



Republika e Kosovës
Republika Kosova / Republic of Kosovo
Këshilli Prokurorial i Kosovës / Tužilaški Savet Kosova / Kosovo Prosecutorial Council

Kosovo Prosecutorial Council, based on articles 4, 15 and 21 of the Law on Kosovo Prosecutorial Council, issues the following:

REGULATION ON PROSECUTORS PERFORMANCE ASSESSMENT

SECTION I
GENERAL PROVISIONS

Article 1
Scope of the Regulation

This Regulation is applicable for all State Prosecutors in Kosovo.

Article 2
Purpose of Regulation

1. The Purpose behind this Regulation is:
 - 1.1. Assess and improve Prosecutors` Performance;
 - 1.2. Defining performance assessment ways;
 - 1.3. Establish the respective Commission to provide consistency regarding Prosecutors` assessment in Kosovo.

Article 3
Assessment Principles

1. The Assessment shall be conducted in compliance with principles of legality, equality, objectivity, transparency and it shall guarantee equal and fair opportunities for career development of Prosecutors.
2. The Assessment shall contribute in ensuring the accountability in the prosecutorial system as well as increase the integrity, effectiveness and quality of Prosecutors.
3. The Assessment shall not interfere in the independency and impartiality of Prosecutors.

Article 4
Assessment Timelines

1. Prosecutors shall be assessed twice before the issuance of the decision on their permanent appointment; firstly following the 18 months period of time and second time after the end of the three (3) year period of time, six months before the re-appointment time.
2. The Regular Assessment of all Prosecutors on permanent appointment, shall be done every three (3) years.
3. Prosecutors` Performance Assessment Unit shall draft the list of Prosecutors that will be assessed for each previous year, following the consultation with the Chair of the Assessment Committee.
4. The Regular Performance Assessment of 1/3 of Prosecutors with the permanent mandate shall be done every calendar year, according to the rotation principle.

SECTION II ASSESSMENT CRITERIA AND INFORMATION SOURCES

1. Prosecutors Performance Assessment shall be conducted according to the criteria as defined in the Law on KPC and with this Regulation.
2. As for the Chief Prosecutors, the following additional indicators will be the basis for assessment in order to assess the managerial and organizational skills and experience:
 - 2.1. Capacity to deal with the allocated cases;
 - 2.2. Organizational skills;
 - 2.3. Management ability and leadership skills;
 - 2.4. Effective use of resources, like budget, premises or equipment;
 - 2.5. Ability to set goals and to implement them;
 - 2.6. Skills in problem solving particularly those related to the management of human and material resources.
3. For Supervising Prosecutors or, in general, Prosecutors with managerial tasks the indicators as set out in 2.1., 2.2., 2.4., 2.5 shall be applied accordingly.

Article 6 Information Sources

1. During the assessment process sources of information shall be used, including the following:
 - 1.1 Personal file of the Prosecutor;
 - 1.2 Assessment Report of the Chief Prosecutor;

- 1.3 Annual reports of Chief Prosecutors;
- 1.4 Self-assessment report by the Prosecutor;
- 1.5 Randomly selected cases;
- 1.6 Regular Reports of Chief Prosecutors or Supervising Prosecutors;
- 1.7 Cases selected by the Prosecutor;
- 1.8 Final Disciplinary decisions, in case of condemnation;
- 1.9 Statistical information provided by the PPAU;
- 1.10 Any other document that contains objective information relevant to the professional activity and personal behavior that affects in Prosecutor's professional activity, which will be considered by the Evaluation Committee.

2. Random selection method of cases will be as follows:

Each year, the Evaluation Committee will randomly choose cases from a biannual (or a month) period of the previous year. The Unit will collect and send to the Evaluation Committee all decisions taken in this period of time by the prosecutor being assessed.

Article 7 **Assessment Report of Chief Prosecutor**

1. Each Chief Prosecutor on annual basis shall evaluate the performance of each prosecutor working in their offices.
2. The purpose of the conducted evaluation by the Chief Prosecutor is to:

- 2.1. To assess the performance of prosecutors;
- 2.2. Identify weaknesses of performance;
- 2.3. Support prosecutors to improve their performance.

3. Performance evaluation Report of the Chief Prosecutor shall include:

- 3.1. Prosecutor's evaluation for the past year in compliance with criteria and indicators as set out in this Regulation and with the format set out in the annex 2;
- 3.2. Training needs proposal;
- 3.3 Propose goals for performance improvement;

4. Chief Prosecutor shall meet each prosecutor individually before delivering the report.

Article 8

Sources of information for assessment of Chief Prosecutors

1. For evaluation of Chief Prosecutors and Prosecutors with managerial tasks shall be used several sources of information regarding the administration and management of the respective Prosecution Office, including the following:

- 1.1 Annual Plan of the respective Prosecution Office;
- 1.2 Annual Meeting of Chief Prosecutors;
- 1.3 Quarterly Reports of the Chief Prosecutors;
- 1.4 Report of the PPAU for the respective Prosecution Office;
- 1.5 Regular Reports of Chief Prosecutors.

1.6 Any other document that contains objective information relevant to the professional activity and personal behavior that affects in Prosecutor's professional activity, which will be considered by the Evaluation Committee

SECTION III ASSESSMENT INDICATORS

Article 9 Professional knowledge, work experience and performance, including an understanding of, and respect for human rights

1. This criteria will be assessed based on the following quantity and quality indicators:
 - 1.1. Quantitative Indicators for measuring this criterion are as follows:
 - a. Level of fulfillment of the annual norm taking in to account the complexity of the cases, under evaluation;
 - b. Proportion between approved and dismissed criminal reports;
 - c. Proportion between approved, returned for completion and rejected indictments;
 - d. Proportion between filed indictments and verdicts and acquitted judgments;
 - e. Proportion between approved and rejected appeals against court decisions/rulings;
 - f. Proportion between approved and/or rejected appeals against judgments;
 - g. Proportion between approved and rejected extraordinary legal remedies filed.

- 1.2. Qualitative Indicators for measuring this criterion are as follows:
 - a. Ability for reasoning of requests to decide on the measures: (of detention on remand, house arrest, etc.);
 - b. Ability to initiate/suspend investigations;
 - c. Ability to qualify a criminal offence in an appropriate manner;
 - d. Ability to defend the case before the trial court;
 - f. Work experience.

Article 10

Capacity and capability to analyze legal problems and capacity for legal reasoning

1. This criterion will be assessed based on the following indicators:
 - 1.1. Familiarity with applicable laws;
 - 1.2. Capacity to qualify criminal cases in an appropriate manner;
 - 1.3. Capacity to subsume facts according to adequate provisions;
 - 1.4. Ability to analyze the law applying a systematic and coherent method;
 - 1.5. Capacity to collect evidences/facts according to legal implications;
 - 1.6. Capacity to assess the collected evidences in relation with respective criminal offence.

Article 11
Professional ability

1. This criterion will be assessed based on the following indicators:
 - 1.1 Self-initiative;
 - 1.2 Team work;
 - 1.3 Ability for case and time management;
 - 1.4 Examination skills (direct and cross examination skills)
 - 1.5 Use of Information Technology;
 - 1.6. Strong personality and self-control;
 - 1.7. Willingness to develop professional skills through trainings;
 - 1.8. Participation in other activities (workshops, working-groups, etc.);
 - 1.9. Willingness to replace other Prosecutors;
 - 1.10. Capacity to take initiative actions when performing as a replacing Prosecutor; and
 - 1.11. Dedication to work in shifts (as an “on-hold” Prosecutor).

Article 12

Ability to perform impartially, conscientiously, diligently, decisively and responsibly the duties of the office

1. This criterion shall be assessed based on the following indicators:

- 1.1. Independence and impartiality;
- 1.2. Rectitude, honesty, trustworthiness;
- 1.3. Good behavior and character;
- 1.4. Strength of personality and self-control;
- 1.5. Respect of Code of ethics.

Article 13

Communication abilities

1. This criterion shall be assessed based on the following indicators:

- 1.1 Ability to ensure accuracy, clarity and uniformity in written documents;
- 1.2 Ability to present the facts in the hearings and to express reviews in the court sessions;
- 1.3 Ability to deal with the general public and parties of the procedure in a professional manner.

Article 14

Conduct out of Office

1. This criterion shall be assessed based on the following indicators:

- 1.1. Compliance with standards of conduct out of office as far as it implies with the professional activity of the Prosecutor;
- 1.2. Assessment of extra-activities,
- 1.3 Assessment of eventual conflict of interests.

Article 15
Personal Integrity

1. This criterion shall be assessed based on the following indicators:

- 1.1 Dignity, honesty, trustworthiness;
- 1.2 Respect for diversity;
- 1.3 Adaptability.

SECTION IV
ASSESSMENT METHODS
Article 16

1. The overall assessment of Prosecutors shall be carried out based on the evaluation for the work performance, based in the criteria defined by Law and the respective indicators.

Article 17

Quantitative evaluation of the work of Prosecutors shall be based on the statistical data and the level of fulfilment of annual norm, as provided with Administrative Directives on guidance annual norm for Prosecutors performance, considering the complexity of the cases under evaluation.

SECTION V
PROSECUTORS' PERFORMANCE EVALUATION COMMITTEE
(PPEC)

Article 18
Mandate

1. Prosecutor Performance Evaluation Committee is a permanent Commission within KPC, competent to conduct the assessment procedure for all Prosecutors.

Article 19 Competencies

1. Prosecution Evaluation Committee has the competence to conduct the process of assessment for individual performance of Prosecutors, as provided by the procedures defined by law and this Regulation and other adopted acts in the Council.
2. In the performance of its activities, PPEC shall have access to the complete information, files, cases and statistics of the Prosecutor subject to the assessment process.
3. Once completed the assessment process, PPEC will propose a scoring according to the following levels: insufficient, sufficient, good and very good.
4. PPEC issues a final report indicating an evaluation proposal for the assessed Prosecutor, which is presented to KPC, within no more than a month after taking the decision for evaluation.
5. KPC decides about the final evaluation of Prosecutors.

Article 20 Composition of the Commission

1. PPEC shall be composed of (7) members, who are elected by the KPC, as following:
 - 1.1 One member from the members of the Kosovo Prosecutorial Council, among Prosecutors in the Council, who will be the Chairperson of the Committee;

- 1.2 Two members shall be elected from the Prosecutors of Chief State Prosecution Office;
 - 1.3 One member shall be elected from the Prosecutors of Appellate Prosecution Office;
 - 1.4 One member shall be elected from the Prosecutors of the Special Prosecution Office.
 - 1.5 One member shall be elected from the prosecutors of the Basic Prosecution Offices.
2. PPEC shall have at least four (4) reserve members if, for any objective reasons, the members are absent or there is a conflict of interest. Upon the proposal of the Chairperson, the Council may temporarily replace a Committee Member, when that member is impeded to perform his/her duties.
3. Members and reserve members shall be appointed with a three (3) year mandate with a possibility of a single reappointment. Two (2) members and one (1) reserve member from the first composition, appointed on a random basis, will have an additional mandate of one (1) year.
4. The mandate of the member of the Committee is connected with the position according to which he/she is elected member of the Committee.
4. KPC shall establish Prosecutor Performance Evaluation Committee within fifteen (15) working days from the entry into force of this Regulation.
5. KPC shall take into consideration ethnic, gender and territorial structure issues when electing members of the PPEC.

Article 21
Chairperson

1. The Committee shall be led by the Chairperson.
2. The Committee elects the deputy Chairperson of the Committee.
3. Deputy Chairperson has all the competencies and responsibilities of the Chairperson during his/her absence.

Article 22
Support to PPEC

1. The Unit shall provide support to the PPEC.
2. The Unit shall collect and prepare all statistical information and other necessary information when required by PPEC.
3. During the assessment process, the Unit shall prepare individual reports for each Prosecutor and shall submit them to the Evaluation Committee.

Article 23
Meetings of the Committee

1. Meetings of the Committee shall be held according to Article 31 of the Regulation on Functions and Organization of KPC

Article 24
Voting

1. Committee Decisions are brought upon the simple majority of votes of Committee Members.
2. The decision for evaluation is signed by all members of the Committee.

SECTION VI
RULES OF PROCEDURE

Article 25
Reporting

1. Every Prosecutor shall provide information for his/her work performance in the online register prepared by the Unit, according to the rules and procedures established by the PPRU.
2. Based on the reports submitted by the prosecutor and the Annual Report of the Chief Prosecutor, the Unit shall collect all the reports and information for the Prosecutor subject to assessment procedure, and shall submit those to the Evaluation Committee.

Article 26
Initiation of Evaluation Procedure

1. PPRU shall inform regularly the Chairperson of the Evaluation Committee regarding the Prosecutors who will be subject to Evaluation process.
2. PPRU shall prepare a list of Prosecutors' subject to evaluation, and shall deliver it to the Chairperson of the Committee at least nine (9) months before expiry of the terms pursuant to Article 4 paragraph 2.

3. Upon the receipt of the list of Prosecutors subject to assessment process, the Chairperson of the Evaluation Committee shall inform each Prosecutor subject to assessment procedure.
4. PPRU shall prepare necessary documents and information for the assessment of the Prosecutor during the initial mandate, and shall inform Evaluation Committee.
5. For the purpose of the regular assessment to be conducted every three (3) years, PPAU on annual basis will identify Prosecutors to be assessed at the end of the annual period and inform the Chairperson of the Evaluation Committee.
6. The Unit shall provide all necessary information for development of a proper assessment.

Article 27
Self-Assessment

1. Prosecutor who is subject to the assessment procedure is obliged to present to the Evaluation Committee its own self-assessment report, in accordance with Annex 3, and eight (8) selected cases, no later than fifteen (15) working days after the date he/she has received the information from the Unit.

Article 28
Assessment by the Chief Prosecutor

1. Based on the notice of the PPAU, as provided in Article 28, Chief Prosecutor shall submit to the Evaluation Committee a report for each Prosecutor working in the respective Prosecution Office until date 31 January of the respective year.
2. The template in Annex 2 shall be used for each assessment report. Relevant documents used for the assessment, including the Prosecutor's self-assessment according to Annex 3 and all relevant decisions, shall be attached.

Article 29
Evaluation by the Committee

1. Once the Evaluation Committee receives necessary information from the PPAU, assessment report from the Chief Prosecutor, self-assessment of the Prosecutor and all other relevant documents, it will conduct the evaluation of the Prosecutor.
2. Evaluation Committee may require additional information from the PPAU, Chief Prosecutor of respective Prosecution Office or the Prosecutor himself. Minutes of the meeting of the Evaluation Committee shall be attached to the final report.
3. All additional information required by the Evaluation Committee will be provided by PPAU. There must be ensured that PPAU has the authority to demand information needed to the different institutions within Prosecution Services.
4. Evaluation Committee, represented by a rapporteur, shall issue a final report with a proposal for ranking a Prosecutor, based on the template in Annex 1, within one month upon receipt of the file from the PPAU.
5. Evaluation report of the Evaluation Committee along with the proposal for ranking (promoting) of the Prosecutor shall be submitted at the same time to the KPC for final decision and to the assessed prosecutor.
6. Evaluation Committee may recommend additional measures for improving performance of Prosecutors.

Article 30
Prosecutor's objections to the evaluation of the Evaluation Committee

The assessed Prosecutor has the right to submit to KPC an objection relating to the PPEC's report, including remarks about any documents or assessments alluded in the final report, within seven (7) working days upon receiving it.

Article 31
KPC Decision

1. The KPC will decide on the evaluation of a Prosecutor with the scoring: insufficient, sufficient, good and very good. This decision has to be made within fifteen (15) working days upon receiving the report and the proposal from the Evaluation Committee and the objection or observations of the prosecutor if any.
2. The KPC may request additional information from the Chief Prosecutor or the Prosecutor involved in managerial duties, the Evaluation Committee and interview the Prosecutor. Minutes of the interviews shall be attached to the respective file.
3. The decision shall be communicated to the Prosecutor at the latest seven (7) working days after the decision is taken, and will be included in the Prosecutor's personal file.

Article 32
Ranking Consequences

1. When Prosecutor's evaluation is of unsatisfactory level during the period of two years in a row, the Council can consider it for disciplinary issue and present to ODC for initiation of disciplinary procedure.
2. When Prosecutor's evaluation is of sufficiently satisfactory level this is a cause for sending the Prosecutor in mandatory trainings.
3. When Prosecutor's evaluation is of distinguished success it presents a base for promotion into a higher prosecution rank.

4, Upon the proposal of a candidate for the position of Chief-Prosecutor, Prosecution Council will take into account ranks and scores for the respective Prosecutor, in accordance with Regulation on Promotion.

SECTION VII TRANSITIONAL FINAL PROVISIONS

Article 33 KPC Notice

Immediately following the adoption of this Regulation, the KPC shall notify all Prosecutors about this Regulation, including all annexes, templates and forms.

Article 34 Confidentiality

Except as otherwise provided by laws and/or regulations all records and information obtained and maintained during the performance evaluation process shall be confidential and shall not be disclosed, except if otherwise is required by the Prosecutor subjected to the assessment.

Article 35
Entry in force

This regulation enters into force from 1st of January, 2014, following its approval by Kosovo Prosecutorial Council.

Approved on: 18/10/2013

Ismet Kabashi

Head of Prosecutorial Council

Annex I: Assessment from PPEC;
Annex II: Assessment Report from Chief Prosecutor;
Annex III: Self-Assessment Report.



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EVALUATION COMMITTEE FOR PROSECUTORS ASSESSMENT (ECPA)

Report of Evaluation Committee
(Article 29.1)

ANNEX 1

Form for Prosecutors Assessment
(by Evaluation Committee)



Republika e Kosovës
Republika Kosova / Republic of Kosovo
Këshilli Prokurorial i Kosovës / Tužilaški Savet Kosova / Kosovo Prosecutorial Council

ASSESSMENT FORM

File No. _____
Date: ____/____/____

PART I: GENERAL INFORMATION

(Information in the first part shall be filled by Evaluation Committee)

Name: _____

Date of birth: _____

Position / Department _____

1. WORK EXPERIENCE

(Brief description of previous work experience)

2. EDUCATION

Relevant activities (participation in the capacity of the trainer, publications, etc.)

| |
|--|
| |
|--|

3. PREVIOUS ASSESSMENTS

Results from two previous assessments:

| Period | | Assessment |
|--------|-------|------------|
| From | Until | |
| | | |
| | | |
| | | |
| | | |
| | | |

4. NEW OBTAINED QUALIFICATIONS FOLLOWING THE LAST ASSESSMENT

| |
|--|
| |
|--|

5. DISCIPLINARY DATA

(Short information related to disciplinary procedures against the Prosecutor, in case it has ended with a punishment.)

PART II: ASSESSMENT BASED ON CRITERIA AND INDICATORS

SCORES IN THIS FORM ARE AS FOLLOWS:

- 1. INSUFFICIENT
- 2. SUFFICIENT
- 3. GOOD
- 4. VERY GOOD

| | <u>Scores</u> | | | |
|--|--------------------------|--------------------------|--------------------------|--------------------------|
| | 1 | 2 | 3 | 4 |
| 1. PROFESSIONAL KNOWLEDGE, INCLUDING RESPECT OF HUMAN RIGHTS, EXPERIENCE AND PERFORMANCE, INCLUDING THE QUANTITATIVE ASSESSMENT OF OBTAINING THE NORM | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Assessment of quantitative indicators | | | | |

The level of annual norm taking into account the complexity of the cases in assessment

Ratio between received criminal reports and dismissed ones;

Ratio between received, returned for completion and rejected indictments;

Ratio between submitted indictments and punitive verdicts and acquitted judgments;

Ratio between approved and refused appeals against rulings / judgments of the Court;

Ratio between approved appeals and/or rejected against the judgments;

Ratio between approved and rejected filed extraordinary legal remedies;

Assessment of qualitative indicators:

Ability to reason the requests for imposing measures; (detention on remand, house arrest, etc).

Ability to initiate/suspend investigations;

Ability on proper qualification of the criminal offence;

Ability to defend the case before the Court;

Work Experience

Comments related to used information sources and conclusions: with specific emphasize on the submitted decisions:

| | | | | |
|--|---|---|--------------|---|
| | | | <u>Score</u> | |
| | 1 | 2 | 3 | 4 |

2. CAPACITY AND ABILITY TO ANALYZE LEGAL PROBLEMS AND CAPABILITY FOR LEGAL REASONING



Familiarity with the applicable laws.

Ability to qualify criminal offences in proper manner;

Ability to include facts according to respective provisions;

Ability to analyze laws according to systematic and coherent methods

Capacity for collecting evidences/facts according to legal implications;

Capacity for assessing and reasoning gathered evidences in relation to criminal offence.

Score

| | 1 | 2 | 3 | 4 |
|----------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 3. PROFESSIONAL ABILITIES | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Self-initiative

Team work

Ability on case and time management

Examination Skills (Direct and Cross Examination)

Use of Information Technology

Strong personality and self-control

Willingness to upgrade professional skills through trainings

Participation in other activities (workshops, working groups, etc.)

Willingness to replace other Prosecutors

Capacity to undertake initiatives in other cases when acting as a replacing Prosecutor

Willingness to work on-hold shifts (as a Prosecutor “on-hold”)

Comments related to used information sources and conclusions: with as special emphasize on submitted decisions:

| | Score | | | |
|--|-------|---|---|---|
| | 1 | 2 | 3 | 4 |
| | | | | |

4. ABILITY TO PERFORM IMPARTIALLY, CONSCIENTIOUSLY, DILIGENTLY, DECISIVELY AND RESPONSIBLY DUTIES OF THE OFFICE

Independence and Impartiality

Rectitude, Honesty and Trustworthiness

Good behavior and character

Strength of personality and self-control

Respect of Code of Ethics.

| | | | <u>Score</u> | |
|---|---|---|--------------|--|
| 1 | 2 | 3 | 4 | |

5. COMMUNICATION SKILLS

Ability to ensure accuracy, clarity and uniformity in the written documents;

Ability to present the facts in the hearing sessions and to express reviews in the court sessions;

Ability to deal with the general public and parties of the procedure in a professional manner

Score
e

1 2 3 4

6. CONDUCT OUT OF OFFICE

Compliance with the standards of conduct in and out of office, as far as it implies with the professional activity of the Prosecutor;

Assessment of extra-activities,

Assessment of eventual conflict of interest.

Score
1 2 3 4

7. PERSONAL INTEGRITY

Ethics

Dignity, honesty and trustworthiness;

Respect of diversity

Adaptability

Score
1 2 3 4

8. MANAGERIAL ABILITIES (IF APPLICABLE)

(This part shall be filled by the Assessment Committee in charge of assessing Chief Prosecutors, as provided by article 5.2 of the Regulation)

Capacity for dealing with the assigned cases;

Organizational Skills

Managerial and leadership skills;

Effective use of the sources, as are: budget, facilities or equipment;

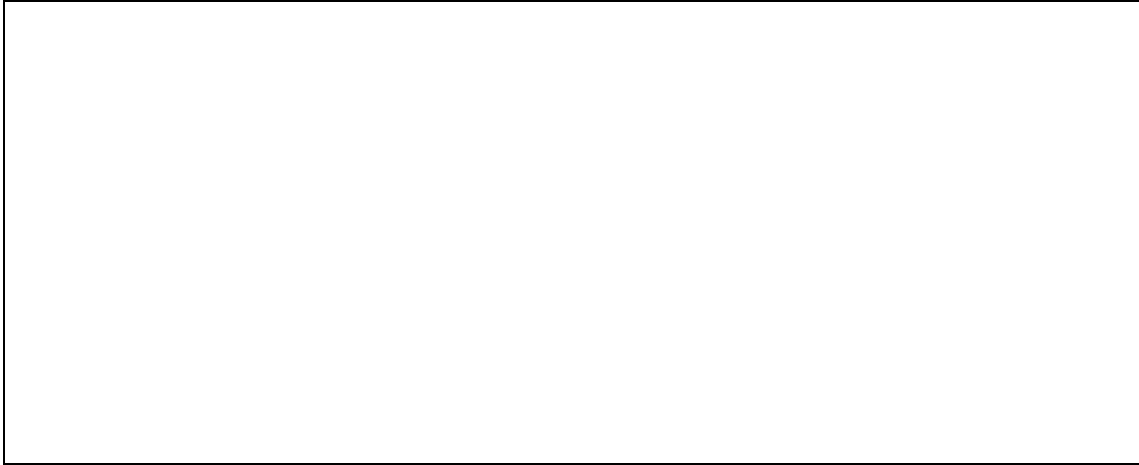
Ability to define goals and their implementation;

Ability to solve problems, especially problems related to management of human and material resources.

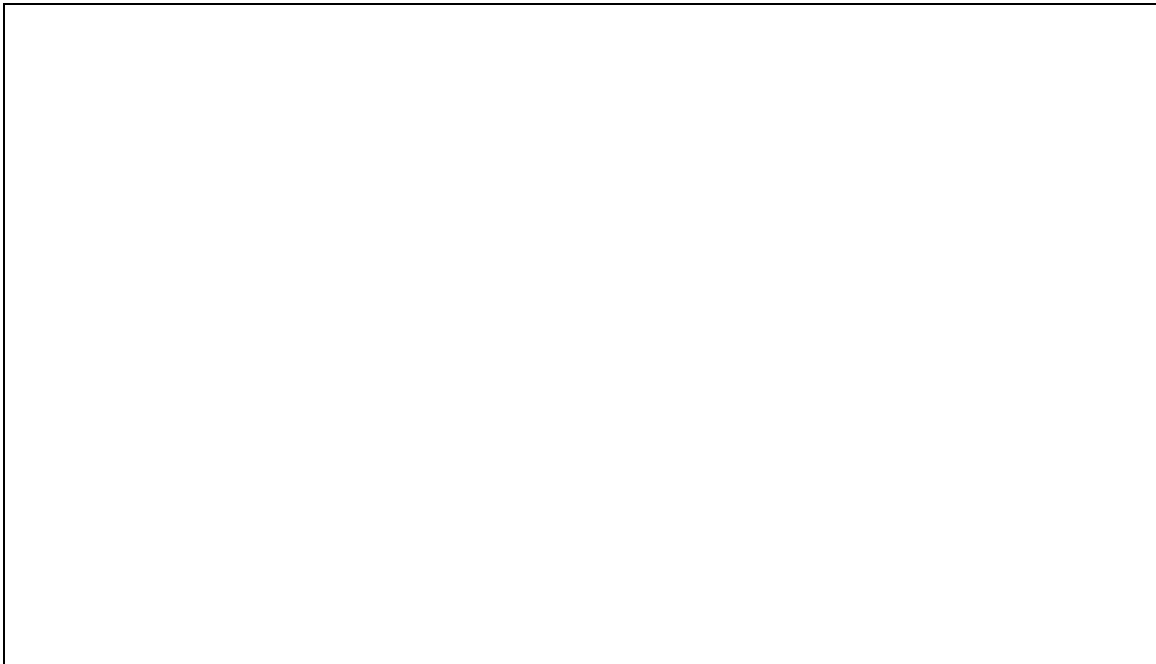
PART III: Review of the Report by the Evaluation Committee

Based on the scoring in the part two the average score shall be calculated, which consists the general assessment.

Summary of the Assessment Panel and specific comments (reasoning of scores and comments, strong parts and weaknesses, areas for improvement, etc.)

A large, empty rectangular box with a thin black border, intended for the summary of the assessment panel and specific comments.

Recommendations of the Assessment Committee (especially for improvement of the Management in Prosecutorial Services):

A large, empty rectangular box with a thin black border, intended for the recommendations of the assessment committee.

Member 1- Chair of Evaluation Committee:

| | | |
|---------------------------|------------------|-------------|
| _____ | _____ | _____ |
| <i>Name and Last name</i> | <i>Signature</i> | <i>Date</i> |

Member 2:

| | | |
|---------------------------|------------------|-------------|
| _____ | _____ | _____ |
| <i>Name and Last name</i> | <i>Signature</i> | <i>Date</i> |

Member 3:

| | | |
|---------------------------|------------------|-------------|
| _____ | _____ | _____ |
| <i>Name and Last name</i> | <i>Signature</i> | <i>Date</i> |

Member 4:

| | | |
|---------------------------|------------------|-------------|
| _____ | _____ | _____ |
| <i>Name and Last name</i> | <i>Signature</i> | <i>Date</i> |

Member 5:

| | | |
|---------------------------|------------------|-------------|
| _____ | _____ | _____ |
| <i>Name and Last name</i> | <i>Signature</i> | <i>Date</i> |

Member 6:

| | | |
|---------------------------|------------------|-------------|
| _____ | _____ | _____ |
| <i>Name and Last name</i> | <i>Signature</i> | <i>Date</i> |

Member 7:

| | | |
|---------------------------|------------------|-------------|
| _____ | _____ | _____ |
| <i>Name and Last name</i> | <i>Signature</i> | <i>Date</i> |

Confirmation by Prosecutor subjected to Assessment and Objections

I have read the above given report and have received a copy of it.

Comments from Prosecutor subject to assessment:

Date / Name and Last name / Signature (Prosecutor subject to assessment)

Comments:

This Annex shall be used by the Evaluation Committee during the final assessment. The form contains necessary legal and sub-legal requirements, which enable adequate assessment and it is in accordance with the form used by KJI for Judges Assessment.

As far as some distinguishing aspects, there is worth of emphasizing:

- Set criteria in this form are in accordance with the criteria defined by Law, whereas set indicators in this Regulation are also presented in the form.
- Assessment Methods used by the Evaluation Committee shall be applied for the grading of each criterion, which together will lead to the final grade.
- The Annex does not contain any part for evaluation of the statistical data, which is considered to be prepared by the Unit.
- A part of the form is expressly envisaged to assess Prosecutors who in addition to their position as Prosecutor they also have managerial tasks (Chief Prosecutor/Supervising Prosecutor).
- There are prepared three Annexes in total for purposes of the Regulation on Prosecutors Assessment, and the purpose behind those are to provide a full assessment of Prosecutors. Each of those Annexes tries to present a different perspective: Chief Prosecutor`s perspective, the perspective of Prosecutor himself/herself, and perspective of KPC Evaluation Committee. Since there are some points in these Annexes which are related to each other, there were given efforts to avoid unnecessary overlaps, especially as far as the role of PPAU in gathering statistical data and figures is concerned.
- In general, the Unit (PPAU) is in charge of quantitative aspects: gathering of the data, providing statistical analysis and so on and so forth. The Evaluation Committee shall assess performance of the Prosecutor subject of assessment, in terms of his professional performance and abilities, work quality in the context of preparing various bylaws, as well as their presentation before the Court, namely all elements and indicators which are not in the personal context or which in other words belong to the daily work, where the latest has already been assessed by the Supervisor, etc.
- Finally, the Committee in charge of Evaluation of the Prosecutors Performance shall have the final and leading role in summarizing all these conducted assessments, which were done based on different sources,

including the analysis of solved cases and cases proposed directly by the Prosecutor, subject of the assessment.

- Finally, without any unnecessary bureaucracy and overlapping of the information, the assessment results shall serve as the main tool for management of the prosecutorial services. Obtained results enable conducting changes and reforms which have for purpose increasing the quality of services for Kosovo citizens.



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Assessment Report used by Chief Prosecutor
(Article 6.1.1.2, article 7 and article 28)

ANNEX 2

Annual Assessment Report
(by Chief Prosecutor)



Republika e Kosovës
Republika Kosova / Republic of Kosovo
Këshilli Prokurorial i Kosovës / Tužilaški Savet Kosova / Kosovo Prosecutorial Council

ANNUAL ASSESSMENT REPORT
(by Chief Prosecutor)

File No. _____

Date: ____/____/____

PART I: GENERAL INFORMATION

Name: _____

Date of Birth: _____

Position / Department _____

Additional Information:

(Participation as a trainer, publications, academic qualifications, including respective Education Institution, date of completion, obtained grade and post-graduation studies)

PART II: ASSESSMENT BASED ON CRITERIA AND INDICATORS PROVIDED IN THE REGULATION

Chief Prosecutors are encouraged to conduct the assessments based on the original documents and statistics, in order to ensure accuracy of information. The assessment shall be sufficiently detailed and in narrative for each indicator separately.

I. Professional knowledge, work experience and performance, including knowledge on and respect of human rights

Indicators:

Ability for reasoning of requests on imposing the measures; (detention on remand, house arrest, etc.).

Ability to initiate/suspend investigations;

Ability to qualify a criminal offence in an appropriate matter;

Ability to defend a case before a trial court; and

Work experience.

II. Capacity and capability to analyze legal problems and capacity for legal reasoning

Indicators:

Familiarity with applicable laws.

Capacity to qualify criminal offence in an appropriate manner;

Capacity to subsume facts according to adequate provisions;

Ability to analyze the law applying a systematic and coherent method

Capacity to collect evidences / facts according to legal implications;

Capacity to assess and justify the collected evidences in relation with the criminal offence.

III. Professional ability

Indicators:

Self-initiative;

Team work;

Ability for case and time management;

Examination skills (direct and cross examination);

Use of Information Technology;

Strong personality and self-control;

Willingness to develop professional skills through trainings;

Participation in other activities (workshops, working groups, etc.)

Willingness to replace other Prosecutors;

Capacity to undertake initiative in other cases when replacing other Prosecutors;

Willingness to work in 'on-hold' shifts (As 'on-hol' Prosecutor").

IV. Ability to perform impartially, conscientiously, diligently, decisively and responsibly, duties of the office

Indicators:

Independence and impartiality;

Rectitude, Honesty and Trustworthiness;

Good behavior and character;

Strength of personality and self-control;

Respect of Code of Ethics

V. Communication Skills

Indicators

Ability to ensure accuracy, clarity and uniformity in the written documents.

Ability to present the facts in the hearings and to express reviews in the court sessions.

Ability to deal with the general public and parties of the procedure in a professional manner.

VI. Conduct out of Office

Indicators:

Compliance with the standards of conduct inside and out of office as far as it implies with the professional activity of the Prosecutor.

Assessment of extra- activities,

Assessment of eventual conflict of interests.

VII. Personal Integrity

Indicators

Dignity, honesty and trustworthiness;

Respect for diversity

Adaptability

PART III: GENERAL ASSESSMENT

1. List of used information sources for assessment

2. Opinion of the Supervising Prosecutor

3. Analysis

(Justifications and comments related to all indicators, meaning, strengths and weaknesses, areas for improvement, propositions for recommendations, etc.)

Chief Prosecutor

Date/Name/Signature

Comments:

In the structural aspect, all Prosecutors` Performance Assessments shall be fair and non-discriminatory; these aims shall be realized only through the objectivity of the criteria and preliminary defining of the source of information.

The main purpose behind the assessment conducted by the Chief Prosecutor has to do with qualitative matters of the Prosecutor who is subject of assessment.

In general, the Unit (PPAU) is in charge of quantitative aspects: gathering of the data, providing statistical analysis and so on and so forth. Chief Prosecutor shall assess Prosecutor`s Performance on daily basis, his/her communication ways with public and parties, his/her conduct inside and outside the office and respect of Ethics rules and Code of Ethics, capacity to solve concrete daily problems and in different contexts and circumstances, etc.

Finally, the Committee in charge of Evaluation of the Prosecutors Performance shall have the final and leading role in summarizing all these conducted assessments, which were done based on different sources, including the analysis of solved cases and cases proposed directly by the Prosecutor, subject of the assessment.

Finally, without any unnecessary bureaucracy and overlapping of the information, the assessment results shall serve as the main tool for management of the prosecutorial services. Obtained results enable conducting changes and reforms which have for purpose increasing the quality of services for Kosovo citizens.



Republika e Kosovës
Republika Kosova / Republic of Kosovo
Këshilli Prokurorial i Kosovës / Tužilaški Savet Kosova / Kosovo Prosecutorial Council

Self-assessment Report
(Article 6.1-1.4 / Article 27.1)

Self-assessment Form
(by Prosecutor)



Republika e Kosovës
Republika Kosova / Republic of Kosovo
Këshilli Prokurorial i Kosovës / Tužilaški Savet Kosova / Kosovo Prosecutorial Council

File No. _____

Date: ____/____/____

PART I: GENERAL INFORMATION

Name: _____

Date of Birth: _____

Position/Department: _____

1. WORK EXPERIENCE

(Judicial functions and respective period of times, including additional information about the performed activities, etc.)

2. EDUCATION, TRAININGS, QUALIFICATIONS

Relevant Activities

(participation in the capacity of the trainer, publications, academic qualifications, including the respective educational institution, dates of completion, obtained grade and post-graduate studies), participation in conferences, trainings, social activities, etc.)

PART II: PERFORMANCE ASSESSMENT

Prosecutor shall provide a direct self-assessment and provided detailed information for each questions separately.

1. How do you assess your performance during this period of time?

2. Do you think that you have met the norm as provided by the Administrative Directive of KPC, on defining the annual norm for Prosecutors, taking into account the type of cases (Please, justify your own statement!).

3. Do you think that during the procedure you have faced a difficult case that took your time on deciding, in comparison to other cases? If yes, which case (please, explain)!

4. Do you think you have respected deadlines on drafting criminal reports/conducting the investigations and other legal deadlines? (Please, provide facts and reasons!)

5. Do you think you have brought decisions for cases according to their chronology of receipt, regardless the gravity, importance and complexity? (Please, justify your statement!)

6. Information and/or other comments you perceive are relevant for the assessment.

PART III: SUBMITTED CASES

I propose eight attached cases as follows, prepared during the assessment time to be used for assessment (Please, refer to the date of the Decision and number of case).

Date /Name and Last name / Signature
(Prosecutor subject of the assessment)

Comments:

This Annex is prepared according to the specific duties of Prosecutors. Moreover, in order to have a coherent framework there is also done the harmonization with the self-assessment process of Judges.

As far as some special aspects of different points is concerned, emphasizes shall be as follows:

- References in the Judicial Functions (Part I - Question I), includes the broad specter of activities that may be exercised during the carrier of the Prosecutor, including the previous experience in the judiciary system as well.
- Questions related to the Prosecutor`s assessed performance shall allow him/her to give his/her personal perspective related to the quantity of the achieved work as well as complexity and type of the cases assigned to him/her.
- There is the option for defining the number of cases submitted by the Prosecutor who provides the self-assessment. Proposing eight cases (similarly with Judges) is not mandatory and another option may also be reviewed.
- There is also worth to emphasize the fact that to the Prosecutor, subject of the assessment, is given the opportunity to present not only criminal reports but also other written documents prepared by him/her. In this way, it is allowed to the Prosecutor to present a broader self-assessment, thus giving him/her more opportunity to have a more accurate assessment by KP.
- There are prepared three Annexes in total for purposes of the Regulation on Prosecutors Assessment, and the purpose behind those are to provide a full assessment of Prosecutors. Each one of those Annexes tries to present a different perspective: Chief Prosecutor`s perspective, the perspective of Prosecutor himself/herself, and perspective of KPC Evaluation Committee. Since there are some points in these Annexes which are related to each other, there were given efforts to avoid unnecessary overlaps, especially as far as the role of PPAU in gathering statistical data and figures is concerned.

