



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

GJYKATA KUSHTETUESE

УСТАВНИ СУД

CONSTITUTIONAL COURT

Raporti vjetor Godišnji izveštaj Annual Report 2014



ANNUAL REPORT 2014

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Vision and Mission

1. Vision

The Republic of Kosovo is a democratic state based on the rule of law and the respect of human rights and human dignity, guaranteed by the Constitution. In Kosovo, where the people decide through their representatives that are accountable to the people, the Constitutional Court will be an institution that the citizens of Kosovo see as the final authority and guarantor of the Constitution and compliance with the Law.

Guided by the Constitution, the Court will contribute to (1) building a free, democratic and peace loving country, (2) guaranteeing the rights, freedoms, and equality before the law of all citizens and communities, and (3) eliminating vestiges of the past by building new traditions based on the rule of law, democracy and human rights.

2. Mission

As a new institution in a young democracy, the Constitutional Court has an important role in accomplishing the above vision. However, the Court will face significant challenges in fulfilling this role, because internal changes are insufficient. The Court must also inspire external changes. These two aspects are closely interlinked. The vision cannot be achieved without coherent internal Court development and mutual influence between the Constitutional Court and external social, economic, cultural and technological forces.

Thus, in line with the above vision, the Constitutional Court of Kosovo has set itself a mission to be:

A professional, competent, and independent institution that is establishing a new tradition of judicial impartiality and independence, and full accountability at the service of the citizens of Kosovo;

A transparent institution that vindicates the rights and fundamental freedoms of the citizens and communities of Kosovo, by adjudicating in a fair and transparent manner within its jurisdiction, and overseeing fairness in the exercise and use of powers vested in it by the Constitution; and

The final authority of the constitutional order of the country, thereby ensuring and supporting the transition of Kosovo toward human rights, democracy and the rule of law.

Foreword by the President of the Constitutional Court

Prof Dr. Enver Hasani

I am very pleased to present for the sixth year after the establishment of the Constitutional Court of the Republic of Kosovo the Court's Annual Report. Like the previous Annual Reports, the Annual Report 2014 presents an overview of the Court's activities during the past year and lists its main achievements in establishing its authority and building confidence amongst the people of Kosovo. As has been the case during the previous years, these achievements could only be reached through the dedicated work of the Judges of the Court, the Secretary General, the Legal Advisers and the staff members of the Court. Therefore, I thank them all from the bottom of my heart for their ceaseless efforts to further the objectives of the Court.

During the previous year, the President and Judges of the Court paid official visits to the Constitutional Courts and other prestigious state institutions of neighboring and other countries like Albania, Austria, France, Italy, Macedonia, Montenegro and Slovenia with a view to exchanging opinions and experiences on constitutional justice and to enhance the professional and friendly relationship with such institutions. I was also invited to give lectures at the Universities of Bologna and Graz and at the "SMU Dedman School of Law"(USA) and attended the 100th Plenary Session of the Venice Commission as a member representing the Republic of Kosovo, together with Judge Mr. Sc. Arta Rama-Hajrizi as deputy-member. The Vice-President of the Court, Dr. Ivan Cukalovic, attended the 3rd Congress of the World Conference on Constitutional Justice, of which the Constitutional Court had become a member on 17 September 2014.

In the past year, the Court ruled on a number of important cases.

Two of these cases (Cases KI 99/14 and KI 100/14) concerned the request for the constitutional review of the election procedure for the position of Chief State Prosecutor, respectively, the Decision of the Kosovo Prosecutorial Council on the nomination and proposal of the candidate for the Chief State Prosecutor. In Case KI 99/14), the Court considered that the member who was also a candidate for the position of the Chief State Prosecutor should have been excluded from the voting and nomination procedure and replaced by another member. In relation to Case KI 100/14), the Court held that the Applicant had not substantiated that she was actually discriminated against in the testing procedure because of her gender. Regarding to the right to fair proceedings, the Courts considered that the failure of the KPC to accept its own established rules and to provide a clear reasoning with respect to the essential aspects of the Applicant's factual and legal procedural argument is in breach of the right to fair proceedings, guaranteed by Article 31 of the Constitution and Article 6 European Convention on Human Rights and therefore the election procedure for the position of Chief State Prosecutor has to be repeated, without prejudice to the outcome of the repeated proceedings.

A further important referral (Case KO 103/14) was the one lodged by the President of the Republic of Kosovo, Her Excellency Atifete Jahjaga, pursuant to Articles 84 [Competencies of the President], paragraph 9, and 113 [Jurisdiction and Authorized Parties], paragraph 3, of the Constitution, requesting the Court to provide an interpretation of several notions, such as: *"the party or the coalition that has won the elections, necessary to create the Government, according to the same procedure and majority in the Assembly"*, being used in Article 95 [Election of the Government] of the Constitution, and to specify the order of precedence between Article 84, paragraph 14, and Article 95 of the Constitution as they relate to the competence of the President to mandate the candidate for Prime Minister after elections. The Court concluded that the wording used clearly indicates that the name of the

candidate has to be proposed by a political party or coalition registered with the Election Commission (CEC) and had participated in the general elections. Coalitions not-certified by the CEC are not eligible under Article 84.14 of the Constitution to propose a candidate for Prime Minister. The democratic rule and principles, as well as political fairness, foreseeability and transparency require the political party or coalition that won the highest number of seats as a result of the elections to be given the possibility to propose a candidate for Prime Minister to form the Government. If the proposed composition of the Government does not receive the necessary votes in the Assembly, it is the discretion of the President of the Republic, after consultations with the parties or coalitions, to decide which party or coalition will be given the mandate to propose another candidate for Prime Minister.

Also an important referral to be mentioned is Case KO 119/14, filed by 30 Deputies of the Assembly of the Republic of Kosovo, who challenged the Assembly's decision on the election of the President of the Assembly as to its substance as well as to the procedure followed during the constitutive session of the Assembly on 17 July 2014. The Applicants alleged that the President of the previous legislature had exceeded his constitutional powers by wrongly interpreting the notion of "largest parliamentary group". The Applicants further claimed that the Assembly's decision, including the preparatory procedure followed regarding its constitutive session was not in accordance with Article 67 [Election of the President and Vice-Presidents] of the Constitution providing that the President of the Assembly is proposed by the largest parliamentary group which won the majority of seats in the Assembly and is elected by a majority vote of all deputies of the Assembly. In assessing the merits of the Referral, the Court concluded that the Assembly's decision was unconstitutional and, therefore, null and void as to the procedure followed as well as to its substance, since it was not the largest parliamentary group that had proposed the President of the Assembly; and that the constitutive session of the Assembly, which started on 17 July 2014, had not been accomplished by not electing its President and Deputy Presidents. Therefore, the Assembly had to complete the constitutive session by electing the President and Deputy Presidents in accordance with Articles 67.2 and 64 [Structure of Assembly], paragraph 1, of the Constitution and Chapter III of the Rules of Procedure implementing these Articles and this Judgment.

The number and variety of cases dealt with in 2014 by the Constitutional Court are mentioned elsewhere in this Annual Report.

On 15 October 2014, the solemn inauguration of the Fifth Judicial Year of the Court took place in the presence of Judges and Secretary General of the Constitutional Court of Albania, Presidents and Judges of the Constitutional Courts of Lithuania, Luxembourg, Montenegro and Slovenia, as well as Judges of the Supreme Court of Albania. The key-note speakers were the President of the Constitutional Court of Lithuania, Dr. Dainius Zalimas, the President of the Constitutional Court of Slovenia, Mag. Miroslav Mozetic, as well as Prof. Dr. Luca Mezzeti, Professor at the University of Bologna, Italy and the President of the Supreme Court of Kosovo, Prof. Dr. Fejzullah Hasani.

Also during the past year, the Constitutional Court adopted a number of amendments to its Rules of Procedure.

Furthermore, as during previous years, the Court received valuable assistance of USAID, through its Rule of Law Project (EROL); the Deutsche Gesellschaft fuer Internationale Zusammenarbeit (GIZ) through its Legal Reform Project; the German Foundation for International Legal Cooperation (IRZ Foundation) and EULEX. I would like to warmly thank them for their unremitting support through workshops, seminars and other training activities to augment the efficacy and functioning of the Court. In particular, I would like to thank the Governments of Norway, The Netherlands, The United States, Switzerland, Turkey and the EU Commission for their generous donations which, through the International Management Group or otherwise, were used to finance the three International Judges and the three International Advisors in the Court in 2014.

Like in previous years, I wish to stress that the Judges of the Constitutional Court will continue to perform their work in full compliance with the provisions of the Kosovo's Constitution.

Prof. Dr. Enver Hasani

President of the Constitutional Court of the Republic of Kosovo

A handwritten signature in blue ink, appearing to read 'Enver Hasani', is positioned to the right of the text identifying the President of the Constitutional Court.

Introductory note by the Secretary General, Milot Vokshi

I have the special honor to present the Annual Report about the work of the Court Secretariat for the year 2014, a mechanism that supports the Constitutional Court and which ensures the efficient functioning of the Court administration.

The report presents a summary of the work and main activities carried out by the Court Secretariat in order to fulfill the work objectives of the Annual Work Plan for 2014 and the objectives outlined in the Strategic Plan of the Court for the period 2014-2017.

As in the previous years, also in 2014, the Secretariat has been engaged with great commitment in the:

- Fulfillment of the goals and objectives
- Successful implementation of the projects presented in the Work Plan for 2014 and
- Strategic Plan of the Court for the period 2014-2017

The Secretariat was in particular focused on opening and filling new job positions, training and further building of professional capacities of the personnel, development and advancement of work rules and regulations, to ensure a higher performance of the Secretariat within the scope of its responsibilities.

In conducting the planned activities and accomplishing the foreseen aims within the time limits, the Secretariat has successfully overcome the challenges and completely accomplished the work objectives.

The accomplishment of the identified objectives is a result of the team work of the Secretariat's personnel, therefore, just like in the past years, I take this opportunity to express my gratitude to all the staff of the Secretariat for the given contribution and for the results achieved in the implementation of the work plans and in ensuring effective functioning of the Court.

I especially thank the donors, who also during 2014 with their assistance had an effect on the achievement of the general success of the Court, and, in particular, in drafting the Strategic Plan of the Development of the Court for the period 2014-2017.

On my behalf and on behalf of the Secretariat, I want to thank in particular the Judges and President of the Court, Prof. dr. Enver Hasani, for the encouragement, unreserved support, and for the clear and professional guidance they have given us in overcoming the challenges, as their unparalleled commitment and professionalism showed in the interpretation of the Constitution continues to rank the Constitutional Court among the most powerful, respected and reliable institutions in the country.

Also in 2015, the Secretariat will remain committed to implementing the Work Plan and the Strategic Plan for the period, 2014-2017.

Milot Vokshi

Secretary General

Annual Report of the Constitutional Court 2014

Introduction

The Constitutional Court of the Republic of Kosovo is the final authority in the Republic of Kosovo for the interpretation of the Constitution, and on the compatibility of laws with the Constitution, and is completely independent in exercising its responsibilities.

In 2014, the Constitutional Court received 187 new Referrals.

From the Referrals submitted to the Court in 2014, it decided on 226 Referrals, published 208 decisions in the website of the Court and served them on the parties.

208 decisions of the Constitutional Court were published in the Official Gazette of the Republic of Kosovo.

In compliance with Article 115.2 of the Constitution and with Rule 14 (3) i) of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo, the Constitutional Court approved its annual report 2014, in the administrative session held on __ 2015.

Pursuant to Article 115.2 of the Constitution of the Republic of Kosovo and Rule 14 of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo, the Secretariat organized 5 (five) administrative sessions, and made 15 (fifteen) decisions. Among the most important decisions were:

- Approval of the Annual Work Report for 2013;
- Approval of the Annual Work Report 2014 for Secretary General;
- Approval of Amendments to the Rules of Procedure of the Court;
- Election of the Secretary General;
- Establishment of the Communication and Information Office.

The Constitutional Court of the Republic of Kosovo is composed of:

Enver Hasani, President

Ivan Čukalović, Deputy President

Robert Carolan, Judge

Altay Suroy, Judge

Almiro Rodrigues, Judge

Snezhana Botusharova, Judge

Kadri Kryeziu, Judge and

Arta Rama Hajrizi, Judge



**Prof. Dr. Enver Hasani,
President**



**Prof. Dr. Ivan
Čukalović,
Deputy
President**



**Robert Carolan
J.D., Judge**



**Dr. Altay Suroy,
Judge**



**Dr. Almiro
Rodrigues,
Judge**



**Prof. Dr.
Snezhana
Botusharova-
Doicheva, Judge**



**Dr. sc. Kadri
Kryeziu, Judge**



**Mr. sc. Arta Rama-
Hajrizi, Judge**

Secretariat of the Constitutional Court

The Secretariat of the Constitutional Court of the Republic of Kosovo, pursuant to Article 12 of the Law on the Constitutional Court and Rule 15 of the Rules of Procedure, performed administrative works and supported the work of the Constitutional Court.

The Secretariat is managed by the Secretary General, who pursuant to Article 12.4 is responsible for the organization and management of the Secretariat. Its organizational structure is composed of:

- Department of Administration and Human Resources (DAHR);
- Department for Case Registration, Statistics and Archive (DCRSA);
- Department of Professional Support (DPS);
- Department for Budget and Finance (DBF);
- Procurement unit (PU);
- Information Technology, Communication and Multimedia Unit, (ITCMU); and
- Internal Audit Unit (IAU).

By accomplishing the objective of the Strategic Plan of the Constitutional Court for the period 2014-2017 and implementing the Decision No. KK-SP 352/14, of 7 November 2014, by Decision of the Secretary General of the Constitutional Court of the Republic of Kosovo, is established:

- The Communication and Information Office (CIO)

The operation of the Legal Unit (LU), which includes the positions of legal advisors and other legal staff, as well as its structure and organization, are regulated by a Practice Direction, adopted by the Court. Legal advisors support the professional work of the Judges.

The Secretariat has accomplished these objectives for the year:

- Implementation of Strategic Plan 2014-2017;
- Drafting and approval of Regulation No. 01/2014 on internal organization of the CCK;
- Drafting and approval of Regulation No. 02/2014 on classification of job positions in the CCK;

The Secretariat also published:

- Report on the fourth quarter, October-December 2013;
- Report on the first quarter, January-March 2014;
- Report on the second quarter, April-June 2014;
- Report on the third quarter, July-September 2014;
- Bulletin of decisions 2013, in three languages;
- Guidelines No. 01/2014 for the use of official vehicles, , and
- Guidelines f No. 02/14 for the use of landline and mobile telephony.

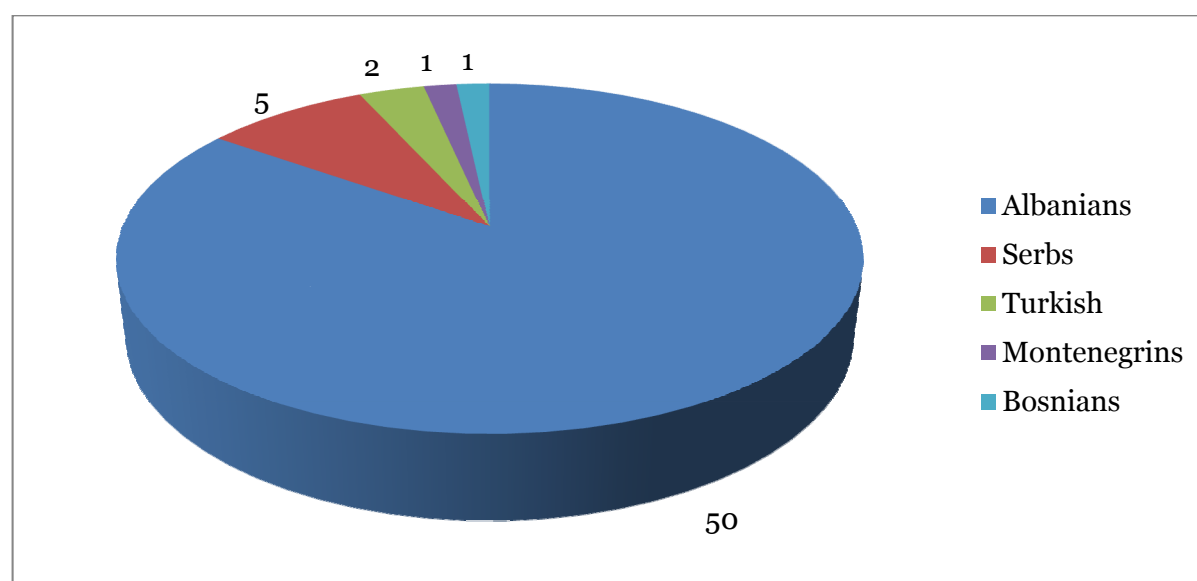
Department of Administration and Human Resources
(DAHR)

I. Department of Administration and Human Resources (DAHR)

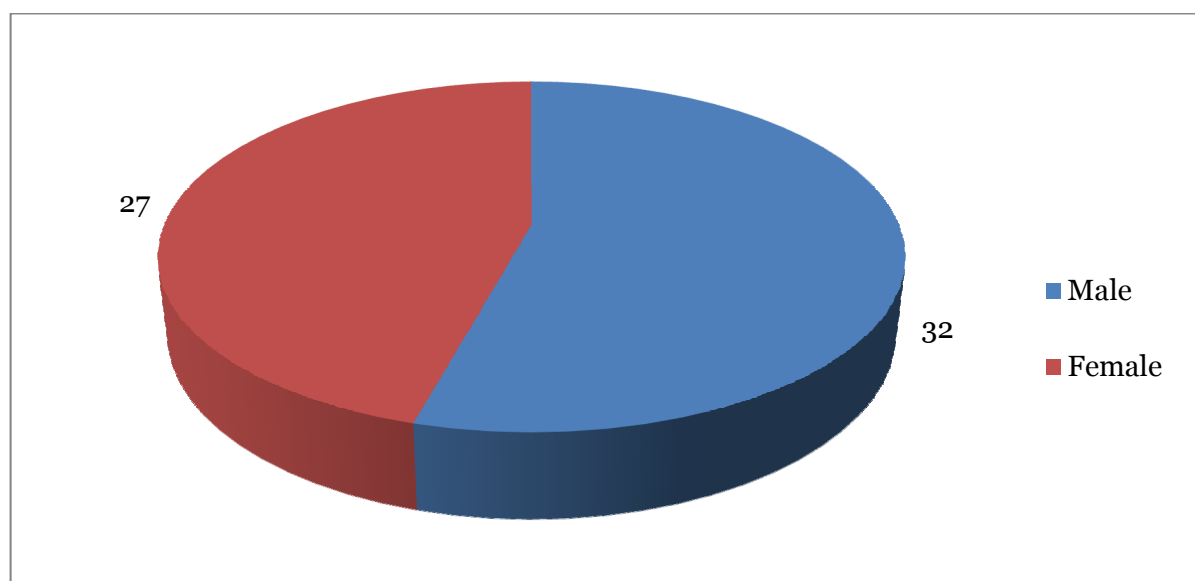
I. Human resources and capacity building

- In compliance with the operational recruitment plan, in total 4 (four) vacancy announcements were prepared and published, which included a total of 3 (three) job positions and 12 positions for the interns.
- After successful recruitment procedure, a total number of 2 (two) employees were recruited: 1 (one) Secretary General and 1 (one) Editor/proofreader for Serbian language. At the same time, internal promotion procedures were conducted for 1 (one) job position: Legal Advisor (Senior). For this position, the selection committee has recommended the most successful candidate, and in the next administrative session will be reviewed and decided on the proposed candidate.
- Upon the selection, 12 (twelve) interns were engaged for a period in duration of three months.
- From 61 job positions, allowed for with the budget for fiscal year 2014, the staff came to the number of 59 (fifty nine) job positions, including judges and legal advisors. Also during this year the Court operated without a judge.
- During the application and recruitment processes, the non-discriminatory policies with respect to gender equality and multiethnic representation of Kosovo were consistently followed and applied. Upon conclusion of recruitment competitions, it has always been verified whether among the candidates who have applied for the announced positions there was an equitable mix of gender and ethnic representation.
- Out of the total number of 59 (fifty nine) employees, 32 (thirty-two) are male, or 56%, while 27 (twenty-seven) are female, or 44%, whereas with respect to ethnic representation 50 are Albanians (83%), 5 Serbs (10%), 2 Turks (3%), 1 Bosnian (2%) and 1 Montenegrin (2%).

Number of employees by ethnicity:



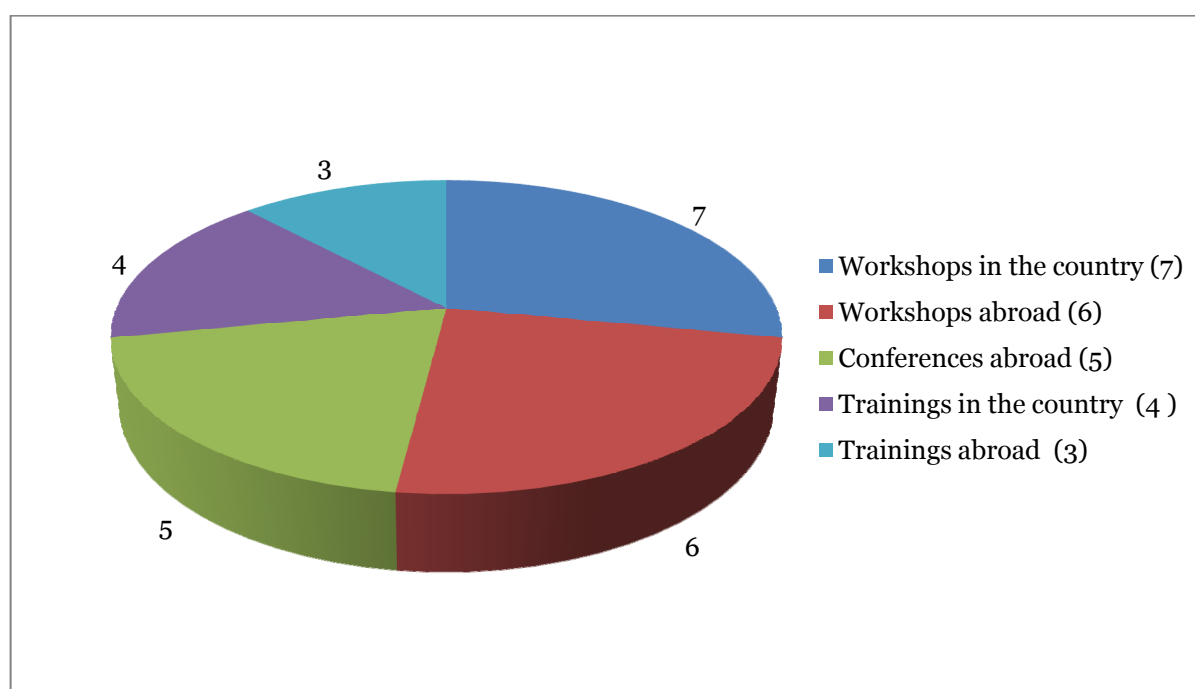
Number of employees by gender:



II. Capacity building

- In order to further increase the capacity and operational capabilities, and in order to implement policies of staff training within the Constitutional Court, based on the Strategic Plan 2014-2017, the Framework Programme of Training for employees of the Constitutional Court has continued to be implemented. In this period 7 (seven) trainings were organized and held in the country, 6 (six) workshops were organized abroad, 5 (five) participations in the international conferences abroad, 4 (four) trainings in the country, 3 (three) trainings abroad, 2 (two) study visits abroad and course of foreign languages with 8 (eight) participants.

Officials attending workshops, study visits and training in country and abroad:



III. Administrative and logistic support

- Provision of the required services in the field of logistics, transport and control of incoming and outgoing office materials and IT equipment, as well as registration thereof with the E-Asset Management Information System;
- The registration of 373 invoices in Free Balance System, after supply of office materials and IT equipment and services for the work needs of CCK;
- The regular maintenance and servicing of vehicles of the Court and timely compiled monthly reports regarding the expenditure of fuel;
- Relevant documents to the various institutions involved with the execution of various administrative requirements, wages and salaries were compiled and addressed.
- Additional activities have been undertaken, and the process of implementation of the Strategic Plan 2014-2017 was monitored.

In the sphere of the Library's services

During the period 1 January -31 December 2014 in the Library of the Constitutional Court were received these books and were performed the following activities:

- Official Gazette of the Republic of Kosovo, no. 53, 54, 55, 56, 57 of December 2013, 3 (three) copies; no. 1, 2, 3, 4, 5, 6 of January 2014, three (3) copies; Official Gazette of the Republic of Kosovo no. 7, 8, 9, 10, 11, 12, 13, 14, 15 of February 2014, three (3) copies; Official Gazette of the Republic of Kosovo, no. 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, of March 2014, 3 (three) copies; Official Gazette of the Republic of Kosovo, no. 26, 27, 28, 29, 30, 31, of May 2014, 3 (three) copies; Official Gazette of the Republic of Kosovo, no. 32, 33, 34, 35, 36, 37, 38 of June 2014, 3 (three) copies; Official Gazette of the Republic of Kosovo no. 41, 42, 43, 44, of October, 3 (three) copies; Official Gazette of the Republic of Kosovo no. 45, 46 with the 3 (three) copies, the Office for Publication of the Official Gazette of the Republic of Kosovo.
- 3 (three) reports on monetary policy and financial stability, and eight (8) other publications from the banking field, were donated by the Bank of Albania.
- 2 (two) summary of legal acts (Index- 2013 and Index 2014), published in the Official Gazette of the Republic of Kosovo, for 2013 and 2014, with the 3 (three) copies each.
- 2 (two) Official Gazettes of UNMIK, (volume 2-2003 and volume 3-2003), with 1 (one) copy in three languages.
- 2 (two) Constitutional Court Practice Bulletins (Bulletin on Constitutional Case-Law/ Edition 2013/1; / Edition 2013/2 and Special Edition, Grands arrêts-CEJ) with 2 (two) copies, by the Venice Commission.
- 1 (one) Annual Report 2013/Constitutional Court in Kosovo daily press (9 pieces in Albanian, 4 in English); 1 (one) Annual Report 2013 (with a copy in Albanian, English, Serbian) from the Trust; 1 (one) Annual Report 2013 from the Advisory Panel for Human Rights - (with a copy in Albanian, English, Serbian); 1 (one) Annual Report 2013, the Kosovo Judicial Council (with a copy in Albanian, English, Serbian); 1 (one) quarterly report April-June 2013 of the Constitutional Court (Albanian, English, Serbian, with six copies); 1 (one) Annual Report 2013 of KPA (with a copy in Albanian, English, Serbian); 1 (one) Annual Report of the Human Rights Review Panel, 1 January - 31 December, 2013 (scripts).
- 1 (one) Decision of the Constitutional Court of the Republic of Albania (six copies); 2 constitutions, and 3 (three) other publications in the constitutional field, from the Constitutional Court of the Republic of Albania.

- 12 (twelve) books, manuals and other publications from the legal/constitutional field were donated by various donors, during the visits of our staff to other courts in the region and the world.
- 6 (six) legal publications regarding the Constitutional Court of the Republic of Kosovo, IRZ editions, GIZ editions in cooperation with the Constitutional Court of the Republic of Kosovo.
- 2 (two) periodicals: "Shenja " and "Al Meridiani Shqiptar", from Macedonia and Albania.
- 1 (one) legal book and 1 (one) part of the journal article, from the French Constitutional Council (Le Conseil constitutionnel).
- 1 (one) Annual Report 2013 and a brochure, from the French State Council (The Conseil d'Etat) in a few words- (brochure).

**Department of Professional Support
(DPS)**

II. Department of Professional Support (DPS)

The Department of Professional Support (DPS) is responsible for providing professional services of translation, editing, proof-reading, transcription and harmonization of terminology in all documents of the Constitutional Court and in the languages in which the CCK works.

The DPS organized, managed and supervised the work of translation, editing, proof-reading (in Albanian and Serbian), transcription and simultaneous interpretation. Thus, the DPS processed over 18.089 pages, or an average of 73 pages per day, of the letters, various documents, judgments, resolutions, decisions on striking out the referral, preliminary reports and other documents in Albanian, Serbian, English and Turkish.

DPS has transcribed 104 pages of audio recordings.

Translators provided 566 hours and 25 minutes of simultaneous interpretation in regular meetings, during court sessions, in administrative sessions, at interviews of candidates for the positions announced by the Court, and in other meetings.

In coordination with DCRSA, the DPS prepared the necessary documentation for meetings of judges and for Court hearings and administrative sessions.

DPP facilitated the processing of cases in Albanian, Serbian and English. At the same time, it contributed to the publication of decisions in the Albanian, Serbian, English and Turkish languages.

Objectives

DPP achieved the following objectives:

- Standardization of all official documents and all decisions that have the stamp of the Constitutional Court;
- Elimination of inconsistencies in judgments, resolutions, preliminary reports and in other documents of the Constitutional Court of Kosovo;
- Updating of the specific tri-lingual terminological vocabulary of expressions of the Constitutional Court;
- Promoting the improvement of human and organizational capacity to put in practice the management and planning with direct participation and to increase cooperation between the departments;
- Cooperation with the operator, in terms of translation (outside and inside the Court), and
- Successful implementation of all objectives that emerged in 2014 from the CCK Strategic Plan 2014-2017.

**Department of Case Registration, Statistics and Archive
(DCRSA)**

III. Department of Case Registration, Statistics and Archive (DCRSA)

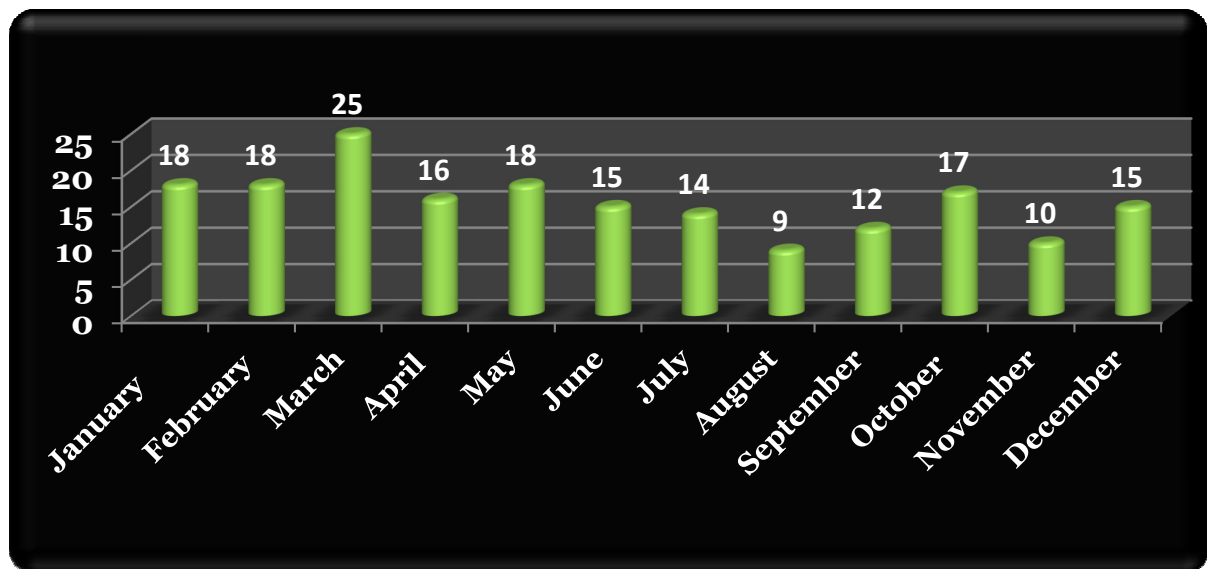
1. Status of cases

Within 2014, the Court has processed a total of 289 Referrals/Cases:

- 6 Referrals carried over from 2012, were decided;
- 96 Referrals carried over from 2013, were decided;
- 187 Referrals were received in 2014, of which 124 were decided.

A total of 226 Referrals or 78.20% of all unresolved cases.

208 out of the 226 resolved Referrals during 2014 were published on the Court webpage and served on the parties (including also 37 decisions of 2013, which were in the process of drafting), while 59 decided Referrals are being drafted.



Here follows a presentation of the Judgments rendered by the Court during 2014:

- Judgment, Constitutional Review of Decision No. 05-V-001 voted by 83 Deputies of the Assembly of the Republic of Kosovo on the election of the President of the Assembly of the Republic of Kosovo, dated 17 July 2014, Case KO119/14.
- Judgment, Constitutional Review of the Decisions of the Kosovo Prosecutorial Council related to the election procedure of Chief State Prosecutor, Case KI99/14 and KI100/14.
- Judgment, concerning the assessment of the compatibility of Article 84.14 [Competencies of the President] with Article 95 [Election of the Government] of the Constitution of the Republic of Kosovo, Case KO103/14.
- Judgment, request for Constitutional Review of Judgment CN. No. 7/2013 of Supreme Court of Kosovo, dated 19 October 2013, Case KI10/14.

- Judgment, Constitutional Review of the Judgment of the Supreme Court Rev. no. 74/2011 of 12 March 2013, Case KI89/13.
- Judgment, Constitutional Review of the Judgment Ac. No. 324/12 of the District Court in Peja, dated 21 December 2012, Case KI94/13.
- Judgment, Constitutional Review regarding non-execution of the Decision GSK-KPA-A-001/12 of the Appellate Panel of the Supreme Court, of 8 May 2012, and of the Decision of Kosovo Property Claims Commission no. KPCC/D/A/114/2011, of 22 June 2011, Case KI187/13.
- Judgment, Constitutional Review of Judgments Rev. Mlc. nr. 329/2012 and Rev. nr. 356/2009 of the Supreme Court of Kosovo of 24 June 2013 and of 20 January 2012, respectively, and Judgment Ac. no. 52/2012 of the District Court of Prizren of 11 May 2012, Case KI200/13
- Judgment, Assessment of amendments to the Constitution proposed by the Government and submitted by the President of the Assembly of the Republic of Kosovo on 11 March 2014 by letter No. 04-DO-2186, Case KO44/14.
- Judgment, Constitutional Review of the Judgment of the Supreme Court Rev. no. 492/2008, dated 10 March 2009, Case KI138/11.

2. Submission of Referrals

The definition of the jurisdiction and the authorized parties for the submission of Referrals to the Constitutional Court is provided by the Constitution of Kosovo and the Law on Constitutional Court of Kosovo.

The trust of citizens on the Constitutional Court has significantly increased as a result of its efficient, effective and impartial work. 187 referrals were received during 2014, which means that an average of 15.6 referrals were received per month.

The structure of filed Referrals is as follows:

- 161 Referrals (from natural persons), or 86,1%; and
- 26 Referrals from other public authorities (legal persons), or 13,9%.

3. Allocation of Referrals

Pursuant to Article 22 of the Law on the Constitutional Court, the DCRSA has processed all submitted Referrals pursuant to Article 13 of the Constitution.

The allocation of Referrals/Cases to Judge Rapporteurs was done in accordance with Rules 8 and 33 of the Rules of Procedure of the Court. An exception to this rule is the distribution of Referrals for the imposition of interim measures, which Referrals are processed pursuant to Rule 55 of the Rules of Procedure of the Constitutional Court, and *ad hoc* cases, which represent a conflict of interest, pursuant to Article 18 of the Law on Courts and in accordance with Rule 7 of the Rules of Procedure.

4. Access to the Court and public trust in the work of the Court

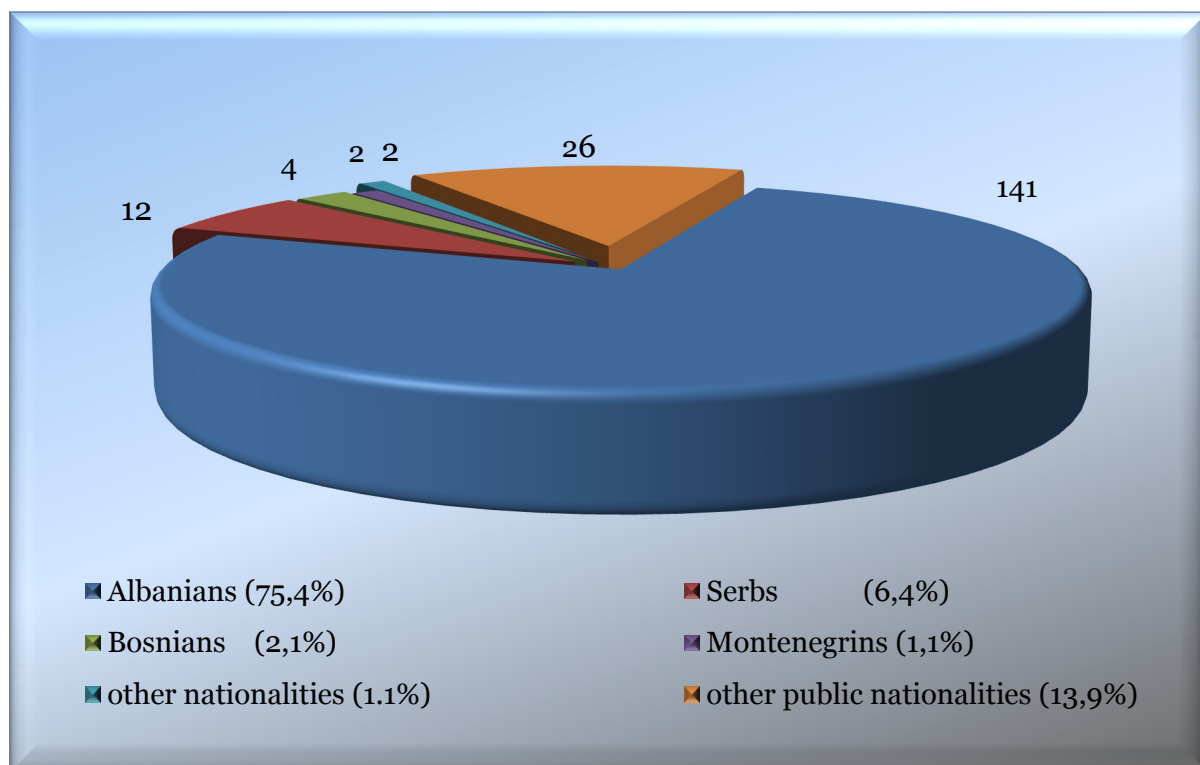
All Kosovo citizens, regardless of ethnic or religious background, have equal access to the Constitutional Court.

Individuals who have sought access can be broken down as follows:

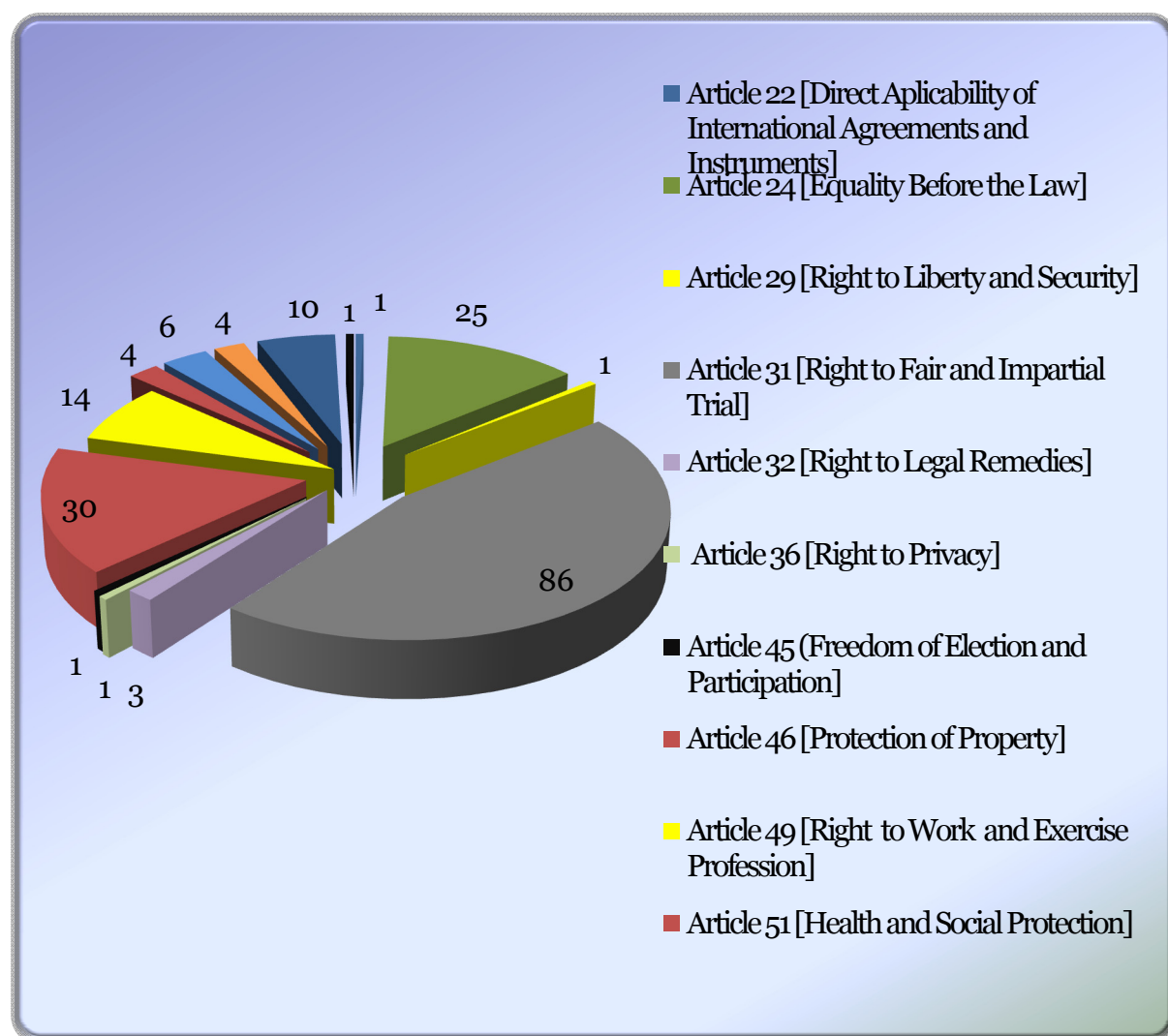
- 141 Referrals from Albanians, or 75,4%;
- 12 Referrals from Serbs, or 6,4%;
- 4 Referrals from Bosniacs, or 2,1%;
- 2 Referrals from Montenegrins, or 1,1%;
- 2 Referrals from others, or 1,1%;

24 Referrals were submitted by other public authorities (legal persons), or 13,9%.

Ethnic structure of applicants, presented in numbers and percentage:



Alleged violations by types of violations:



5. Types of alleged violations

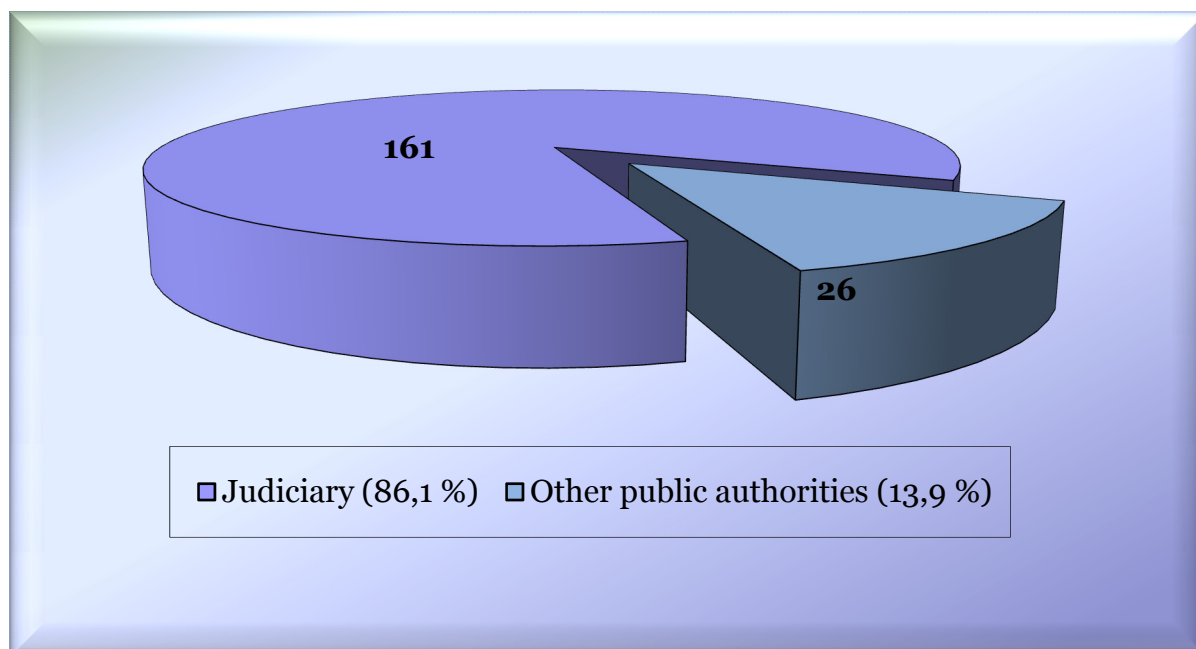
187 Referrals received in 2014 are related to an alleged violation of:

- Article 22 [Direct Applicability of International Agreements and Instruments], 1 case or 0,5 %;
- Article 24 [Equality before Law], 25 cases or 13,4 %;
- Article 29 [Right to Liberty and Security], 1 case or 0,5 %;
- Article 31 [Right to Fair and Impartial Trial], 86 cases or 46.0%;
- Article 32 [Right to Legal Remedies], 3 cases, or 1.6%;
- Article 36 [Right to Privacy], 1 case or 0.5%;
- Article 45 [Freedom of Election and Participation], 1 case or 0.5%;
- Article 46 [Protection of Property], 30 cases, or 16.0%;
- Article 49 [Right to Work and Exercise Profession], 14 cases or 7.5%;
- Article 51 [Health and Social Protection], 4 cases, or 2.1% ;
- Article 54 [Judicial Protection of Rights], 6 cases, or 3.2% ;
- Constitutional Review of Court Decisions, 4 cases, or 2.1%;
- Constitutional Review of decisions of other public authorities, 10 cases or 5.3%; and
- Other violations, 1 case or 0,5 %.

6. Alleged violators of rights:

- 161 or 86,1 % of Referrals arose from Court Decisions, and
- 26 or 13,9 % of Referrals arose from actions of state institutions.

Alleged violators of rights

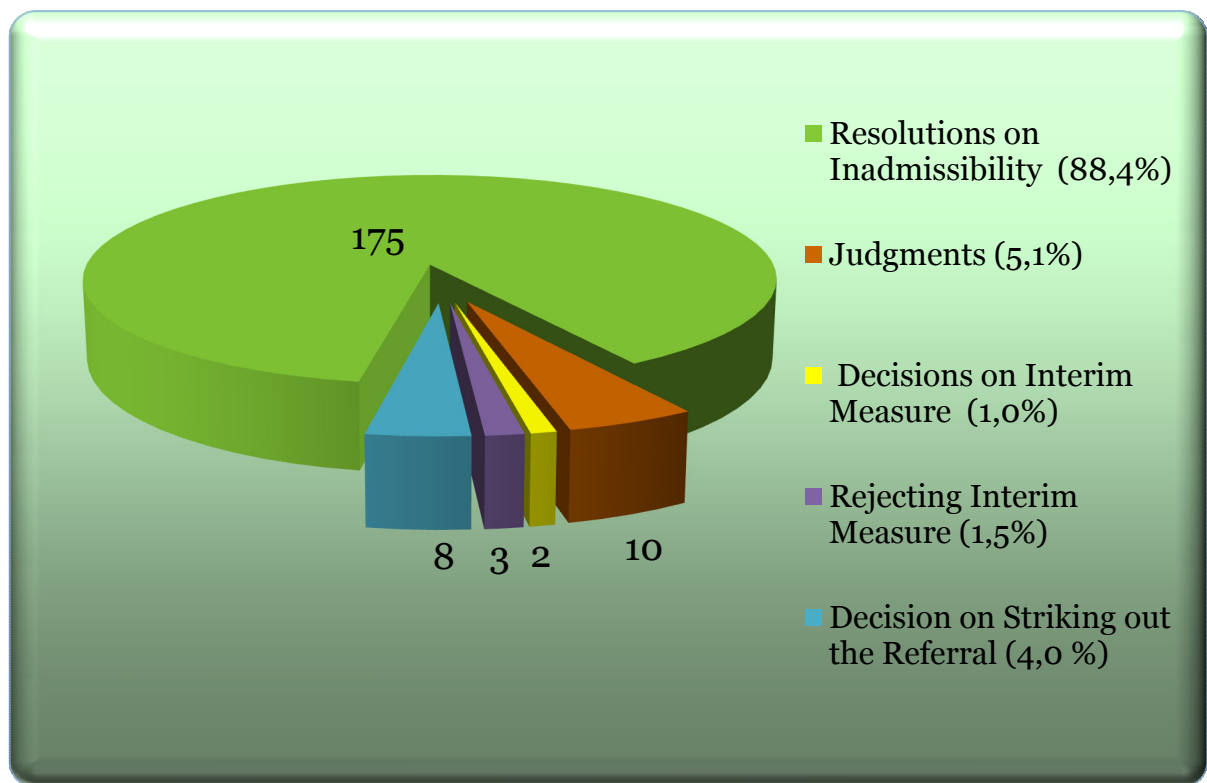


7. Sessions and Review Panels

In 2014, the Constitutional Court held 2 public hearings, 41 plenary sessions and 193 Review Panel sessions in which the reviewed cases were resolved by decisions, resolutions, judgments and interim measures:

- 10 Judgments,
- 175 Resolutions;
- 2 Decisions on Interim Measures,
- 3 Decisions for rejection of the request for interim measures, and
- 8 Decisions on Striking out the Referral.

Structure of decisions in number and percentages



Department of Budget and Finance
(DBF)

IV. Department of Budget and Finance (DBF)

Department of Budget and Finance

The resources allocated to the Constitutional Court from the Kosovo Budget approved for 2014 are **1,552,741.00€**, whereas after the Decision of the Government of the Republic of Kosovo, No. 07/172 of 27 February 2014, on saving 15% of expenses in the budget operational category, in November, from the project with code 13992, was received from the Ministry of Finance the amount of 46,835.00€, the budget of the Constitutional Court for the fiscal year 2014 is **1,416,911.00€**, and it is presented in the following table according to the structure, respectively economic category¹

Wages and salaries	Goods and services	Utilities	Capital investments	Subsidies and transfers	Total
859,439.00€	510,797.00€	8,500.00€	38,175.00€	0.00€	1,416,911.00€

Approved budget for 2014, allocation and execution for January–December period

	Approved budget 2014 (A) €	Allocations January – December (B) €	Executions January – December (C) €	% (C/A) €	% (C/B) €
Wages and salaries	859,439.00	859,439.00	837,307.22	97.42	97.42
Goods and services	510,797.00	510,797.00	510,751.33	99.99	99.99
Utilities	8,500.00	8,500.00	7,073.50	83.21	83.21
Subsidies and Transfers	0.00	0.00	0.00	0.00	0.00
Capital investment	38,175.00	38,175.00	29,767.47	77.97	77.97
Total	1,416,911.00	1,416,911.00	1,384,899.52	97.74	97.74

¹ Donation from Constitutional Court of Turkey in the amount of 22,457.25 €, capacity building in the sector of translations, the donation was obtained in fiscal year 2013.

In fiscal year 2014 the Constitutional Court received a donation in the category of goods and services by the Dutch Government in the amount of € 89,900.00, the funds are dedicated to the payment of international advisors who work in the Constitutional Court. The amount of received funds is € 84,600.00€.

Donation benefited from the Dutch Government in fiscal year 2014

	Approved donations 2014 (A) €	Allocations January – December (B) €	Executions January – December (C) €	% (C/A) €	% (C/B) €
Goods and services	89,900.00	89,900.00	84,600.00	94.10	94.10
Total	89,900.00	89,900.00	84,600.00	94.10	94.10

Allocation of resources from the Kosovo Budget according to the cash flow for January – December period

In the general budget, the participation of allocation for the fiscal year 2014, was 1,416,911.00€, and indicated in percentage: 100%.

	January - September €	October €	November €	December €	Total €	%
Wages and salaries	644,579.25	71,619.91	71,783.17	71,456.67	859,439.00	100
Goods and services	445,000.00	20,500.00	34,990.00	10,307.00	510,797.00	100
Utilities	6,900.00	600.00	500.00	500.00	8,500.00	100
Subsidies and Transfers	0.00	0.00	0.00	0.00	0.00	0.00
Capital investment	38,175.00	0.00	0.00	0.00	38,175.00	100
Total	1,134,654.25	92,719.91	107,273.17	82,263.67	1,416,911.00	71.71

Budget Execution for January – December period

Budget execution based on allocation for fiscal year 2014 was 1,384,899.52€, and indicated in percentage is 97.74%.

Table of budget execution is as follows:

	Allocations January – December (A) €	Execution January – December (B)	Balance (C) €	% (B/A) €
Wages and salaries	859,439.00	837,307.22	22,131.78	97.42
Goods and services	510,797.00	510,751.33	45.67	99.99
Utilities	8,500.00	7,073.50	1,426.50	83.21
Subsidies and Transfers	0.00	0.00	0.00	0.00
Capital investment	38,175.00	29,767.47	8,407.33	77.97
Total	1,416,911.00	1,384,899.52	32,011.48	97.74

Budget execution for wages and salaries

Execution of wages and salaries per month:

Month	Number of staff	Budget	Execution	Balance
January	60	71,619.92	62,437.79	9,182.13
February	60	71,619.92	63,482.64	8,137.28
March	60	71,619.91	62,631.39	8,988.52
April	59	71,619.91	69,162.97	2,456.94
May	59	71,619.91	75,339.50	-3,719.59
June	59	71,619.91	72,474.72	-854.81
July	59	71,619.92	73,306.28	-1,686.36
August	59	71,619.92	72,991.24	-1,371.32
September	59	71,619.92	70,714.76	905.16
October	58	71,619.92	70,885.81	734.11
November	59	71,783.17	71,783.17	0
December	59	71,456.67	72,096.95	-640.28

Total		859,439.00	837,307.22	22,131.78
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Budget execution for goods and services

Execution of the budget in the category of goods and services, divided per month:

Month	Budget	Allocation	Execution	Balance
January	85,000.00	85,000.00	63,302.31	21,697.69
February	55,000.00	55,000.00	57,545.17	-2,545.17
March	55,000.00	55,000.00	50,012.02	4,987.98
April	50,000.00	50,000.00	42,035.04	7,964.96
May	45,500.00	45,500.00	60,246.98	-14,746.98
June	40,000.00	40,000.00	39,158.75	841.25
July	35,000.00	35,000.00	50,337.79	-15,337.79
August	35,000.00	35,000.00	15,207.76	19,792.24
September	44,500.00	44,500.00	33,440.06	11,059.94
October	20,500.00	20,500.00	55,006.11	-34,506.11
November	34,990.00	34,990.00	25,307.13	9,619.87
December	10,307.00	10,307.00	19,089.21	-8,782.21
Total	510,797.00	510,797.00	510,751.33	45.67

Execution of the budget in the category of capital investments, as per project codes

Projects	Project codes	Approved budget €	Execution €	Balance €
IT equipment	11132	10,600.00	10,598.92	1.08
Mobile	11133	4,500.00	4,320.00	180.00
VOIP System	13993	23,075.00	14,848.55	8,226.45
Audio and Video 4 channel system	13992	0.00	0.00	0.00
Total:		38,175.00	29,767.47	8,407.53

Execution of the budget for capital projects

Execution of the budget in the category of capital projects, divided per month:

Month	Budget	Allocation	Execution	Balance
January	0.00	0.00	0.00	0.00
February	10,600.00	10,600.00	10,598.92	1.08
March	0.00	0.00	0.00	0.00
April	27,575.00	27,575.00	27,575.00	0.00
May	0.00	0.00	0.00	0.00
June	0.00	0.00	0.00	0.00
July	0.00	0.00	0.00	0.00
August	0.00	0.00	0.00	0.00
September	0.00	0.00	0.00	0.00
October	0.00	0.00	0.00	0.00
November	0.00	0.00	4,320.00	180.00
December	0.00	0.00	14,848.55	8,226.45
Total	38,175.00	38,175.00	29,767.47	8,407.53

Budget execution for utilities

Execution of the budget in the category of utilities in first nine-month period:²

Utility expenditure	Destination	Economic code	Approved Budget €	Allocations January-December	Execution €
	Expenditures for land line telephony	13250	8,500.00	7,073.50	1,426.50

² Utilities of the Constitutional Court of Kosovo include only the land line phone code, since electricity and waste collection expenses are covered by the Ministry of Public Administration

Procurement Unit
(PU)

V. Procurement Unit (PU)

Pursuant to the requirements of the Law on Public Procurement No. 04/L-042, Article 8, item 2, on 12 January 2014, the final procurement plan for 2014 was submitted to the Central Public Procurement Agency by the Contracting Authority.

Pursuant to Article 10, paragraph 1, the Contracting Authority on 12 January 2015, shall submit an annual report of the public procurement for 2014 to the Public Procurement Regulatory Commission.

Pursuant to Article 8, item 1, on 29 October 2014, the Contracting Authority submitted the preliminary procurement plan for 2015, and, in accordance with Article 8, item 2 of this law, on 14 January 2015, the final procurement plan for 2015 shall be submitted to the Central Procurement Agency (CPPA).

In support of the Strategic Plan of the Constitutional Court of the Republic of Kosovo 2014-2017, and in support of the final procurement plan of 2014, the Procurement Unit has initiated a total of 20 activities. Procurement activities have been classified by their value, by type and according to the procedure. The following are:

High value contract (open procedure):

High value contract in 2014 was initiated a total of 1 (one) procedure, divided into two parts (lots), 1 (one) contract signed for 2 (to) lots.

Title of contract:

1. "Translation services in writing and orally, from Albanian into English, Serbian, into other languages as necessary and vice versa, for the needs of the CCK, Lot I and II".

Medium value contracts (open procedure):

Medium value contracts in 2014 were initiated a total of 7 (seven) procedures, one activity was divided into two parts (lots). 7 (seven) contracts were signed, whereas 1 (one) is expected to be signed in 2015.

Title of contract:

1. "Supply with information technology equipment",
2. "Servicing and maintenance of Mercedes"
3. "Lot 1 : Servicing and maintenance of photocopiers Konica Minolta bizhub 421 and Lot 2 : Servicing and maintenance of servers and hardware",
4. " Servicing and maintenance of vehicle Peugeot 308",
5. "Transcription services from Albanian into English, Serbian language, other languages as necessary and vice versa for the needs of CCK",
6. "Supply and implementation of Voice Over Internet Protocol (VOIP), in the Constitutional Court",
7. "Service maintenance and cleaning of premises and facilities of CCK".

Small value contracts (Price quotation procedure):

Small value contract were initiated 4 (four), and the same number of contracts were signed.
Title of contract:

1. "Supply with mobile device for the CCK needs "
2. "Official Vehicle insurance TPL, TPL Plus and Full Casco EU ",
3. " Car wash services of official vehicles of the CCK ",
4. "Supply with official chairs for the needs of CCK staff".

Small value contracts (Negotiated procedure without publication of a contract notice):

Procurement activities with negotiated procedure without publication of a contract notice are initiated 2 (two), and signed four (4) contracts.

Title of contract:

1. "Services for publication of vacancies and other publications in daily newspapers",
2. "Services for harmonization and proofreading of judgments, resolutions and other decisions, in the original version of the document (in the language in which the document was done)".

Minimal value contracts (Minimal value procedure):

Procurement activities with minimal value were initiated 6 (six) and signed the same number of contracts.

Title of contract:

1. "Supply with books",
2. "Deployment of metal fence within the parking spaces of the CCK ",
3. "Gifts for 8 March for CCK female staff",
4. "Supply with wardrobe for drivers",
5. "Supply with specific books for the Judicial Year",
6. "Official Vehicle insurance TPL, TPL Plus and Full Casco EU, for vehicle Peugeot 308".

Tabular presentation of all payments, of all the regular contracts, signed according to regular procurement procedures:

Description	The sum of signed contracts	Paid sum
Open procedure	42,035.90	42,035.90
Limited procedure	0.00	0.00
Projecting vacancy	0.00	0.00
Negotiated after publication of contract notice	0.00	0.00
Negotiated without publication of contract notice	516.00	516.00
Price quoting	19,230.94	19,230.94
Minimal value Procedure	4,789.40	4,789.40
a) 2014	<u>66,572.24</u>	<u>66,572.24</u>
Payment according to long-term contracts signed in :		
b) 2011	<u>212,511.39</u>	<u>212,511.39</u>
c) 2012	<u>89,922.37</u>	<u>89,922.37</u>
d) 2013	<u>47,215.00</u>	<u>47,215.00</u>
Total amount (a+b+c+d)	<u>416,221.00</u>	<u>416,221.00</u>

**Information Technology and Multimedia Unit
(ITMU)**

VI. Information Technology and Multimedia Unit (ITMU)

The Information Technology, Communications and Multimedia Unit (ITCMU) is responsible for providing professional services and ensuring professional services in the general infrastructure of information technology in the Constitutional Court.

In 2014, it implemented projects and tasks according to its plan and responsibilities, creating a sustainable and professional system with advanced technological equipment, in accordance with the strategic plan of the Constitutional Court.

Projects implemented by ITCMU

1. Transfer of e-mail domain;

Project to transfer the domain was initiated based on the independence of the Court for the purpose of communicating via email with special domain of the Court. This project was completed according to plan in cooperation with the Agency for Information Society ASHI, the domain of the Court changed from the domain *name.surname@rks-gov.net* to *name.surname@gjk-ks.org*, all accounts are successfully transferred.

2. CDMS system advancement in web-application (donation);

Project for CDMS system advancement (Case Data Management System), is the project on migration and enhancing the system from existing Windows application in the Web application, in order to modernize and increase the capacity of the database for the registration and management of cases in the Constitutional Court. The project was initiated and proposed by the Constitutional Court for the possibility of funding from the organization EROL-USAID, this project is accepted for funding and is in final stage.

3. System of telephony VOIP (Voice Over Internet Protocol)

The project for implementation of the Constitutional Court VOIP system is implemented in accordance with the plan of the Unit for 2014. This project aims to transfer analog telephone system to the IP telephone system, which means communication through Internet protocol as well as increasing the performance during communication with the fixed telephony system.

Duties and responsibilities

- Publication of *case summary* on the website of the Court of all decisions published during 2013.
- Configuration of new policies for the security of e-mails and accounts of the Court employees.
- Technical interventions in the equipment of employees as required.
- Service provision for maintenance and progress of systems and technology and communication equipment.
- Maintenance of simultaneous translation system and recording the court hearings.
- Reconfiguration of the software of the audio system for recording sessions in the courtroom.
- Documentation and design of the technology system infrastructure in the Court.

- 208 decisions were published in the webpage in three official languages.
- Checking and maintenance of the Court domain system and establishing security policies in servers.
- Maintenance of creation of copies (back-up) of the Court domain and CDMS systems.

Auditing

VII. Auditing

1. Internal Audit

In accordance with the annual plan for 2014, the IAU has finished in time all planned audits, such as:

- Personnel Management,
- Functioning of internal control in the Department of Professional Support,
- Functioning of Information Technology in CCK,
- Management of expenditures, and
- Procurement Management.

At the request of management, the comments of the auditor on the two first quarterly reports and annual report of departments were made.

All internal audits were conducted pursuant to the applicable legislation and with the purpose of accomplishing the objectives of the institution and the IAU related to the internal control and improvement of work efficiency, of avoiding possible mistakes, increasing value and reporting irregularities and mistakes, in order to increase the control to offer security to the management in efficient functioning of the respective departments.

Continuous follow-up actions were made in order to ensure the efficiency of the management system and internal control functioning, and to implement the recommendations by the Internal Auditor and by the General Auditor.

The management has evaluated the work of auditors, and in this regards the care was taken in implementing the audit recommendations made by both, the internal auditor and general auditors, and this has contributed to increasing the quality of activities and performance of the institution.

Internal Audit Unit has implemented the plan for 2014 and met additional requirements, such as:

- Strategic plan of internal audit for the period 2015-2017;
- The annual internal audit for 2015;
- Comments and opinion of the Auditor on first quarters of 2014 and on annual report of the previous year;
- Follow-up visits on implementation of recommendations, and
- Ongoing professional education.

2. The Internal Audit Committee

The Internal Audit Committee - an independent advisory body – of the Constitutional Court of the Republic of Kosovo, functions based on:

- Administrative Instruction No. 11-2010 on Establishment and Functioning of the Audit Committee in Public Sector,
- Statute of IAC,
- Good practices, and
- International auditing standards.

In 2014, it held 4 (four) meetings and provides oversight of the IAU plans, reports and the implementation of the recommendations made by auditors.

The Audit Committee concluded for 2014 that the Constitutional Court is functioning at a satisfactory level, it assessed the cooperation between the management and the IAU and addressed and implemented the recommendations of the Internal Auditor, as well as by the General Auditor, in a timely manner.

3. External Audit

Office of the Auditor General (OAG), in December 2014, completed the interim audit phase of financial statements 2014. The Court has received the Audit Memo, whereby it is concluded that the Constitutional Court has designed a sound internal control and financial management system.

The progress made in addressing the recommendations shows the willingness of the management to continuously improve the internal control system.

Legal Unit
(LU)

VIII. Legal Unit (LU)

The Constitutional Court of the Republic of Kosovo employs a number of lawyers at various levels, who support the professional work of the Judges and the Administration of the Court. The assistance to the judges consists mainly of advising on the issues raised before the Court, dealing with cases of different nature. The Advisors assist in particular in drafting correspondence, drafting and preparation of reports, decisions and also take care of other procedures until the Court's decisions take their final form.

The Legal Advisors employed by the Court are not civil servants, but they have the status of professional staff for an indefinite period with the Court, with specific working conditions as provided by the Rules of Procedure and the Practice Direction on the Legal Unit. They are independent in relation to the advice that they provide. The current number of Legal Advisors is fourteen (14) advisors, of whom eleven (11) are senior and three (3) others are junior advisors. Three of the current legal advisors are international, who come from different countries, while the majority of them are local and belong to different ethnicities.

The Legal Unit is managed by the Chief Legal Advisor and two Deputy Chief Legal Advisors. The Chief Legal Advisor operates in a liaison capacity between the President of the Court and the Secretary General, he manages and coordinates the work of the Legal Unit, including senior advisors and junior advisors as well as legal secretaries, who are part of the Legal Unit.

Legal Unit holds regular meetings twice a week to discuss different constitutional issues, to monitor the status of cases, to review the possibilities of internal acts of the Court as well as consultations on case law.

Regarding the following of the case law, the Legal Unit during these last six (6) months of 2014, has created a database for all cases since its establishment until today including the type of decision, the nature of disputes, the nature of found violations etc. This document is managed by a group of advisors and is accessible by all advisors.

As regards the monitoring of the situation of cases, the Legal Unit during the last 6 (six) months maintains a case report describing the case from the moment when it is assigned to the Advisor up to its publication.

During 2014, the Legal Unit has conducted various workshops, among which is worth to mention the workshop held in November 2014 regarding the duties and responsibilities of legal advisors and their relationship with the judges.

Moreover, in December 2014 a workshop was held together with the Department of Professional Support with the help of GIZ, where the legal linguistic discrepancies in the documents of the Constitutional Court of the Republic of Kosovo were discussed.

The novelty for 2014 was the beginning of the project implementation of professional training/ practice of legal advisors to the Constitutional Court of the Republic of Kosovo, in cooperation with the Council of Europe Office in Prishtina, and the Embassy of Switzerland that consists in sending two legal advisors each 5 (five) months to the European Court of Human Rights in Strasbourg. The purpose of this project is the professional advancement of legal advisors in the field of human rights.

Activities of the Constitutional Court

IX. Activities of the Constitutional Court

I. Official travels

30 January – 6 February 2014

Judge Snezhana Botusharova participated in the seminar *“Enforcement of Judgments of the European Court for Human Rights”* in Strasburg, France.

19 February 2014

President of the Constitutional Court of the Republic of Kosovo, Prof. Dr. Enver Hasani, stayed for an official visit in the United States, at the invitation of the American University "SMU Dedman School of Law", in Dallas, on the occasion of delivering lectures before the students and professors of the university "SMU Dedman School of Law" , with the topic: *“The Role and Position of the Constitutional Courts in the South East Europe with Special Reference to Kosovo”*.

27 February – 2 March 2014

Judge Snezhana Botusharova participated in the next meeting of the *“ELI-European Law Institute”* in Vienna of Austria.

19 March 2014

The President of the Constitutional Court of the Republic of Kosovo, Prof. Dr. Enver Hasani, at the invitation of the University of Graz, took part in the Conference on the topic: *“Kosovo as a Member of the International Community – Accession to International Organizations”*. In the Conference organized by the Faculty of Law of the University of Graz, President Hasani delivered a lecture on the topic: *“Structural Effects of Council of Europe Membership on the Constitutional Court of Kosovo”*.

22 April - 24 April 2014

At the invitation of the University of Bologna, the President of the Constitutional Court of the Republic of Kosovo, Prof. Dr. Enver Hasani delivered a lecture at the Institute of Judicial Sciences of the University of Bologna, on the topic: *“Constitutional justice and transition in Central and Eastern Europe”*.

President Hasani has also been invited to attend an International Congress organized by the Faculty of Law of the University of Bologna, on 23 and 24 April 2014, in Ravenna, Italy. Invited as one of the main speakers of this Congress, on 24 April 2014, President Hasani delivered a lecture on the topic: *“Constitutional Court of Kosovo: Nature and Competences in the Framework of Comparative Law”*.

4 June - 6 June 2014

A delegation of the Constitutional Court of the Republic of Kosovo headed by its President, Prof. Dr. Enver Hasani, travelled for an official visit to the capital city of the Republic of Slovenia, Ljubljana.

During their stay in Ljubljana, President Hasani and the delegation of the Constitutional Court of Kosovo met their counterparts from the Constitutional Court of Slovenia, headed by the President of this court, Mr. Miroslav Mozetič.

During this visit, the delegation of the Constitutional Court of Kosovo also met the President of the Supreme Court of Slovenia, Mr. Branko Maslesha, and the Ombudsperson of this country, Mrs. Vlasta Nussdorfer.

The purpose of this visit was the exchange of experiences in the field of constitutional justice and further deepening of good relations and cooperation between sister courts of the two countries.

25 June - 29 June 2014

Mr. Veton Dula, the Public Relations Officer attended the 13th meeting of the Joint Council on Constitutional Justice in Batumi Georgia.

7 - 9 October 2014

The Constitutional Court of the Republic of Kosovo, in cooperation with Deutsche Gesellschaft für internationale Zusammenarbeit (GIZ)/ German Agency for International Cooperation, paid a study visit to the Court of France, on 7-10 October 2014, in Paris, France.

During their stay in capital of France, President Hasani and the delegation of the Constitutional Court of Kosovo met with the President of the Constitutional Council of France, Mr. Jean-Louis Debré, and the Vice-President of the Council of State, Mr. Jean-Marc Sauvé.

The delegation of the Constitutional Court of Kosovo also met with senior officials at the Ministry of Justice of France.

The purpose of this visit was the exchange of mutual experiences on relations between the Constitutional Courts and Supreme Courts in both countries, in terms of the constitutional protection of human rights.

The visit was supported by the German Agency for International Cooperation (GIZ).

9 - 13 October 2014

Invited to attend the 100th Plenary Session of the Venice Commission, the President of the Constitutional Court of the Republic of Kosovo, Prof. Dr. Enver Hasani, traveled to Rome on Thursday, 9 October 2014.

The Jubilee Session of the Venice Commission this year took place in the capital city of Italy on 10 and 11 October 2014, wherein President Hasani participated as a member representative of the Republic of Kosovo.

Besides participation in this session, President Hasani has also been selected panel member in six Sub-Commissions of the Venice Commission, as following: fundamental rights, international law, protection of minorities, democratic institutions, external relations and the judiciary.

16 - 19 October 2014

President of the Constitutional Court of the Republic of Kosovo, Prof. Dr. Enver Hasani invited by the University of Regensburg, attended the XVIth Congress of the European International Law and Comparative Constitutional Law - Developments in International Law: Civil Law and Constitution, on 16 -19 October 2014 in Regensburg, Germany.

In the framework of participation in this Congress, President Hasani delivered a lecture on *"The Role of the Constitutional Court of the Republic of Kosovo"*.

19 November 2014

President of the Constitutional Court of the Republic of Kosovo, Prof. Dr. Enver Hasani invited by Faculty of Law, University of Hacettepe, participated in the Congress "Legal Education ", on 19 November 2014, in Ankara, Turkey.

Within participation in this Congress, President Hasani delivered a lecture on *"The Role of the Constitutional Court in the development of the rule of law in Kosovo: Education for the rule of law"*.

26 - 28 November 2014

At the invitation of the Constitutional Court of Montenegro a delegation of the Constitutional Court of the Republic of Kosovo headed by the President, Prof. Dr. Enver Hasani, travelled for an official visit to Montenegro.

The delegation of the Constitutional Court of Kosovo has been invited to participate in the International Conference on the topic: *"Constitutional Protection of Human Rights and Liberties"*, organized by the Constitutional Court of Montenegro. The International Conference was organized to commemorate the 50th anniversary of the Montenegrin constitutional judiciary.

10 - 14 December 2014

Invited to attend the 101st Plenary Session of the Venice Commission, the President of the Constitutional Court of the Republic of Kosovo, Prof. Dr. Enver Hasani, and Judge, Mr. Sc. Arta Rama-Hajrizi, traveled to Venice, Italy.

The 101st Plenary Session of the Venice Commission took place on 12 and 13 December 2014, wherein President Hasani participated as a member representative of the Republic of Kosovo whereas judge Arta Rama-Hajrizi as a deputy-member.

President Hasani participated as a panelist member in sessions of the two Sub-Commissions of the Venice Commission, as following: democratic institutions and fundamental rights

I. Officials visits in the Constitutional Court /Other activities

18 January 2014

Dr. Mark Tushnet, an internationally renowned professor of Law at Harvard Law School in the United States of America, delivered a lecture at the Constitutional Court of the Republic of Kosovo.

Professor Tushnet lectured on the topic: *“Weak courts traded off with strong rights: An outlook on a proposal for transitional regimes of law which are based on powerful constitutional human rights regimes - the case of Kosovo”*.

14 March 2014

The Constitutional Court of the Republic of Kosovo was visited by a group of students from the Department of Political Sciences LSE London School of Economics. The purpose of this visit was to discuss about the competencies and existing challenges of the Constitutional Court of the Republic of Kosovo.

12 May 2014

The Constitutional Court of the Republic of Kosovo solemnly marked the commencement of the project which enables the training of legal advisors of the Constitutional Court of Kosovo at the European Court of Human Rights in Strasbourg.

In this event, Prof. Dr. Enver Hasani, President of the Constitutional Court, Mrs. Krystyna Marty Lang, Ambassador of the Swiss Confederation to Kosovo, as the main financial supporter of this project, and Mr. Tim Cartwright, Head of the Council of Europe Office in Prishtina, which has mediated the training in Strasbourg, addressed with an occasional speech.

The attending guests to this event were greeted also by two legal advisors of the Constitutional Court from Strasbourg who have already begun their training at the European Court of Human Rights.

14 May 2014

The President of the Constitutional Court of the Republic of Kosovo, Prof. Dr. Enver Hasani, received a delegation from the Czech Republic, headed by the Chief Prosecutor of this country, Mr. Pavel Zeman. The meeting was also attended by the Ambassador of the Czech Republic to Kosovo, Mr. Jiri Dolezel.

The purpose of this visit was to exchange mutual experience in the judicial system, and deepening of good relations of cooperation between institutions of both countries.

29 May 2014

On the occasion of the 200th anniversary of the Constitution of Norway, the Royal Norwegian Embassy in Prishtina in cooperation with the Faculty of Law of the University of Prishtina, invited all CCK staff at the annual seminar "Constitutions and the state building".

President Prof. Dr. Enver Hasani participated in this seminar in capacity of the main speaker on the topic: "The key elements of the Constitution of Kosovo and importance for state-building".

15 October 2014

The Constitutional Court of the Republic of Kosovo marked the Fifth Judicial Year by a solemn ceremony held at “Beethoven” Hall of “Emerald” Hotel in Prishtina, on 15 October 2014.

This solemnity was attended by highest level delegations of the Constitutional Court of Lithuania, Slovenia, Luxemburg, Montenegro and Albania.

The President of the Constitutional Court of Kosovo, Prof. Dr. Enver Hasani, the President of the Constitutional Court of Lithuania, Prof. Dr. Dainius Žalimas, the President of the Constitutional Court of Slovenia, Mag. Miroslav Mozetič, prominent Professor of the University of Bologna, Prof. Dr. Luca Mezzeti, and the President of the Supreme Court of Kosovo, Prof. Dr. Fejzullah Hasani, addressed with an occasional speech the participants to this ceremony.

The President of the Constitutional Court of the Republic of Kosovo, Prof. Dr. Enver Hasani, hosted a joint meeting with the President of the Constitutional Court of Lithuania, Prof. Dr. Dainius Žalimas, the Judge of the Constitutional Court of Luxemburg, Mr. Francis Delaporte, and the prominent professor of the Constitutional Law from the University of Bologna, Prof. Dr. Luca Mezzeti.

III. III. Workshops

11-13 January 2014

The Constitutional Court of the Republic of Kosovo held second workshop in Durres, Albania; regarding legal drafting and translations on:

- Meeting with the applicants, the filing of the referral, the necessary documents the applicant must submit, filtering the necessary documents to be translated;
- Notification letters, the responses of the third parties and deadlines;
- Templates for preliminary reports and their structure;
- Unauthorized parties, non-exhaustion of remedies, out of time;
- Manifestly ill-founded, other admissibility requirements;
- Legal terminology and its harmonization in three working languages;

22 January 2014

The Constitutional Court of the Republic of Kosovo, in cooperation with the USAID Effective Rule of Law Program (EROL), organized Judicial Conference on the topic: "*The self-execution nature of the Kosovo Constitutional Court's decisions*". In this conference, among the other, was treated the ability of regular courts to refer various constitutional issues in the Constitutional Court of Kosovo, as well as the issue of jurisdiction and existing challenges in mutual relations. The moderator of the conference was Mr. James B. Haines, Federal Judge from the District of Maine of the United States of America.

28-29 January 2014

The Constitutional Court of the Republic of Kosovo in cooperation with the Program for Effective Rule of Law (EROL) USAID, organized a workshop on the Rules of Procedure of the CCK, in Prishtina. The moderator of the workshop was Judge John Tunheim.

25-26 February 2014

The Constitutional Court and the Supreme Court of Kosovo as a prerequisite for Effective Protection of Human Rights and Fundamental Rights, guaranteed by the Constitution, implemented a workshop entitled: "The right to a fair trial guaranteed by Article 31 of the

Constitution in conjunction with Article 6 of the ECHR and problems in the implementation of the Strasbourg jurisprudence regarding this issue."

This workshop was held in Istanbul, Turkey; with financial support from the UK Embassy in Prishtina and the German Society for International Cooperation GIZ.

The main moderators of this workshop were Prof. James Sweeney, Professor of International Law at Lancaster University in the UK and Prof. Dr. Bengt Beutler, Professor at the University of Bremen in Germany.

3 March 2014

Two legal advisors of the Constitutional Court of the Republic of Kosovo travelled for a five-month professional training at the European Court of Human Rights, seated in Strasbourg.

The training and the stay of legal advisors at the Strasbourg Court have been enabled with the mediation of the Office of the Council of Europe in Prishtina and with the financial support of the Swiss Embassy to Kosovo.

Thanks to the donation of the Swiss Embassy and the mediation of the Council of Europe Office, all legal advisors of the Constitutional Court will have the possibility to be trained at the Strasbourg Court with the purpose of acquiring the best practices of the European justice and implementing such practices in Kosovo's constitutional justice.

4 - 6 May 2014

The Constitutional Court of the Republic of Kosovo held third workshop in Durres, Albania; regarding legal drafting and translations on:

- Meeting with applicants, submission of referral, necessary documents that should be submitted by the Applicant, filtration of necessary documents for translation;
- Notifications, responses of the third parties and deadlines;
- Templates for preliminary reports and their structure;
- Unauthorized parties, non-exhaustion of remedies, out of time;
- Manifestly ill-founded, other admissibility requirements;
- Legal terminology and its harmonization in three working languages;

13 June 2014

The Constitutional Court of the Republic of Kosovo, in cooperation with the Constitutional Court of the Republic of Albania and the German Foundation "Hanns Seidel", organized a Regional Conference on the topic: *"Peculiarities of Constitutional Judgment and Distinction from Ordinary Judgment Jurisdiction"*.

Besides the Judges of the Constitutional Court of Kosovo and the Constitutional Court of Albania, the Conference was attended by their counterparts from the Constitutional Court of Macedonia and the Constitutional Court of Montenegro.

31 October 2014

The Constitutional Court of the Republic of Kosovo in cooperation with the Constitutional Court of the Federal Republic of Germany, as well as with the German Agency for

International Cooperation (GIZ), organized a workshop on the topic: *“The right to a fair trial within reasonable time”*, which was held on Friday 31 October 2014, in Prishtina.

The President of the Constitutional Court of the Republic of Kosovo, Prof Dr. Enver Hasani, the Ambassador of the Federal Republic of Germany, Mrs. Angelika Viets, and Mr. Volkmar Theobald, Project Manager of the German Agency for International Cooperation (GIZ), addressed with an opening speech the participants to this workshop.

In this workshop, among other things was discussed the role and jurisdiction of the Constitutional Court in addressing possible violations of the right to a fair trial within a reasonable time.

Moderator of the workshop was Prof. Dr. Andreas L. Paulus, Judge of the Federal Constitutional Court of Germany.

11 - 12 November 2014

The Constitutional Court of the Republic of Kosovo in cooperation with the Supreme Court of the Republic of Kosovo and with the support of the German Foundation for International Legal Cooperation (IRZ) organized a workshop on the topic: *“The Impact of the Decisions of the Constitutional Court on the Decisions of the Supreme Court, including the Decisions of the Lower Courts and the Issue of Enforcing the Decisions of the Constitutional Court”*, on 11 and 12 November 2014.

This workshop, organized as a continuation of regular meetings and good institutional cooperation between the Constitutional Court and the Supreme Court of Kosovo, aimed at further exchange of experiences between the judges of both courts with regard to obligations deriving from the judgments of the Constitutional Court and their implementation.

Speakers and moderators of the workshop which took place in Mavrovo, Macedonia, were Prof. Dr. Ulrich Karpen, professor of Public Law at the University of Hamburg, and Prof. dr. Matthias Hartwig, professor of the Constitutional Law at the University of Heidelberg in Germany.

2 December 2014

The Constitutional Court of the Republic of Kosovo in cooperation with the Supreme Court of Kosovo and with the support of the United Kingdom Embassy in Kosovo, organized a workshop on the topic: *“The limits of constitutional review in individual cases (Article 113.7 of the Constitution) and legal effect of the decisions of the Constitutional Court”*, which was held on 2 December 2014, in Prishtina.

Among the topics that were addressed in this workshop was the issue of enforcement of decisions of the Constitutional Court by the public institutions of the Republic of Kosovo.

Moderator of the workshop was Prof. Dr. James Sweeney, professor of International Law at the Lancaster University in England.

12 December 2014

The Constitutional Court of the Republic of Kosovo, in cooperation with the USAID Effective Rule of Law Program (EROL), organized a workshop on the topic: *“US-Kosovo: Law Clerks and Legal Advisors - Roles and Responsibilities in Their Courts”*, which was held on 10 - 12 December 2014, in Prishtina.

In this workshop, among others was discussed the roles and responsibilities of legal advisors in the courts as well as their working relationship with judges.

The moderator of the workshop was Judge David Carter, from the US District Court, the Central District of California.

16 December 2014

Constitutional Court of the Republic of Kosovo, in cooperation with the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)/ German Agency for International Cooperation, organized a workshop on the topic: "Translation of legal documents in working languages of the Court", on 16 December 2014, in Prishtina . The moderator of the workshop was Dr. Robert Muharremi.

24 December 2014

The President of the Constitutional Court of the Republic of Kosovo, Prof. Dr. Enver Hasani, held the end-of-year press conference, regarding the work of the Constitutional Court during the last year.

Appendix I

APPENDIX I

Summary of accounts of the Constitutional Court for 2014 Statement of Cash Receipts and Payments

		2014			20113			2012		
		Treasury single account		Payment from third parties	Treasury single account		Payment from third parties	Treasury single account		Payment from third parties
		KCB	OSR		KCB	OSR		KCB	OSR	
		€	€	€	€	€	€	€	€	€
Receipts										
General Fund Appropriations	2	1,384,900			1,527,704			1,394,014		
Own source revenues										
Special Purpose Fund Appropriations	3									
Designated Donor Grants	4			84,600						
Fond of loans	5									
Other	6									
Total Receipts		1,384,900		84,600	1,527,704	-	-	1,394,014	-	-

Payments										
Operations										
Wages and allowances	7	837,307			737,776			707,409		
Goods and Services	8	510,751		84,600	592,559			595,499		
Utilities	9	7,074			9,365			9,701		
		1,355,132		84,600	1,339,700	-	-	1,312,610		
Transfers										
Transfers and Subsidies	10									
Capital Expenditures										
Property, building and equipment	11	29,767			86,962			81,404		
Other Payments	12									
Total Payments		1,384,900	-	84,600	1,527,704		-	1,394,014		-

Budget Execution Report

		2014				2013	2012
		Original Budget (Appropriate)	Original Budget (Appropriate)	Actual	Variance	Actual	Actual
		A	B	C	D=C-B	E	F
		€	€	€	€	€	€
Cash inflows into Treasury Accounts	Notes						
Taxes	14						
Own source revenues	15						
Grants and Assistance	16		89,890	84,600	5,290		
Capital Receipts	17						

Privatization Fund	18						
Loans	19						
Other	20						
Total KCB Receipts Collected		-	89,890	84,600	5,290	-	-

Cash Outflows from Treasury Account							
Wages and allowances	21	859,439	859,439	837,307	(22,132)	737,776	707,409
Goods and Services	22	582,302	510,797	510,751	(46)	592,559	595,499
Utilities	23	11,000	8,500	7,074	(1,427)	9,365	9,701
Transfers and Subsidies	24					101,042	
Capital Expenditures	25	100,000	38,175	29,767	(8,408)	86,962	81,404
Privatization Fund	26	859,439	859,439	837,307			
Other	27						
Total Payments made through KCB		1,552,741	1,416,911	1,384,900	(32,011)	1,527,704	1,394,014

General Fund Appropriations 2014

	2014			2013	2012
	KCB	OSR	Total		
Economic Classification	€	€	€	€	€
Wages and allowances	837,307		837,307	737,776	707,409
Goods and Services	510,751		510,751	592,559	595,499
Utilities	7,074		7,074	9,365	9,701
Transfers and Subsidies				101,042	
Capital Expenditures	29,767		29,767	86,962	81,404
	1,384,900	-	1,384,900	1,527,704	1,394,014

Organizational chart



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

GJYKATA KUSHTETUESE УСТАВНИ СУД CONSTITUTIONAL COURT

