



BULLETIN OF THE KOSOVO PROSECUTORIAL COUNCIL

March 2023

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ACTIVITIES OF THE KOSOVO PROSECUTORIAL COUNCIL

(This edition of this Bulletin reflects the activities for the month of March 2023)

Drafting of the draft regulations for the allowances of employees in the prosecutorial system begins

The working group for the drafting of the Regulation for the allowances of employees in the prosecutorial system held the first meeting for the drafting of the draft Regulation for the allowances of employees in the prosecutorial system.



The draft regulation will serve to regulate the payment of all allowances, which will be due to employees in the prosecutorial system, who meet the criteria provided by the Law on Wages in the Public Sector and based on the relevant regulation.

Basic Prosecutor's Office in Gjilan, the most successful prosecutor's office in Kosovo in dealing with cases of corruption and economic crimes

In the framework of monitoring the implementation of the Prosecutorial System Strategy (2022-2024) and the Action Plan, the Supervisory Commission for Corruption and Economic Crimes visited the Basic Prosecutor's Office of Gjilan.



On this occasion, it reviewed the Commission's annual report for 2022 regarding the conduct of corruption and economic crimes cases, their treatment and the various challenges this prosecution has faced in handling these cases.

The commission congratulated the chief prosecutor, Arben Kadriu, for the results achieved in this prosecution, which are quite satisfactory. He also requested that the dedication shown in the treatment of these subjects during 2022 should continue during 2023.

A meeting is held to analyze the activities and challenges in the fight against corruption and economic crimes

The Chairman of the Kosovo Prosecutorial Council, Jetish Maloku and the Acting Chief State Prosecutor, together with a part of the members of the KPK, held a working meeting with the Chief Prosecutor of the Basic Prosecution in Pristina and with the prosecutors of the Corruption and Crime Unit Economic within this prosecution.



The purpose of the meeting was to analyze the activities and challenges in the fight against corruption and economic crimes throughout 2022, as well as to discuss the implementation of the Action Plan in the Fight against Corruption and Economic Crimes for 2022.

Consequently, in this meeting, the need for increased engagement in this direction was emphasized, in order

to achieve the necessary results during the implementation of strategic plans and work plans, as well as to work on the matching of statistical data of PPRU with those of the Basic Prosecutor's Office of Pristina and CMIS.

The Chief Prosecutor of the Basic Prosecution in Pristina and the present prosecutors emphasized the immediate need to increase the number of prosecutors in the Unit for Corruption and Economic Crimes and to complete and amend the Administrative Instruction for orientation norm.

Maloku hosted the representatives of the German Foundation for International Legal Cooperation (IRZ)

The chairman of the Kosovo Prosecutorial Council hosted the team of leaders of the German Foundation for International Legal Cooperation in a meeting (IRZ).



The meeting took place within the framework of discussions on the cooperation of the Prosecutorial Council with the German Foundation for International Legal Cooperation (IRZ), this foundation, which has offered and is offering continuous support in strengthening the various sectors in the prosecutorial system.

The Chairman of the KPK thanked the representatives of this German Foundation, emphasizing their unsparring support to make a valuable contribution in various fields, especially in raising the quality of public communication, and besides this, this cooperation is even more extended in implementation of the EUKOJUST project.

CMIS priority of the Commission for the Administration of Prosecutions

The Commission for the Administration of Prosecutions held its next meeting, in which case it approved the Monitoring Plan of the Case Management Information System (CMIS) for all prosecutions for the year 2023.



The purpose of approving this plan is to eliminate the manual reports that are prepared by the prosecution staff, implement the reports that are generated by CMIS and improve the quality of the records.

The joint declaration of commitment to reform the justice system is signed

The Chairman of the Kosovo Prosecutorial Council and the Acting Chief State Prosecutor signed the Joint Declaration of Commitment together with other state institutions for legal reform in the justice system in Kosovo.



The declaration was signed between the Ministry of Justice, the Kosovo Judicial Council, the Kosovo Prosecutorial Council, the Supreme Court and the Chief State Prosecutor's office, which aims to intensify and concretize joint actions towards the further advancement of strengthening the rule of law in Kosovo.

These high institutions of justice in Kosovo undertook and pledged, through this signed act, to establish joint working groups for a series of important issues for the reform of the justice system in Kosovo.

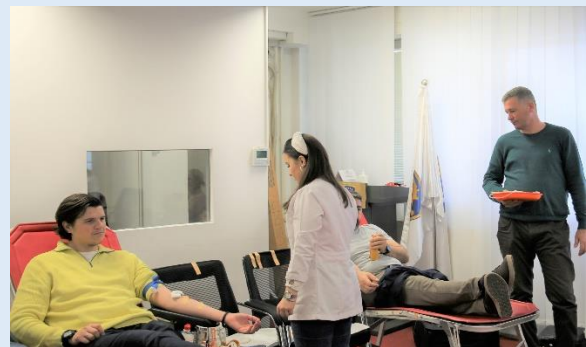
This aspect includes the evaluation, conceptualization and drafting of legal initiatives, with the aim of clarifying, amending and strengthening the legal framework in the areas related to performance evaluation, the process of recruitment, appointment and reappointment, the disciplinary system,

professional development and the status of prosecutors and judges, strengthening the mechanisms for declaring the assets of prosecutors and judges, the system of verifying the profile of candidates for prosecutors and judges, as well as implementing the recommendations from the TAIEX mission to fight organized crime and corruption (2022).

In all these inter-institutional actions there will be full coordination with international partners.

Voluntary blood donation is organized in the prosecutorial system

Within the framework of frequent humanitarian actions, almost every six months, for donating blood for the needs of the country's citizens, the Prosecutorial Council of Kosovo, in cooperation with the National Center for Blood Transfusion of Kosovo, organized voluntary blood donation, which a significant number of employees responded positively to this initiative.



Blood donation has already become a tradition in the prosecutorial system, because such a humanitarian initiative is organized at least twice a year.

The next meeting of the Supervisory Commission for Monitoring Cases of Corruption and Economic Crimes is held

The Supervisory Commission for Monitoring Cases of Corruption and Economic Crimes held its next meeting, in which its members were informed about the meeting held by the Chairman of the KPC and the Acting Chief State Prosecutor with the Chief Prosecutor of the Basic Prosecution of Pristina and the prosecutors of the Unit for Corruption and Economic Crimes within this prosecution regarding the analysis of the activities and challenges in the fight against corruption and economic crimes throughout the year 2022 and the beginning of 2023, as well as the discussion developed for the implementation of the Action Plan in the fight of Corruption and Economic Crimes for the year 2022-2024.



The request for the amendment and completion of the Administrative Instruction for Setting the Orientation Norm for State Prosecutors was also reviewed, which will be sent to the Committee for Normative Issues for consideration.

21 new prosecutors are decreed

Following the proposal of the Kosovo Prosecutorial Council, the President of the Republic of Kosovo decreed 21 new prosecutors with an initial mandate of three years.

At the swearing-in ceremony, the new prosecutors swore that they will be loyal to the Constitution of the Republic of Kosovo, the laws in force and will respect the rules of professional ethics.



After the decreeing ceremony, the new prosecutors were welcomed in a meeting by the Chairman of the Kosovo Prosecutorial Council and the Acting Chief State Prosecutor, who congratulated the new prosecutors on the decree and asked them for commitment and professionalism during the exercise of the State prosecutor's mandate.



The new prosecutors will be systematized in the seven basic prosecutor's offices of the Republic of Kosovo.

The 228th Meeting of the Prosecutorial Council of Kosovo is held

The Kosovo Prosecutorial Council (KPC), held the 228th meeting in a row, in which case it established the investigative panel for the disciplinary case against a prosecutor of the Basic Prosecutor's Office in Prizren and approved the annual report of the Kosovo Prosecutorial Council for the year 2022.

It also approved the Report on the activities and recommendations of the National Coordinator for Combating Economic Crime for the period October-December 2022, the summary report on the evaluation of superiors for prosecutors with a permanent mandate for 2022 and the report of the relevant Commission for the advancement of a prosecutor from the Department General in the Department for Serious Crimes of the Basic Prosecution in Prizren, as well as rejected the opposition of a candidate presented to the same report.



It also approved the request of the Deputy Chairman of the KPC for release from the position of the chairman of the Supervisory Commission for Cases of Corruption and Economic Crimes, while in his place he chose a member of the Prosecutorial Council from the ranks of the Appellate Prosecutor's Office, and approved the request of the Chief Prosecutor of the Prosecution Basic

in Mitrovica for the temporary transfer of a prosecutor from the Department for Juveniles to the Department for Serious Crimes, whereas regarding the request of the Chamber of Advocates for the amendment of the Administrative Instruction for the Procedures for the Compensation of Defenders with Public Expenses, it was decided that it should be sent for review to the Committee on Budgets and then proceed to the Committee on Normative Issues and be decided on one from the next meetings of the KPC.

KPC members approved the resignation of the Acting General Director of the KPC Secretariat, after his decree for state prosecutors and appointed the new Acting General Director of KPCS with a three-month mandate and made a decision to send the proposal to the country's president to release a prosecutor from office upon reaching retirement age.

Chairman Maloku hosted the representatives of the Rule of Law Sector at the Embassy of Great Britain

The chairman of the Kosovo Prosecutorial Council of received in a farewell meeting the leader of the Rule of Law Sector at the Embassy of Great Britain and her successor in this position.



The Chairman of the KPC thanked the current Head of the Rule of Law Sector at the Embassy of Great Britain for her unsparing work and commitment regarding the strengthening of the prosecutorial system, also expressing his commitment to close cooperation with the new leader of this sector, in order to advance the processes that are in function of the rule of law in the Republic of Kosovo.

The interlocutors also discussed the reforms in the prosecutorial system of Kosovo and the ways of providing the necessary support in the processes aimed at overcoming the difficulties and challenges in the prosecutorial system.

Statement of the Prosecutorial Council regarding the overthrow of the Law on the KPC by the Constitutional Court

The Kosovo Prosecutorial Council stated that the publication of the Decision of the Constitutional Court of the Republic of Kosovo on the Law of the Prosecution Council, which it has declared unconstitutional and finally overturned, fully confirms the publicly expressed attitudes and concerns of the representatives of the prosecutorial system, in order that this law should not be approved as such.



The KPC declares that the publication of the Decision of the Constitutional Court of the Republic of Kosovo on the Law of the Prosecutorial Council, which it has declared unconstitutional and finally overturned, fully confirms the positions and concerns expressed publicly by the representatives of the prosecutorial system, so that this law is not approved as such.

KPC declares that even after the decision of the Constitutional Court, free speech has been misused again, this misuse, which is and remains completely outside the democratic right, and even more so when it comes from the highest officials of the state. Even today, such statements were heard from the Minister of Justice, Albulena Haxhiu, at the media conference, which coincide with a recklessness and irresponsibility so pronounced that they go as far as contesting the acts issued by the highest constitutional institution, asserting that "the most important thing for them is the individual interest of some members of the KPC" and beyond that, a senior official of the Government, surprisingly, does not agree with the decision of a higher institution, such as the Constitutional Court.

Previously, for the sake of public transparency, the KPC has expressed its position to the public several times through successive statements and reactions regarding the irregular progress of the drafting process of the KPC Draft Law and the introduction of tendentious elements and dysfunctional, as well as for the dizzying rush of the Ministry of Justice and the Government to proceed and approve this draft law, without consulting

the final draft with the actors of this process and without waiting for the additional comments of the Venice Commission.

Also, the KPC has systematically emphasized the expressed defects of the Executive regarding the failure to take into account the proposals issued by the Strategy for the Rule of Law and the proposals of the representatives of the prosecutorial system and other actors of the justice system or outside it, which in reality constituted openly a tendency to undermine the independence of the KPC and the State Prosecutor, as independent and constitutional institutions.

In this context, therefore, the Constitutional Court of the Republic of Kosovo removed all the existing dilemmas related to this issue, firstly, by taking a decision to overturn the Law on the Prosecutorial Council and, secondly, by preventing the infringement of the independence of the KPC and the legislation of political influences in the prosecutorial system of the Republic of Kosovo.

KPC asserts that the Constitutional Court of the Republic of Kosovo, by issuing this fair decision, affirms once and for all the constitutional right to political non-interference, which fundamentally violates the independence of state prosecutors and the independence of the prosecutorial system in general.

The Kosovo Prosecutorial Council declares that it remains committed to supporting the general reform processes in the prosecutorial system and will make efforts in the future to cooperate with all state mechanisms of the country, supporters and valuable international partners in all kinds of legislative initiatives and other initiatives, which aim at the necessary reform, in order to strengthen the rule of law in Kosovo and the prosecutorial system of Kosovo to do its work independently, professionally, transparently, without being exposed to any kind of interference or pressure from different parties.

Prosecutor Arian Gashi is appointed Chairman of the Supervisory Commission for Monitoring Cases of Corruption and Economic Crimes

The Supervisory Commission for the Monitoring of Cases of Corruption and Economic Crimes held its next meeting, in which case the position of the chairman of this commission was handed over from the current chairman to the new chairman, a member of the KPC from the ranks of Appellate Prosecution.



The Kosovo Prosecutorial Council at the 228th Meeting approved the resignation of the previous chairman of the Supervisory Commission for Monitoring Cases of Corruption and Economic Crimes and at the same meeting elected the new chairman of this commission.

The next meeting of the Commission for Normative Issues is held

The Committee for Normative Issues held the next meeting, in which case it reviewed the draft Regulation on allowances and compensations for employees in the prosecution system, which defines the criteria, conditions, rules, calculation method and procedure for benefiting from allowances and compensations for all employees in the prosecutorial system.



On this occasion, the members of the Commission emphasized that with the entry into force of the Law on wages in the public sector, it has been determined that regarding the procedure, criteria and conditions for compensations and allowances for employees in the prosecutorial system, regulation must be made with internal acts therefore, the draft of this act is of special importance for the prosecutorial system.

The members of the Commission for Normative Issues met the EUKOJUST project experts

The Commission for Normative Issues held a meeting with EUKOJUST project experts.



The purpose of this meeting was the presentation of the initial draft of the Plan for the systematization, digitization and automation of the archives for the Kosovo Prosecutorial Council, this plan, prepared by expert Simone Ginzburg, where the necessary comments and suggestions regarding the finalization of this plan were given, and it was proposed that in the next meeting there should be wider participation, including representatives of the State Archives Agency and the Judicial Council of Kosovo, in order to exchange and unify the procedure for the storage, transfer, disposal of records and cases, as well as the list with storage terms of archival documents, created by the prosecutorial system.

Activities of the KPC Secretariat

The KPC Secretariat, during the month of January, prepared the Report on the fulfillment of the activities of the Prosecutorial Council for the year 2022 in PKZMSA and held a meeting with representatives of the EUKOJUST project for the reporting mechanism for the implementation of the Strategy for the Rule of Law.

Also, KPCS, in terms of professional capacity building, has continued to provide training for the implementation of CMIS in the Office of the Chief State Prosecutor for the registration of case actions in CMIS.