



BULLETIN OF THE KOSOVO PROSECUTORIAL COUNCIL

July 2022

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ACTIVITIES OF THE KOSOVO PROSECUTORIAL COUNCIL

(In this edition of this newsletter, the activities for the month of July 2022 are reflected)

The monitoring report of EULEX on cases of rape in Kosovo is presented

The Deputy Chairman of the Kosovo Prosecutorial Council participated in the presentation of the Monitoring Report of the European Union Mission for the Rule of Law in Kosovo entitled "Evaluation of the treatment of rape cases by the justice system in Kosovo.



The Deputy Chairman emphasized that the prosecutorial system is aware of the sensitivity and importance of efficient and timely treatment of these cases and is making maximum efforts, in cooperation with the relevant institutions, to enable the creation of a safe and calm environment for citizens.

Notice from the Kosovo Prosecutorial Council

The Kosovo Prosecutorial Council (KPC) expresses deep concern regarding the suspicions raised in the media about the distribution of test questions for professional associates by the Chief Prosecutor of the Basic Prosecution in Gjakovë



The Kosovo Prosecutorial Council assures public opinion that after the request of the Acting Chief State Prosecutor as the competent authority and, based on the authorizations he has, will initiate legal procedures against the Chief Prosecutor of the Basic Prosecution in Gjakovë.

The Acting General Director of the KPK Secretariat announced to the public that the competition for the recruitment of professional associates for the basic prosecutor's offices in Gjakovë, Pejë and Prizren will be canceled in its entirety, returning it to the zero point and, based on his authorizations, will undertake all the necessary legal actions against the members of the commission of this process.

Notice from the Kosovo Prosecutorial Council

The KPK announced to the public opinion that it has opened a public hearing on the draft Regulation on the Internal Organization and Functioning of the State Prosecutor and the draft Regulation on the Activity, Internal Organization and Systematization of Administration in the Kosovo Prosecutorial Council.



In order to achieve cooperation, the level of transparency and considering everyone's contribution as important, the Prosecutorial Council invited all interested professionals to submit their comments or suggestions for the improvement of these two draft Regulations by July 29, 2022.

Comments can be sent to the e-mail address: info.kpk@rks-psh.org

Also, attached is the link where you can find the two Draft Regulations in question published <https://prokuroria-rks.org/degjim-publik>

The financial report for the first six months of the year is approved

The Committee for Budgets, Finances and Personnel of the KPC held the next meeting, in which, in addition to its members, the Acting General Director of the

Secretariat of the KPC took part with colleagues, in which case the Financial Report was reviewed for the first six months of 2022, which was presented by the Acting General Director of the KPC Secretariat, who announced the six-month financial management activities of the prosecutorial system, while the members of the Commission recommended the same for approval in the Prosecutorial Council.



The commission also examined the request for international super expertise from the Basic Prosecutor's Office in Peja and the possibility of providing the basis for international super expertise for the prosecutorial system.

The meeting of the Commission for the Administration of Prosecutions is held

The Commission for the Administration of Prosecutions held its next meeting, during which it discussed the comparative Report of the number of cases from physical reports and CMIS for the first quarter of 2022 and the focus was on the verification and harmonization of statistical data, which were reported by the registry offices and CMIS for the first quarter of 2022.



The topic of discussion was also the Analytical Report on the workload of prosecutions with cases for the first quarter of 2022 compared to the same period of 2021, based on the number of cases received, the total

number of cases in the work, the number of prosecutors in the relevant prosecutors' offices, the number of resolved cases and the measuring parameter related to the annual orientation rate, as well as the Report on the highest number of prosecutors in basic prosecutions, the caseload and the efficiency in conducting cases in the period 2017-2021.

Reaction of the Prosecution Council to the threats against the prosecutor Lulzim Sulejmani

The KPC strongly condemns the threat to the Prosecutor in the Office of the Chief State Prosecutor, Lulzim Sulejmani.

These serious threats to Prosecutor Sulejmani come as a result of the prosecutor's commitments within the framework of his activities in the disciplinary processes, carried out some time ago, against the former special prosecutor, Ali Rexha.



The KPC stands strongly in support of prosecutor Lulzim Sulejmani and offers full support in his work while exercising his function as State Prosecutor.

The KPK assures the public opinion that the threats against the prosecutors will not deter the goals and continuous efforts to strengthen the rule of law and asks the competent bodies to treat this case with due seriousness and urgency.

Memorandum of cooperation between the KPC and the Academy of Justice is signed

The Chairman of the KPC and the Executive Director of the Academy of Justice signed the Memorandum of Cooperation in the framework of activities for the implementation of the Rule of Law Strategy 2021-2026.



This act enables the establishment of cooperation between the Prosecution Council of Kosovo and the Academy of Law, at the same time, the coordination and coordination of inter-institutional processes and activities in the field of training of prosecutors and officials of the administration of the prosecutorial system is clearly defined.

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

The Supervisory Commission for Monitoring Cases of Corruption and Economic Crimes held the next meeting, where the activities during the period January-June 2022 were discussed, from which the relevant recommendations will be summarized..



The members of the Commission also discussed the visits to the country's prosecutor's offices and the planning of future visits until the end of this year, with the aim of monitoring criminal offenses of corruption and economic crimes, for which they said that there is increased attention from all prosecutions and dedication to treating them with high priority.

The next meeting of the Steering Committee for the Rule of Law Strategy is held

The Chairman of the KPK participated in the next meeting of the Steering Committee for the Rule of Law Strategy, which was also attended by the Chairman of the Judicial Council of Kosovo, the Minister of Justice and the Minister of Internal Affairs, whereupon it was discussed draft of the six-monthly report on the implementation of the Rule of Law Strategy Action Plan (2021-2026). The members of the inter-institutional coordinating body of the Strategy presented the evaluation of the implementation of the activities, achievements and institutional challenges, which the justice system is facing, emphasizing the commitment to create an efficient, transparent and equal justice with a focus on the public and the approach of the public in justice.



Link to the approved six-month report on the implementation of the Rule of Law Strategy Action Plan¹ (2021-2026):

<https://www.prokuroria-rks.org/al/kpk/dokumente-publikime/84/89/649/649>

The 218th Meeting of the Prosecutorial Council of Kosovo is held

The KPK, in its 218th Meeting, selected ten prosecutors to serve on investigative panels with a three-year mandate and approved the request of the Acting Chief State Prosecutor for the approval of the announcement of the competition for the advancement of a prosecutor in the Department of Juveniles in the Basic Prosecutor's Office of Gjakova.



After the approval of two reports of the Commission for the Transfer and Advancement of Prosecutors, it transferred seven (7) prosecutors to the General Department in the Basic Prosecutor's Office of Pristina and one (1) prosecutor to the General Department in the Basic Prosecutor's Office of Ferizaj, as well as approved the Report on evaluating the performance of nine prosecutors with a permanent mandate, as well as approving the promotion of a prosecutor from the General Department to the Department for Serious Crimes in the Basic Prosecutor's Office of Peja and repealed two decisions - the decision on the establishment of the Commission for the Recruitment of 22 new prosecutors and the decision on the establishment of the Review Committee, as well as decided on the establishment of two new commissions for the same recruitment process, as well as appointed the support staff from among the ranks of the administration, which will provide assistance to the members of the Recruitment Commission and the Review Commission in the process of recruiting new prosecutors.

Position of the Kosovo Prosecutorial Council after the Opinion of the Venice Commission on the Concept Document of the Ministry of Justice on "Vetting" (Full text)

The Kosovo Prosecutorial Council (KPK) has carefully analyzed and consulted the Venice Opinion on the Ministry of Justice's Concept Document on "Vetting" in the judicial and prosecutorial system. KPK considers that the evaluations and proposals of the Venice Commission are really important and provide a guiding platform for the further strengthening of the prosecutorial system in the Republic of Kosovo through the internal mechanisms of the judiciary.

The Venice Opinion systematically and drawing attention to the international instruments of freedoms and human rights, as well as avoiding the practices of other countries, in the evaluations given in this Opinion, stand out the independence of the prosecutorial system

guaranteed and clearly protected by the Constitution of the Republic of Kosovo. The Commission's recommendations, repeatedly throughout the Opinion, call for a truly cautious approach to any ill-considered and well-analyzed initiative, proposal or reform.

The Prosecutorial Council of Kosovo, referring to the response sent to the Venice Commission for the concept document of the Ministry of Justice on "Vetting" and in the same spirit as the position expressed by the Venice Commission in its Opinion, assesses that the undertaking of the measures and actions of uncoordinated will cause hard-to-repair damage to the entire prosecutorial system and, consequently, will cause delays in the procedures, which will inevitably prevent the citizens of the country from effective access to justice.

Instead of an initiative that endangers the independence of the work of the prosecutorial system and invalidates all the work and investment made in strengthening the prosecutorial system, the Kosovo Prosecutorial Council invites the Ministry of Justice to intensify the dynamics of joint work for the advancement of the initiated reforms, and with this, to conceive new initiatives with a common goal - the further consolidation of the rule of law, the promotion and protection of the freedoms and rights of the country's citizens.



The Kosovo Prosecutorial Council reaffirms its position and approach, which has already been strengthened by this Opinion of the Venice Commission that addressing the challenges in the prosecutorial system and the continuous improvement of performance should be done through legal initiatives and coordinated development policies well to further strengthen the internal mechanisms of verification, accountability, performance and transparency. Unnecessary, uncoordinated initiatives, with a non-literal rationalization, which amount to invasive interference in the work and independence of the prosecutorial system will not be supported by the Kosovo Prosecutorial Council.

The Kosovo Prosecutorial Council, despite an intensive work and dynamics undertaken in the general improvement of the performance of the prosecutorial system, remains committed to advance the reforms

already initiated in the improvement of recruitment procedures for prosecutors, professional associates and support personnel, the increase of efficiency in management and administration of prosecutions, expanding the use of electronic and information technology systems in procedures and intensifying the digitization of the prosecutorial system, increasing transparency and accountability at work, as well as strengthening the disciplinary system.

The Kosovo Prosecutorial Council will continue to be proactive, in certain circumstances it will take a leading role, in the intensification of inter-institutional cooperation, for the most successful implementation of national strategies, such as the rule of law, or agreements, strategies and commitments others taken to align the legal system of the country with the standards of the European Union.

The Kosovo Prosecutorial Council does not support and will not participate in the working groups for any initiative for constitutional changes that aims to establish mechanisms outside the prosecutorial system for verification and integrity checks, as this can be ensured within a reasonable time through the internal mechanisms of the KPC, which must be permanent.

The KPC remains committed and cooperative in giving its contribution to the legal initiatives aimed at further strengthening the internal mechanisms of verification, performance, integrity and discipline of the prosecutorial system. Also, the KPK wants to emphasize that for any legal initiative in order to strengthen the internal mechanisms, the KPK should have a leading role from the stage of conception, development to the finalization of these legal initiatives.

KPC, as stated in the Opinion of the Venice Commission, considers that measures, actions and reforms can be undertaken which will cumulatively achieve the goal of a more effective, accountable and transparent prosecutorial system without compromising the institution's independence. The KPK wants to emphasize the Opinion of the Venice Commission that highlights the risk of violating the independence of the judiciary, guaranteed by the Constitution of the Republic of Kosovo and international instruments, in case of constitutional changes for the administration of the "Vetting" process in the judicial system.

The Prosecutorial Council will continue the multidimensional reform, which has already been reflected and has given strong results in the process of recruiting new prosecutors, evaluating the performance of prosecutors in the system, their advancement to higher

prosecutorial instances and the implementation of disciplinary measures to strengthen accountability.

The Prosecution Council of Kosovo will merge the proposals and recommendations issued by the Venice Opinion into the reforms initiated, such as the draft document of the KPK Strategy, the draft document of the digitization of prosecution offices, as well as the regulatory framework, as well in the conception of new initiatives. In order to more effectively coordinate these initiatives within the institution, KPK will establish ad-hoc commissions and working groups whose work we expect continuous support with expertise from international partners and donors.

Activities of the KPC Secretariat

The SKPC, during the month of July, held a meeting with representatives of the EUKOJUST project, where the topic of discussion was free professions and provided information on the Guide for visa liberalization.

On the other hand, the KPK Secretariat also submitted additional information at the request of the European Commission and offered professional comments on the draft Regulation on the activity, internal organization and systematization of the administration in the Kosovo Prosecutorial Council.

Meanwhile, the Secretariat held a meeting with the representatives of the MCC Project, where they presented the progress achieved in the development of the electronic e-learning application, as well as held a meeting with the trainers engaged in the regions for the presentation of the Report on the retraining of prosecutors and administrative staff of the basic prosecutions of the country.

It also submitted the recommendations of the prosecutorial system for the Report of the evaluation mission of the European Commission on the cases of corruption and organized crime and supported the preparation of the information of the prosecutorial system for the six-monthly report on the implementation of the Rule of Law Strategy Action Plan¹.

Also, the SKPC finalized the Report for monitoring the implementation of the SMIL for the Basic Prosecutor's Office of Pristina, this report, which includes data on the quality of the notes placed in the CMIS.

Activities of the Prosecution Performance Review Unit

The PPRU, during the month of July, focused on: drafting the State Prosecutor's six-month work report; the analytical report for the subjects that are reported

related to the European integration processes according to the KPC Work Plan for 2022; the drafting of the Informative Report on the statistical data issued by CMIS compared with the notes of the physical reports for the basic prosecutions in the first quarter of 2022 and 2021.

In addition, the PPRU offered its support in the process of the transfer of prosecutors, participation in the meeting of the Commission for the Administration of Prosecutions and the presentation of analytical reports, drawn up by the ZMAVP, participation in the meeting of the working group for monitoring the application of SMIL -it, carried out at the Basic Prosecution in Pristina, participation in the meeting between PPRU, ITD and the company for the development of statistical reports for SMIL, where the issues of statistical reports of CMIS were addressed and concrete proposals for improvement and advancement were given, in the drafting of the informative report regarding the data for the prosecutors of the Basic Prosecution of Gjakova, the drafting of the infographic report for the second quarter of 2022 for the web portal of the prosecutorial system, the drafting of the bulletin for the month of July.

The PPRU collected statistical data and compiled reports on the workload and efficiency of prosecutors in solving cases from the registers: PP, PPM, PPN, PPP and NJN, for each prosecutor separately, for the month of June 2022, for the numerical status of cases in the basic prosecutor's offices, the Special Prosecutor's Office and the Appellate Prosecution, according to departments and types of registers, for the status of cases in the prosecution for characteristic cases from the tracking Mechanism for the Harmonization of Statistical Notes according to groups of criminal offenses: weapons, narcotics- drugs, organized crime, corruption, human trafficking, migrant smuggling, money laundering, economic crimes and incitement and hatred from Article 147 of the CPC according to and types of registers.

The module for statistical reports of CMIS was also monitored, carrying out visits to the Basic Prosecution of Pristina and Peja, where the data on the state of cases from the reports generated by CMIS and the physical ones were compared.