensic experts are made on the basis of laws and bylaws, issued by the Assembly and the Government of the Republic of Kosovo. Also, forensic experts are officials operating within the Ministry of Justice, so we have addressed this ministry in order to review the Administrative Instruction, because the State Prosecutor finds it impossible to carry out his mandate without their expertise.

Instead of attacks, denigrations and misinformation about independent institutions, in

this case against the KPC, the Ministry of Justice should work as soon as possible to issue the necessary bylaws that regulate this issue, because the Kosovo Prosecutorial Council is obliged to continue to compensate the services of forensic experts based on current bylaws.

As far as public opinion is concerned, the costs of the experts are borne by the defendants who are found guilty by a final judgment of the courts.

The Kosovo Prosecutorial Council does not select forensic experts to do their professional expertise, but they are appointed by the Institute of Forensic Medicine, which is within the Ministry of Justice and this is done according to "friendships" within these two institutions.

Even the claims of Minister Haxhiu, that the Kosovo Prosecutorial Council and the State Prosecutor "are closing their eyes behind the audio recording scandals" do not stand, because the KPC immediately started disciplinary proceedings against a prosecutor, while the State Prosecutor has taken actions regarding these audio recordings in accordance with constitutional and legal provisions.

The prosecutorial system exercises its mandate and will always exercise it in accordance with the Constitution and applicable laws and never according to the wishes of press conferences and unfounded and unprofessional statements of anyone.

The Prosecutorial Council remains committed to increasing inter-institutional cooperation, but not in the form and manner chosen by the Ministry of Justice.

Establishment of a Working Group for drafting the Regulation for the election of the Director of KPCS and PPRU

The Commission for Normative Issues of the Kosovo Prosecutorial Council, chaired by Prosecutor Armend Zenelaj, held its next meeting, where the topics provided according to the agenda were discussed.

As an item on the agenda of the Commission for today's meeting was the initiative for the formation of the Working Group for drafting the

Regulation on the election and dismissal of the Director General of the Secretariat and the Director of the Prosecution Performance Review Unit.



The members of the Commission agreed during this meeting that there should be only one Regulation for the election and dismissal of two directors.

The members who will serve in the Working Group for drafting the Regulation on the election and dismissal of the General Director of the Secretariat and the Director of the KPC Prosecution Performance Review Unit have also been proposed, and it has been emphasized that this regulation will be drafted in cooperation with international partners.

Work continues on drafting the Regulation on the transfer and promotion of State prosecutors

The Committee for Normative Issues of the Kosovo Prosecutorial Council (KPC), chaired by Prosecutor Armend Zenelaj, held its next meeting, where it worked on finalizing the Regulation on the transfer and promotion of State Prosecutors.

In this meeting, which was also attended by international partners and representatives of civil society, it was discussed exactly the comments provided by them regarding the Draft Regulation on the transfer and promotion of State prosecutors.



On this occasion, the Committee has decided to hold another working meeting regarding the finalization of the above regulation, before sending its final draft to the KPC for review and approval.

The Financial Report for the first half of 2021 is approved

The Committee on Budget, Finance and Personnel of the KPC, under the chairmanship of the prosecutor Ariana Shajkocvi, held the next meeting, in which the three items foreseen by the agenda were discussed.

As the first point of this meeting, the members of the Committee on Budget, Finance and Personnel have reviewed and approved the Financial Report for the first half of 2021.



Following the meeting, the Acting General Director of the KPCS, Valdrin Krasniqi, informed the members of the Commission with the review of the budget for 2021.

Finally, the needs of the prosecutor's offices and other units of the prosecutorial system for personnel were reviewed, in which case the Commission approved the amendments to the Personnel Plan for 2021.

The former director of the Secretariat of the Kosovo Prosecutorial Council is dismissed

The Kosovo Prosecutorial Council, chaired by Chairman Jetish Maloku, has held its 202nd meeting in a row, which was held online and in compliance with all protective measures against the Covid-19 pandemic in which case decisions were made regarding the items on the agenda.

During this meeting, the Semi-Annual Report of the inter-institutional Tracking Mechanism for characteristic criminal offenses for the period January-June 2021 was discussed and approved.



Also, in the same meeting, the members of the Prosecutorial Council have reviewed and approved the request of the Chief Prosecutor of the Basic Prosecution of Gjilan for the internal announcement for promotion of two positions in the Department for Serious Crimes.

Also, the member of KPC, Agron Beka, presented to the members of the Council the Report of the Selection Commission for the position of Director of the Prosecution Performance Review Unit, in which case he informed the members of the Council that this Commission has decided in unanimous way to cancel the process for the election of the Director of the PPRU until the issuance of a new regulation.

KPC members have handled and approved the Request of the Chief Prosecutor of the Basic Prosecution of Prishtina for the appointment of the Prosecutor, Zejnullah Gashi, as Head of the Serious Crimes Department of this Prosecution.

As an item on the agenda was the treatment of the Report of the Disciplinary Commission for the case of the General Director of the KPCS (suspended), in which case the Commission proposed to the Council to impose a disciplinary measure against him: Termination of Employment, for which the members of the KPC have approved the proposal of the Disciplinary Commission.

Also, the Prosecutorial Council, during this meeting has addressed several other points related to its scope.

The draft Regulation on the transfer and promotion of prosecutors is finalized

The draft Regulation on the transfer and promotion of state prosecutors was in focus at today's meeting of the Committee for Normative Issues of the Kosovo Prosecutorial Council, which was chaired by Prosecutor Armend Zenelaj.

The members of this Commission, international partners and civil society representatives, who provided ongoing support through their comments, reviewed the procedural issues of this important normative act of the KPC, which clarify the issues of transfer and promotion of the state prosecutors.



This was the final meeting of the Committee on Normative Issues regarding the finalization of the above regulation, which after the review will send the final draft for approval at one of the next meetings of the Prosecutorial Council.

Telegram of condolences from the Chairman of the Kosovo Prosecutorial Council, Jetish Maloku, addressed to the Shabani Family, on the occasion of the death of the former Chief Prosecutor of the Municipal Public Prosecutor's Office in Ferizaj, Ekrem Shabani

Prishtinë, 26 August 2021

Dear Shabani Family,

With deep sorrow and pain we received the news your family member, Mr. Ekrem Shabani passed away.

On this occasion, on my own behalf and on behalf of the Kosovo Prosecutorial Council, I express my sincere condolences to the family, relatives, colleagues and associates.



At the same time, let us share the pain with you, because the death of Mr. Ekrem Shabani is a loss not only for you as a family, but also for us his colleagues and collaborators, because everywhere he left traces of a distinguished professional and a man who had high virtues and great human and national integrity.

May the memory of him be eternal!

With respect,

Chairman of the Prosecutorial Council

Jetish Maloku

A joint meeting of the Committee on Normative Issues and the Committee on Budget, Finance and Personnel is held

The members of the two standing committees of the Kosovo Prosecutorial Council (KPC): the Committee on Normative Issues and the Committee on Budget, Finance and Personnel, held a joint meeting in which the focus was on addressing some different requests.



From the last meeting of the Kosovo Prosecutorial Council it was decided that the Committee on Normative Issues and the Committee on Budget, Finance and Personnel to address the request of the Chief Prosecutor of the Basic Prosecution of Pristina for additions to salary for prosecutors of the Anti-Corruption Unit of this Prosecution.

Also, during this joint meeting was discussed the engagement of judicial experts and their compensation, the request of the Kosovo Chamber of Advocates to increase representation fees was reviewed, in which case it was said that this request will be treated in coordination with the Kosovo Judicial Council.

Activities of the KPC Secretariat

KPCS has provided KPC comments on the second quarterly report of the EUKOJUST project and is preparing the Report on the implementation of the Strategic Plan of the prosecutorial system 2019-2021.

Also, physical copies of the Guide for criminal offenses of corruption, approved by the Supreme Court in June 2021, were distributed to all prosecutors in Kosovo and a draft request for legal opinion was drafted to the Ministry of Justice regarding the payments of public institutions.

After conducting the expertise at the request of the State Prosecutor.

The process of data collection and administration of 12 prosecutors with permanent mandate has continued, within the third evaluation process and two workshops have been conducted with prosecutors of two basic prosecutions: Peja and Gjakova, in which the relevant commission has notified prosecutors with the new system of evaluation of the performance of prosecutors and has informed the chief prosecutors about the obligations and the way of annual evaluation of the prosecutors.

Work is continuing on the drafting of the Analytical Report 2013-2020 on criminal offenses characteristic of the Inter-Institutional Tracking Mechanism and various reports have been prepared on the scope of human resources, and the Internal Audit Report in the field of budget and finance has been received and discussed.

On the other hand, the Action Plan was prepared and work was done on the preparation of report forms for the DBF database and a meeting was held with the prosecutors of the General Department and the Department of Serious Crimes, where the automatic distribution of cases was discussed.

During the month, the electronic case register for unknown perpetrators in CMIS was finalized. This activity will enable the removal of the physical register PPP and its replacement with electronic, and the development of the module of statistical reports in the electronic system for the management of prosecutors' files has begun.

The report on the implementation of the Strategic Plan of the prosecutorial system 2019-2021 was finalized and there were commitments in drafting the Analytical Report 2013-2020 on criminal offenses characteristic of the Inter-Institutional Tracking Mechanism and a meeting was held with the Working Group for monitoring the list of risks in the prosecutorial system.

Following the review of the 2021 budget, the Procurement Unit in the MIA is analyzing and evaluating the continuation of the implementation

a meeting was held with representatives of the Norwegian project, which aims to provide support to the ICT / CMIS Project. The draft document of the ICT / CMIS Project of the transition phase for the period 2021–2024 was presented at the meeting, and a request has been sent to the US Embassy for financial assistance in providing software for automatic voice-to-text transcription. This software will enable the fast and accurate compilation of the minutes of the Council meetings, while in the prosecution it will be necessary during the interrogation of the parties.

Consequently, information was provided at the request of the Office of the Prime Minister regarding the Action Plan of the European Reform Agenda (ERA) and a meeting was held with experts of the British project related to gender studies, which are being implemented for the prosecutorial system.

The comments of the competent units are included in the Report on the implementation of the Strategic Plan of the prosecutorial system 2019-2021 and the publication of the new version of the Prosecutor's File Management System - SEMDP.

Meanwhile, the electronic exchange of data with the Kosovo Police, respectively the investigation module, has been implemented. The electronic exchange of data with the investigation module will first be implemented with the Directorate of Narcotics Trafficking Investigations (DNTI) and the Directorate for Investigation of Economic Crimes (DIEC), while from October 1 we will start with all directorates within the Kosovo Police. This achieves a complete exchange of data between the prosecution and the police.

Activities of the Prosecution Performance Review Unit

Within the activities conducted in August by the Prosecution Performance Review Unit was the focus on drafting the Report for the first half of the work of the SP, drafting the Report on the orientation rate of prosecutors for the first half of 2021, supporting the process of recruitment, transfers and promotions of prosecutors through officials appointed by the KPC for the implementation of these processes, in the

continuous updating of data in the physical and electronic files of prosecutors, organizing and participating in the meeting of the working group for the evaluation of the supply of prosecution offices with consumables, inventory and access of the parties to the prosecution, preparation of information in the competence of the ZMAVP for the internal mechanisms of the prosecutorial system in support of the work processes that took place during July, as well as other engagements in fulfilling the legal obligations within the ZMAVP.

Activities of the Training Office has provided data regarding trainings on the topic of "Mediation" due to the low number of cases resolved through the mediation procedure, in order for this data to serve for the monitoring phase of the list of risks. Regarding Objective 22 - Effective Implementation of Alternative Dispute Resolution Procedures.

Also, a report was prepared on the participation of prosecutors in legal education activities on the topic of "Mediation", which contains the date of the training, the organizer, the type of training, the number of prosecutors participating in the training, and the number of prosecutors as lecturers and the number of administrative staff in these trainings.

The Report on the participation of prosecutors in trainings on "War Crimes" was also prepared".

The participation of prosecutors in the legal education activity has continued with trainings in cooperation with the Academy of Justice and the EC project of PROCEEDS-2, conducting the workshop on international legal cooperation. The purpose of the workshop is to evaluate and improve the procedure related to international legal cooperation.

The final result of the workshop was that the experts would draft a complex report with guidelines for an efficient procedure for international legal cooperation. This report will be discussed at a regular meeting in late October.

The following points of interest were addressed in the workshop as:

- Local legislation on international legal cooperation, including bilateral and multilateral treaties;
- Existing models for international legal cooperation and
- Existing manuals on international legal cooperation for judges and prosecutors.

Participants in the workshop were prosecutors from the Basic Prosecution of Prishtina and Peja, as well as officials of the Ministry of Justice.