



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

GJYKATA KUSHTETUESE

УСТАВНИ СУД

CONSTITUTIONAL COURT

# Raporti vjetor Godišnji izveštaj Annual Report 2015



Prishtinë, 2016





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GJYKATA KUSHTETUESE  
УСТАВНИ СУД  
CONSTITUTIONAL COURT

**RAPORTI VJETOR**  
**GODIŠNJI IZVEŠTAJ**  
**ANNUAL REPORT**  
**2015**

**Prishtinë, 2016**



# ANNUAL REPORT 2015



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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 is an institution that is the final authority and guarantor of the Constitution and compliance with the Law.

Guided by the Constitution, the Court contributes 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 faces 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 synergies.

Thus, in line with this 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 ARTA RAMA HAJRIZI**

I have the honor and pleasure to present the Constitutional Court's Annual Report for 2015. Like the previous annual reports, this annual report presents an overview of the Court's activities during the past year, with a special focus on the work and results of each department and each administrative unit of the Constitutional Court.

The report contains, among other things, summarized statistical data regarding the number of cases dealt with, the sessions held, submitted Referrals, alleged violations, budget expenditure, procurement activities, internal audit, the total number of employees, organized conferences and workshops, and visits conducted in the country and abroad, which besides being evidence of work done with dedication and professionalism by the judges and staff of the Court, is an additional motivation for further engagement in overcoming the challenges in the future.

For the professionalism and dedication demonstrated at work during the last year, with the aim to further promote the objectives of the Court, I wish to thank from the heart all the judges, the Secretary General, legal advisers and other officials of the Constitutional Court.

Thanks to the common work, the Court successfully overcame a number of challenges during 2015 and decided on a number of significant cases, always taking into account the relevant jurisprudence of the European Court of Human Rights.

Out of the most significant cases that were reviewed, was the Referral KO130/15 submitted by the President of the Republic of Kosovo, in compliance with Article 84 (9) of the Constitution, requesting the assessment of compatibility of the document entitled *“Association/Community of Serb majority municipalities in Kosovo - general principles/ main elements”* with the spirit of the Constitution, Article 3 [Equality Before the Law], paragraph 1, Chapter II [Fundamental Rights and Freedoms] and Chapter III [Rights of Communities and their Members] of the Constitution of the Republic of Kosovo.

Another significant Referral was KO26/15, submitted by the President of the Assembly of Kosovo, in accordance with Articles 113.9 and 144.3 of the Constitution, requesting constitutional review of Amendment no. 24 to the Constitution, proposed by the Government of the Republic of Kosovo, which contained four structural elements related to the justice system of the Republic of Kosovo, namely the establishment of Specialist Chambers and a Specialist Prosecutor's Office within Constitutional Court and the appointment of a special Ombudsman, with exclusive responsibility for Specialist Chambers and Specialist Prosecutor's Office.

With respect to the variety of cases reviewed by the Constitutional Court last year and to their total number, please refer to the data presented in more detail in this annual report.

In 2015, besides the work done in reviewing the referrals filed by authorized parties, I and the judges of the Court also conducted official visits to the constitutional courts and other prestigious institutions of neighboring countries in order to exchange ideas and experiences in constitutional justice and to strengthen professional and friendly relations with these institutions.

On 17 October 2015, the Constitutional Court held the sixth solemn ceremony of Judicial Year of the Court, in the presence of the President of the Constitutional Court of Albania, presidents and judges of these constitutional courts: Lithuania, Turkey, Slovenia, Bulgaria, Montenegro and Macedonia, as well as the judges of the Supreme Court of Albania.

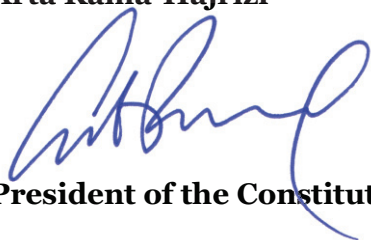
The ceremony of Judicial Year of the Court was attended also by delegation from Venice Commission, headed by president of the Commission, Mr. Gianni Buquicchio, who was also one of the keynote speakers at the ceremony.

I take this opportunity, at the end, to express my deep gratitude to all partners and international donors of the Court, in particular United States Agency for International Development(USAID), for German Agency for International Cooperation (GIZ), for German Foundation for International Legal Cooperation (IRZ) and for the Council of Europe Office in Kosovo, as in previous years offered valuable and continuous support on capacity building of the Court through workshops, seminars and other training activities.

On 3 and 4 November 2015, together with the judges and legal advisors of the Court, we stayed for an official visit to the European Court of Human Rights in Strasbourg, where we had the privilege to participate in one of the hearings held in the Great Chamber of this court.

The Constitutional Court and its judges will continue to carry their duties with responsibility and dedication to protect the constitutionality in the country, in accordance with the given mission and always remaining faithful to the Constitution of Kosovo.

**Arta Rama-Hajrizi**



**President of the Constitutional Court of the Republic of Kosovo**

## **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 2015. The Secretariat supports the Constitutional Court and ensures the efficient and effective functioning of the Court administration.

The report presents a summary of the activities carried out by the Court Secretariat which has been engaged with great commitment in achieving the objectives of the work and the successful conclusion of the projects foreseen in Work Plan for the year 2015, as well as the Strategic plan of the Court for the period of 2014-2017.

The Secretariat was in particular focused on ensuring a higher performance of the Secretariat within the scope of its responsibilities, namely 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.

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

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 efficient and effective functioning of the Court.

I especially thank the donors, who also during 2015 with their assistance had an effect on the achievement of the general success of the Court.

On my behalf and on behalf of the Secretariat, I want to thank in particular the Judges and President of the Court, Arta Rama-Hajrizi, 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.

The Secretariat will remain committed to implementing the Strategic Plan for the period 2014-2017.

**Milot Vokshi**



**Secretary General**

# ANNUAL REPORT OF THE CONSTITUTIONAL COURT 2015

## Introduction

The Constitutional Court of the Republic of Kosovo (the Constitutional Court or CCK) is the final authority in the Republic of Kosovo for interpretation of the Constitution and for compliance of laws with the Constitution of the Republic of Kosovo (hereinafter, the Constitution), and is fully independent in exercising its responsibilities.

The Constitutional Court decided on 126 Referrals submitted to the Court in 2014, published them in the website of the Court and served them on the parties. In addition, all decisions of the Constitutional Court were published in the Official Gazette of the Republic of Kosovo

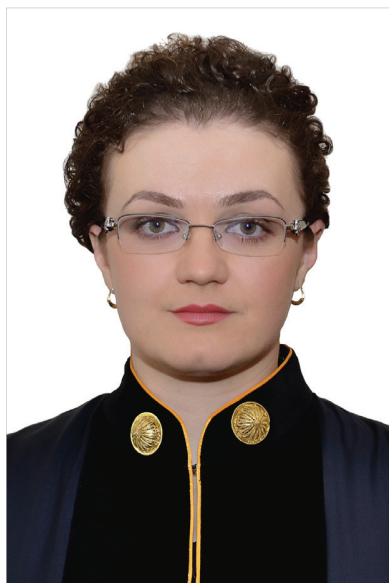
In 2015, the Constitutional Court received 164 new Referrals.

In compliance with Article 115.2 of the Constitution and with Rule 14 (3) i) of the Rules of Procedure of the Constitutional Court (hereinafter, the Rules of Procedure), the Constitutional Court approved its annual report 2015, in the administrative session held on 15<sup>th</sup> of April 2016. Pursuant to Article 115.2 of the Constitution and Rule 14 of the Rules of Procedure, the Secretariat organized 8 (eight) administrative sessions and made 31 (thirty one) decisions. Among the most important decisions were:

- Approval of the Annual Report for 2014;
- Election of the new President of the Court;
- Approval of the Working Plan of Secretary General for 2015.

The Constitutional Court is composed of

Arta Rama-Hajrizi, President,  
Ivan Čukalović, Deputy President,  
Robert Carolan, Judge,  
Altay Suroy, Judge,  
Almiro Rodrigues, Judge,  
Snezhana Botusharova, Judge,  
Bekim Sejdiu, Judge,  
Selvete Gerxhaliu-Krasniqi, Judge, and  
Gresa Caka-Nimani, Judge.



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



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



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



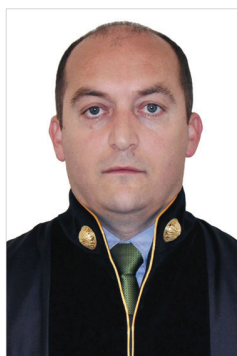
**Dr. Altay Suroy,  
Judge**



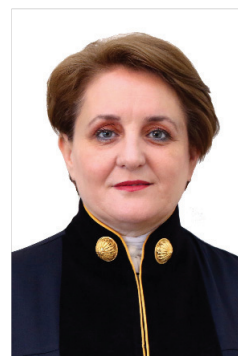
**Dr. Almiro  
Rodrigues, Judge**



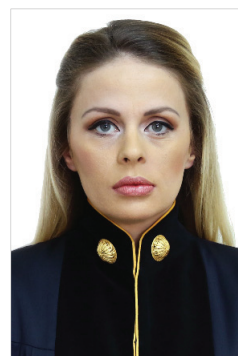
**Prof. dr. Snezhana  
Botusharova-  
Doicheva, Judge**



**Mr. Sc. Bekim Sejdiu,  
Judge**



**Selvete Gerxhaliu-  
Krasniqi,  
Judge**



**Gresa Caka Nimani,  
Judge**



## SECRETARIAT OF THE CONSTITUTIONAL COURT

### Competencies of the Secretariat

The Secretariat of the Constitutional Court (hereinafter, the Secretariat) is managed by the Secretary General, who pursuant to Article 12.4 of the Law on the Constitutional Court (hereinafter, the Law on Court) 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);
- Internal Audit Unit (IAU); and
- Communication and Information Office (CIO).

The Strategic Plan of the Constitutional Court for the period 2014-2017 foresaw 77 activities to be developed in 2015. 73 of them were successfully implemented.

The Legal Unit (LU) includes the positions of legal advisors and other legal staff. Its structure and organization is 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 2015:

- Implementation of Strategic Plan 2014-2017;
- Drafting and approval of Regulation No. 01/2015 on internal organization of the CCK;
- Drafting and approval of Regulation No. 02/2015 on classification of job positions in the CCK;
- Amendment and supplement of Regulation No. 03/2015 on promotion and transfer of CCK staff;
- Amendment and supplement of Regulation No. 04/2015 on the recruitment, appointment and probation procedure of CCK staff;
- Amendment and supplement of Regulation No. 05/2015 on internal organization of CCK;
- Amendment and supplement of Regulation No. 06/2015 on classification of jobs in CCK.

The Secretariat also published:

- Annual report of 2014;
- Report on the fourth quarter, October-December 2014;
- Report on the first quarter, January-March 2015;
- Report on the second quarter, April-June 2015;
- Report on the third quarter, July-September 2015;
- Bulletin of decisions 2014, in three languages.



**DEPARTMENT OF ADMINISTRATION AND HUMAN  
RESOURCES (DAHR)**

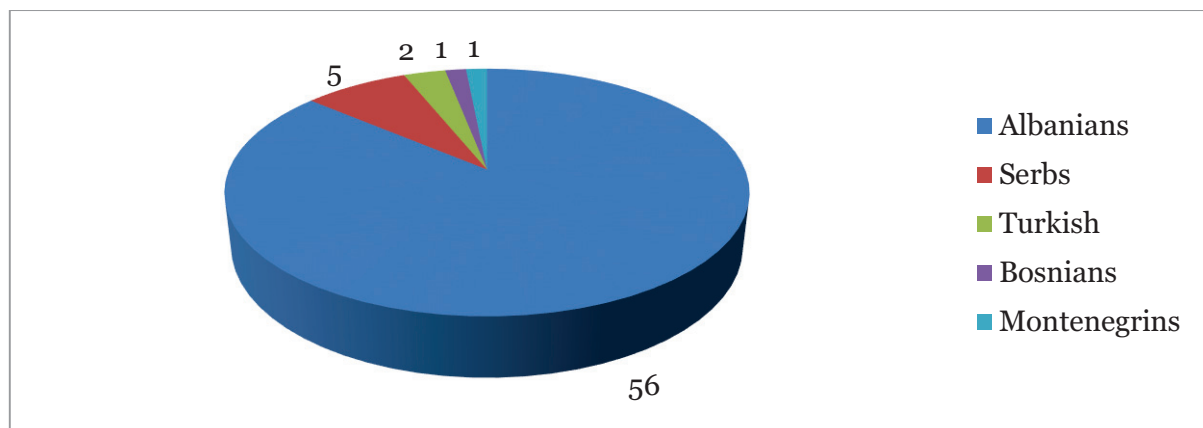


## I. DEPARTMENT OF ADMINISTRATION AND HUMAN RESOURCES (DAHR)

### I. Human resources and capacity building

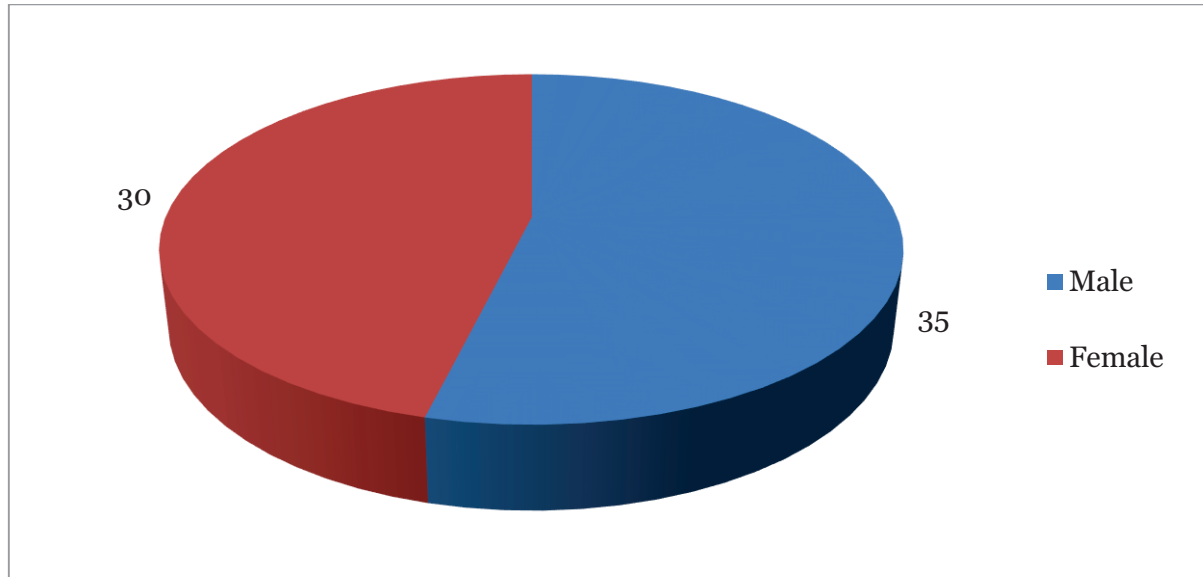
- In 2015, based on the operational recruitment plan, 2 (two) public vacancies there were prepared and published, which included 1 (one) working place for the position of junior Legal Advisor and 12 positions for interns.
- On 15 prill2015, Judge Bekim Sejdiu was appointed as Judge of the Constitutional Court and has started the work on 2015. On 26 June 2015, Judges Enver Hasani and Kadri Kryeziu ended their mandates.
- On 21 May 2015, Judge Arta Rama Hajrizi was elected as President of the Constitutional Court and started her mandate on 27 June 2015. On September 2015, Judge Ivan Čukalović was reelected for three more years mandate as Deputy President of the Constitutional Court.
- On 1 July 2015, the former President of the Court, in accordance with the legal provisions of the Law no. 04/L-038 on Amending and Supplementing of the Law no. 03/L-001 on Benefits to Former High Officials and following the approval by the Ministry of Finance, has appointed three (3) employees for the needs of his support, who also are included in the payroll of the Constitutional Court.
- On 30 December 2015, the President of the Republic appointed Selvete Gerxhaliu-Krasniqi and Gresa Caka-Nimani as new judges of the Constitutional Court.
- The number of 61 positions allowed by the budget 2015 was filled in. This number does not include the three (3) employees appointed by the former President of the Constitutional Court.
- In all, 63 positions were included in payroll for 2015, while as of 29 December 2015, it was requested that in the payroll are included also two (2) new judges.
- Of the total number of 65 employees, 35 are male, or 53%, while 30 are female, or 47%; while in terms of ethnicity 56 are Albanians (85%), 5 Serbs (8%), 2 Turks (3%), 1 Bosnian (2%) and 1 Montenegrin (2%).

*Number of employees by ethnicity*



- Performance evaluations of work for the administrative staff of the Court have been completed.
- The position of Chief of Cabinet of the President of the Court was adjusted: a new official was appointed, while the former Chief of the Cabinet was transferred to the Department of Professional Support in the position of Manager for Translations.

*Number of employees by gender*



## **II. Capacity building**

The Framework Training Program for employees of the Constitutional Court was implemented, in order to further increase the capacity and operational capabilities, as well as to implement the staff training policy within the Constitutional Court.

(3) Workshops were held abroad, (3) workshops in the country, (35) training in the country, (1) training abroad, (4) study visits abroad, (1) regional conference abroad, (2) joint roundtables abroad, (1) round table in the country, (2) seminars in the country, (5) symposiums abroad, and (2) foreign language courses.

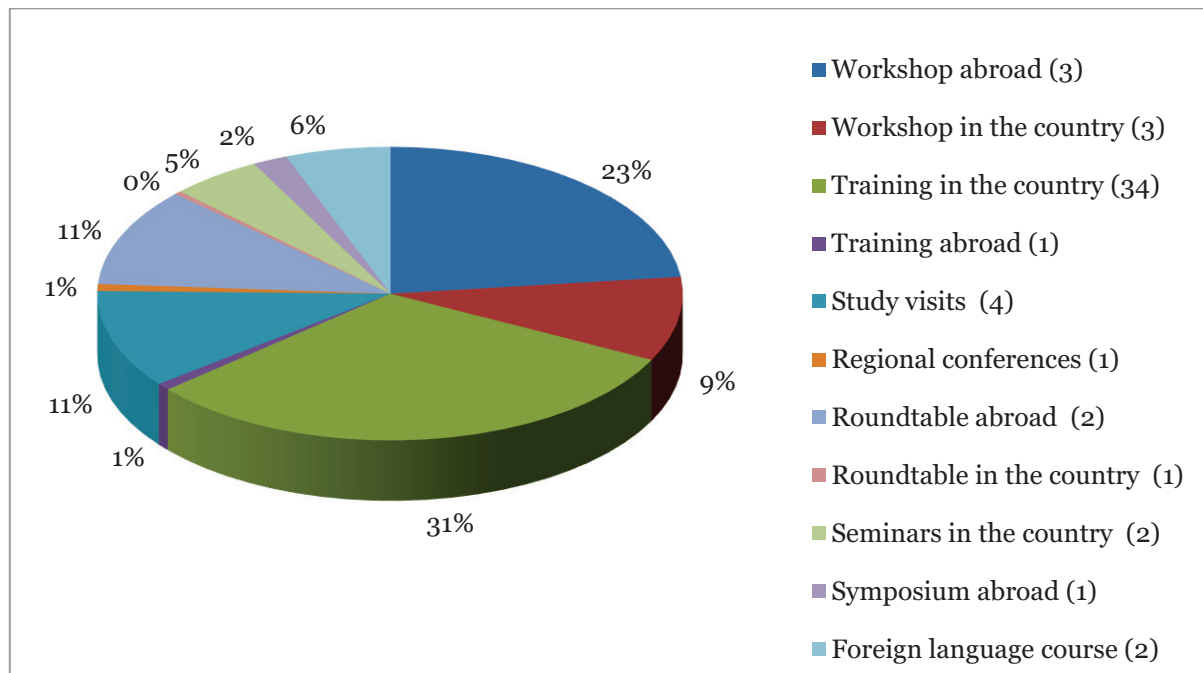
- 20 employees of the Court participated in the first workshop, held in Durrës, Albania, with the topic “Review of new draft regulations and of the Action Plan 2014-2017”;
- 16 employees of the Court participated in the second workshop, held in Durrës, Albania, with the topic “Progress report for the period January-September 2015 and planning of activities for the period October-December 2015 in implementation of the Strategic Plan”;
- 24 employees of the Court participated in the workshop held in Budva, Montenegro, with the topics “Referrals to the Constitutional Court by the Supreme Court and other Regular Courts of the Republic of Kosovo” and “How to increase the sensibility of the Supreme Court and other Regular Courts to file Referrals with the Constitutional Court”;;
- A workshop organized by GIZ was held in the Court with the topic “Project of legal reform and the Constitutional Court of Kosovo”, with 4 employees of the Court; a second workshop was organized by the State Agency on Protection of Personal Data, with the

topic “On draft law on protection of data”, with one employee of the Court; a third workshop was held in Hotel Sirius, Prishtina, with the topic “Disciplinary Measures and Proceedings for Judges and Legal Advisors”, organized by CCK and GIZ, with 19 participants;

- A total of 34 training sessions were held in the country: 13 of them were held in the Ministry of Finance on the new version of SIMFK, Free Balance V 7.0, with 13 participants; 21 training from the field of jurisprudence, administrative, managerial and information technology, where a total of 68 officials from the Court participated;
- 2 employees of the Court participated in a training organized by the IKM with the topic “Preparation of reports, management office and operations (operating activities)”, held in Tirana, Albania;
- 6 employees from the Court were present in the study visit to the Federal Constitutional Court in Karlsruhe, Germany, organized by IRZ.;
- Another study visit was held in the State Council of France (Conseild'Etat), which was organized by GIZ, with 1 employee from Court;
- 19 employees of the Court participated in a study visit to the Council of Europe and the European Court of Human Rights, in Strasbourg i;
- Two legal advisors ended a 5-month study visit to the Court of Strasbourg, in order to master the best practices of the European case law and the implementation in the constitutional judiciary in Kosovo;
- 2 employees of the Court participated in the regional conference on the topic “Effective use of domestic legal remedies in internal legal proceedings and subsidiary role of the European Court of Human Rights” held in Zagreb, Croatia;
- 7 employees of the Court participated in a joint roundtable with the constitutional courts of Montenegro, Macedonia and Kosovo with the topic “Features of the decision making process in the Constitutional Court”, organized by the Constitutional Court of the Republic of Albania in cooperation with the foundation Hans Seidel, held in Lezha;
- 21 employees of the Court participated in a joint roundtable organized in Skopje, Macedonia, by the Constitutional Court of Kosovo and Albania with the topic “Aspects of judicial and administrative activity of the Constitutional Court - introductions of distinctive and common elements between the Constitutional Court of Kosovo and the Constitutional Court of Albania”;
- 1 (one) employee of the Court participated in a roundtable with the topic “On draft sublegal act on data security” organized by the State Agency for Protection of Personal Data (supported by the EU project);
- 12 employees of the Court participated in the seminar on “The right to trial within a reasonable time and the right to an effective remedy in relation to the length of the proceedings under the ECHR” organized by the Project of the Council of Europe, held in Prishtina;
- 1 (one) employee of the Court participated in the seminar organized by the Agency for Protection of Personal Data with the topic “The role and responsibility of the official protection of personal data”, held in Prishtina;

- 5 employees of the Court participated in the Symposium on the occasion of the 53th anniversary of the Constitutional Court of Turkey, held in Turkey;
- 15 employees of the Court are participating in English and French courses held at the Court's premises in the first quarter, resuming with the French language, in November 2015.. The course of French language was funded by the French Embassy in Kosovo.

*Employees attending workshops, study visits and training in country and abroad*



### III. Administrative and logistic support

- Provision of the required services 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;
- Registration of 290 invoices in *Free Balance* System, after supply of office materials and IT equipment and services for the work needs of CCK;
- Maintenance and servicing of vehicles of the Court occurred and timely compiled monthly reports were made regarding the expenditure of fuel, including the Annual Report for 2015;
- 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**

In 2015, the following books were received and registered in the library of the Constitutional Court:

- 22 books were received from GIZ, 2 copies of the commentary on the “Law on Administrative Procedure, the commentary on the “The Criminal Code of the Republic of Kosovo”; “The laws applicable in Kosovo in the civil, criminal, administrative and economic fields and parts of the copies of the main applicable laws in Kosovo”; Commentary: Law on Criminal Procedure; Constitution of the Republic of Kosovo- I edition; Law on Constitutional Court of the Republic of Kosovo; Law on the Constitutional Court of the Republic of Kosovo, by GIZ;
- 83 books, different magazines and leaflets were handed over by the former President Enver Hasani;
- 5 books donated by the Constitutional Court of the Republic of Turkey; 4 books donated by the Constitutional Court of the Republic of Albania; 1 book donated by the Supreme Court of Albania; 1 copy of the book “Priručnik za pripremanje pravosudnog ispita”, donated by the Ministry of Justice; 3 copies of the book “Manual for the preparation of the bar exam” also donated by the Ministry of Justice; 1 book of legal field, in English, donated by Judge Bekim Sejdiu, one legal book donated by the Council of Europe; 1 legal book donated by President Artta Rama-Hajrizi, 1 book from the legal field purchased by the Constitutional Court; 1 manual for the translators and interpreters donated by OSCE; 1 legal book donated by the French State Council; 3 legal books in Albanian, 3 legal books in Serbian, 4 legal books in English, donated by various donors;
- two copies each of 3 bulletins of the Venice Commission, , edition 2014/3;
- Sublegal acts of the Constitutional Court and Administrative Instructions 2-010/2012/2014, in three languages; the Constitution of the Republic of Kosovo, with amendments I-XXIII and other internal regulations, published by the Constitutional Court;
- Annual Report 2014 by the Procurement Review Body, 1 piece; 3 annual reports in three languages by the Kosovo Property Agency;
- Legal magazine no. 1,2, 3-2014, 3 pieces; magazine “Shenja”, 2 pcs; 1. magazine “Autori”, September 2015, from the Office of Copyright and Related Rights, publication of MCYS; 1 magazine “ICL-Journal”; 2 copies of the magazine "Fly-Inn", no. 5 July 2015, and 1 no. 7 December, 2015, edition of the Prishtina Airport;
- Official Gazette of the Republic of Kosovo, no. 1,2, 3, 4 of January 2015, no. 5 of February, no. 6 of March, no. 7, 8, 9, of April, no. 10, 11, of May, no. 12, 13, 14, 15 of June, no. 18, 19, 20, 21 22, of July 2015; no. 23, 24, 25, 26, 27 of August 2015, no. 28, 29, 30, 31 of September 2015, no. 32, 33 of November 2015, and no. 34 of December 2015, 3 pieces each by the Office for publication of the Official Gazette of the Republic of Kosovo.

## **Other activities**

In accordance with the Decision of the Court, Ref. no.: KK-S48202/15, of 16 October 2015, regarding the approval of the position Manager for the coordination of translations and redefining the status of the position of Chief of Cabinet, relevant amendments to the sublegal acts of the Court were proposed:

- Regulation No. 03/2013 on promotion and transfer of the staff of the Constitutional Court of Kosovo, Article 13;
- Regulation No. 02/2013 on recruitment, appointment and probation period procedures for the staff of the Constitutional Court of Kosovo, Article 52;
- Regulation No. 01/2014 on internal organization of the staff of the Constitutional Court, Articles 13, 22, 23 and 26;
- Regulation No. 02/2014 on classification of job positions in the Constitutional Court, Articles 6 and 10;
- Catalogue of job description;
- Job description for the position of the Chief of Cabinet of the President.

### **Conclusions:**

Despite the limitations and challenges encountered, necessary services for the functioning of the Court, in the issues that depend on DAHR's mandate were timely provided.

**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 (in Albanian, Serbian and English, and for official webpage of the Court in Turkish language), editing, proof-reading (in Albanian and in Serbian language), transcription and simultaneous interpretation. Thus, the DPS processed over 18.169 pages, or an average of 72 pages per day, of letters, various documents, judgments, resolutions, decisions on summarily rejection of referrals, preliminary reports and other documents in Albanian, Serbian, English and Turkish.

Translators provided 587 hours and 55 minutes of simultaneous interpretation in regular meetings, court sessions, administrative sessions, in 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

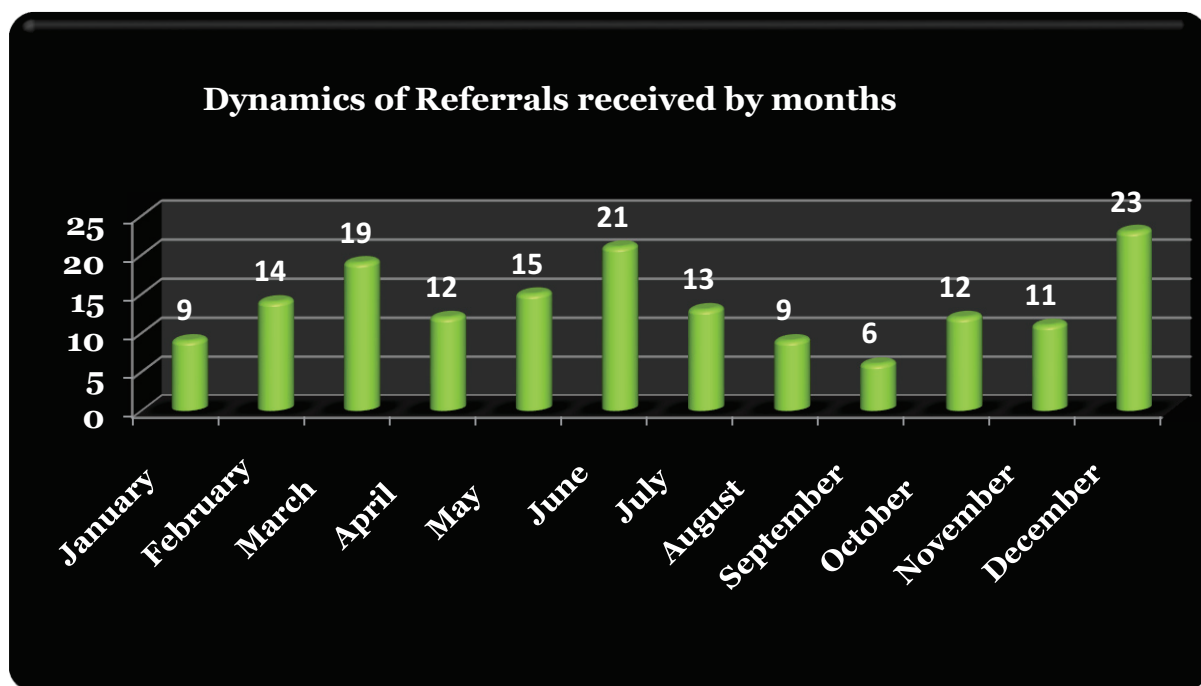
In 2015, the Court has processed a total of 227 Referrals/Cases:

- 63 Referrals carried over from 2014, of which 59 were decided;
- 164 Referrals were received in 2015, of which 67 were decided.

A total of 126 Referrals were decided, or 55.5% of all available cases (227).

In 2015, 143 decisions were published on the Court webpage and served on the parties, while 16 resolved Referrals are in the process of being drafted.

#### Dynamics of Referrals received in 2015



In 2015, the Constitutional Court delivered 5 Judgments:

- Judgment in Referral KO130/15 submitted by the President of the Republic of Kosovo, Her Excellency Atifete Jahjaga. This Referral concerns the compatibility of the principles contained in the document entitled "Association/Community of Serb majority municipalities in Kosovo - General principles/main elements" with the spirit of the Constitution, paragraph 1 of Article 3 [Equality Before the Law], Chapter II [Fundamental Rights and Freedoms] and Chapter III [Rights of Communities and their Members] of the Constitution of the Republic of Kosovo;
- Judgment in Referrals KI144/14 and KI156/14 submitted by Vilijamin Hajdukovic and Stanka Tus, concerning the constitutional review of the non-execution of two decisions of the Housing and Property Claims Commission, namely Decision no.

HPCC/REC/91/2007, of 19 January 2007, and Decision HPCC/REC/81/2006, of 11 December 2006;

- Judgment in Referral KO26/15 referred on 9 March 2015 by the President of the Assembly of the Republic of Kosovo in order to confirm that an Amendment to the Constitution of the Republic of Kosovo proposed by the Government of the Republic of Kosovo does not diminish the rights and freedoms guaranteed by Chapter II of the Constitution;
- Judgment in Referral KO13/15 referred on 6 February 2015 by the President of the Assembly of the Republic of Kosovo in order to confirm that an Amendment to the Constitution of the Republic of Kosovo proposed by fifty five Deputies of the Assembly of the Republic of Kosovo does not diminish the rights and freedoms guaranteed by Chapter II of the Constitution;
- Judgment in Referral KI72/14, submitted by Besa Qirezi, concerning the constitutional Review of Decision CA. no. 712/2013 of the Court of Appeal of Kosovo, of 21 October 2013;

## **2. Filing of Referrals**

The Constitutional Court decides on matters referred to the court in a legal manner by authorized parties.

In 2015, 164 referrals were filed with the Constitutional Court, which means an average of 13.7 referrals per month.

- 152 Referrals, or 92,7%, were filed by natural persons;
- 12 Referrals, or 7,3%, by legal persons.

## **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.

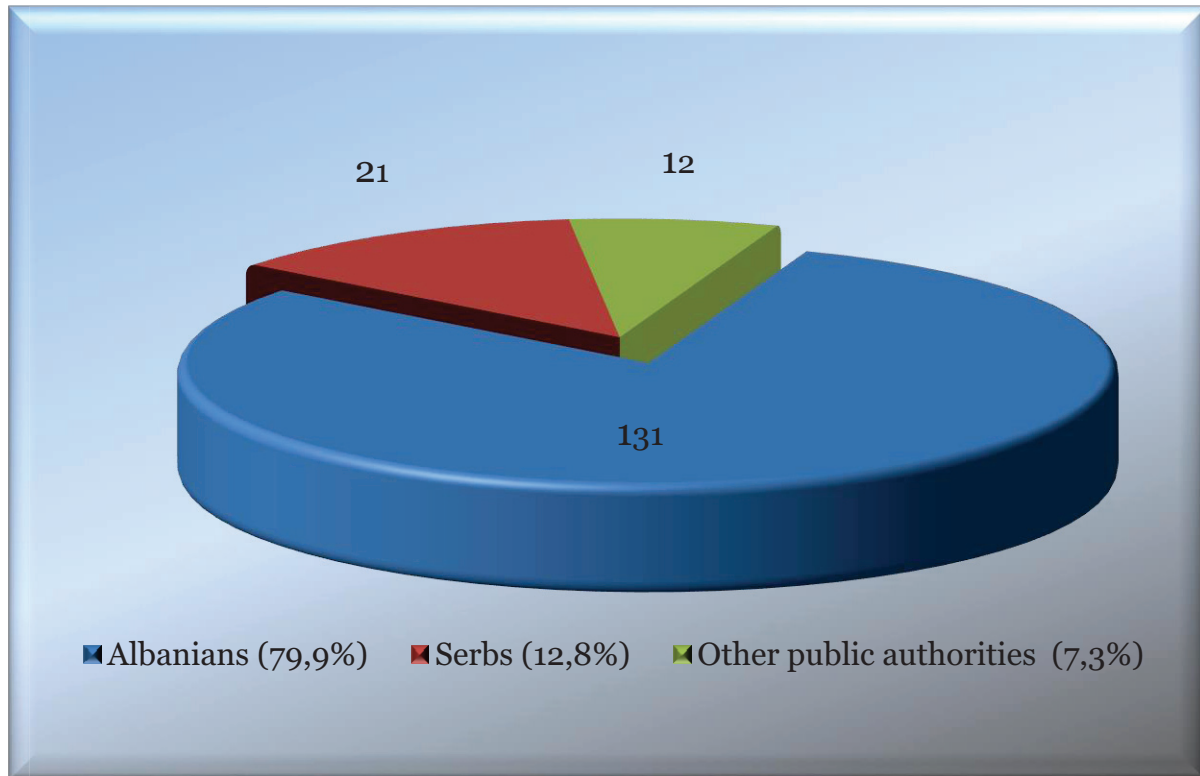
The allocation of Referrals/Cases to Judge Rapporteurs was done in accordance with Rules 8 and 34 of the Rules of Procedure of the Court. An exception to this rule is the distribution of Referrals for the imposition of interim measures, which Referrals are processed pursuant to Rule 55 of the Rules of 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 background, have equal access to the Constitutional Court.

- 131 Referrals, or 79,9%, were filed by Albanians;
- 21 Referrals, or 12,8%, were filed by Serbs;
- 12 Referrals, or 7,3%, were submitted by other public authorities (legal persons).

## ETHNIC STRUCTURE OF APPLICANTS

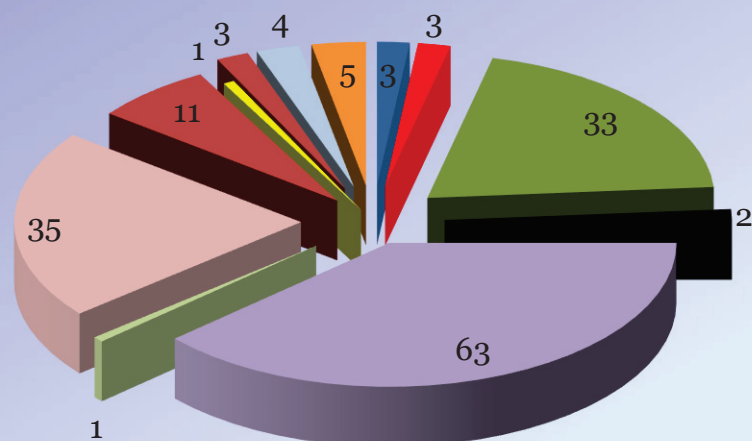


### 5. Alleged violations

The subject matter of 164 Referrals is related with alleged violations of:

- Article 21 [General Principles], 3 cases or 1.8%;
- Article 22 [Direct Applicability of International Agreements and Instruments], 1 case or 1.8%;
- Article 24 [Equality before Law], 33 cases or 20.1%;
- Article 29 [Right to Liberty and Security], 2 cases or 1.2%;
- Article 31 [Right to Fair and Impartial Trial], 63 cases or 38.4%;
- Article 32 [Right to Legal Remedies], 1 case or 0.6%;
- Article 46 [Protection of Property], 35 cases or 21.3%;
- Article 49 [Right to Work and Exercise Profession], 11 case or 6.7%;
- Article 51 [Health and Social Protection], 1 case or 0.6%;
- Article 54 [Judicial Protection of Rights], 3 cases or 1.8%;
- Constitutional Review of decisions of other public authorities, 4 cases or 2.4%; and
- Other violations, 5 cases or 3.0%.

## ALLEGED VIOLATIONS

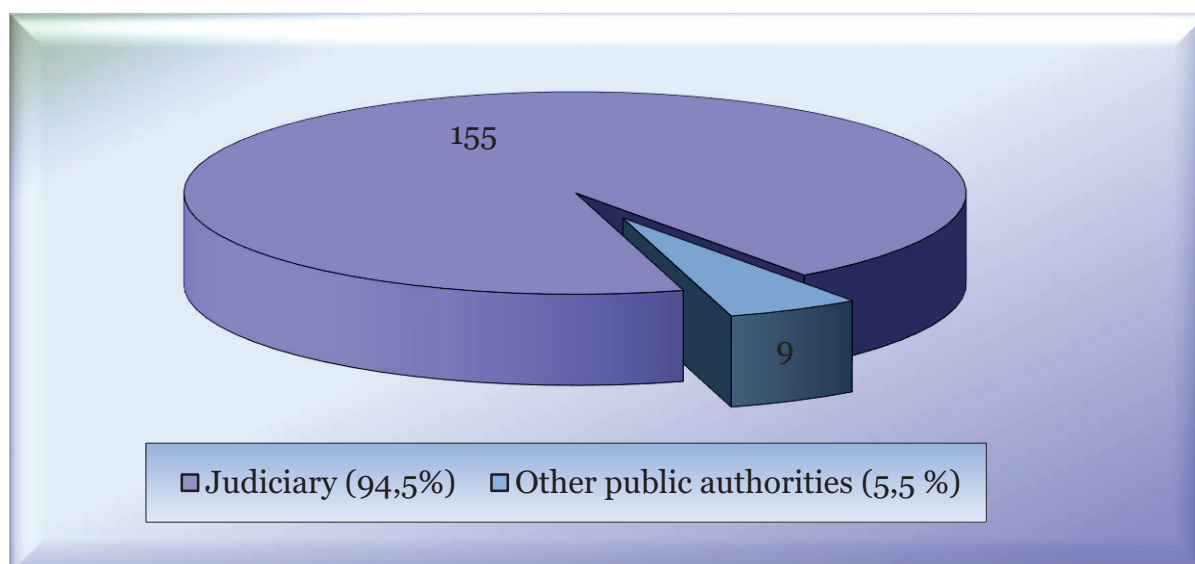


- Article 21 [General Principles]
- Article 22 [Direct Applicability of International Agreements and Instruments]
- Article 24 [Equality before Law]
- Article 29 [Right to Liberty and Security]
- Article 31 [Right to Fair and Impartial Trial]
- Article 32 [Right to Legal Remedies]
- Article 46 [Protection of Property]
- Article 49 [Right to Work and Exercise Profession]
- Article 51 [Health and Social Protection]
- Article 54 [Judicial Protection of Rights]
- Constitutional Review of decisions of other public authorities
- Other violations

## 6. Alleged violations of rights

- 155 Referrals, or 94, 5%, refer to violations allegedly committed by Courts' Decisions; and
- 9 Referrals, or 5, 5%, refer to violations allegedly committed by other public authorities.

### ALLEGED VIOLATORS OF RIGHTS

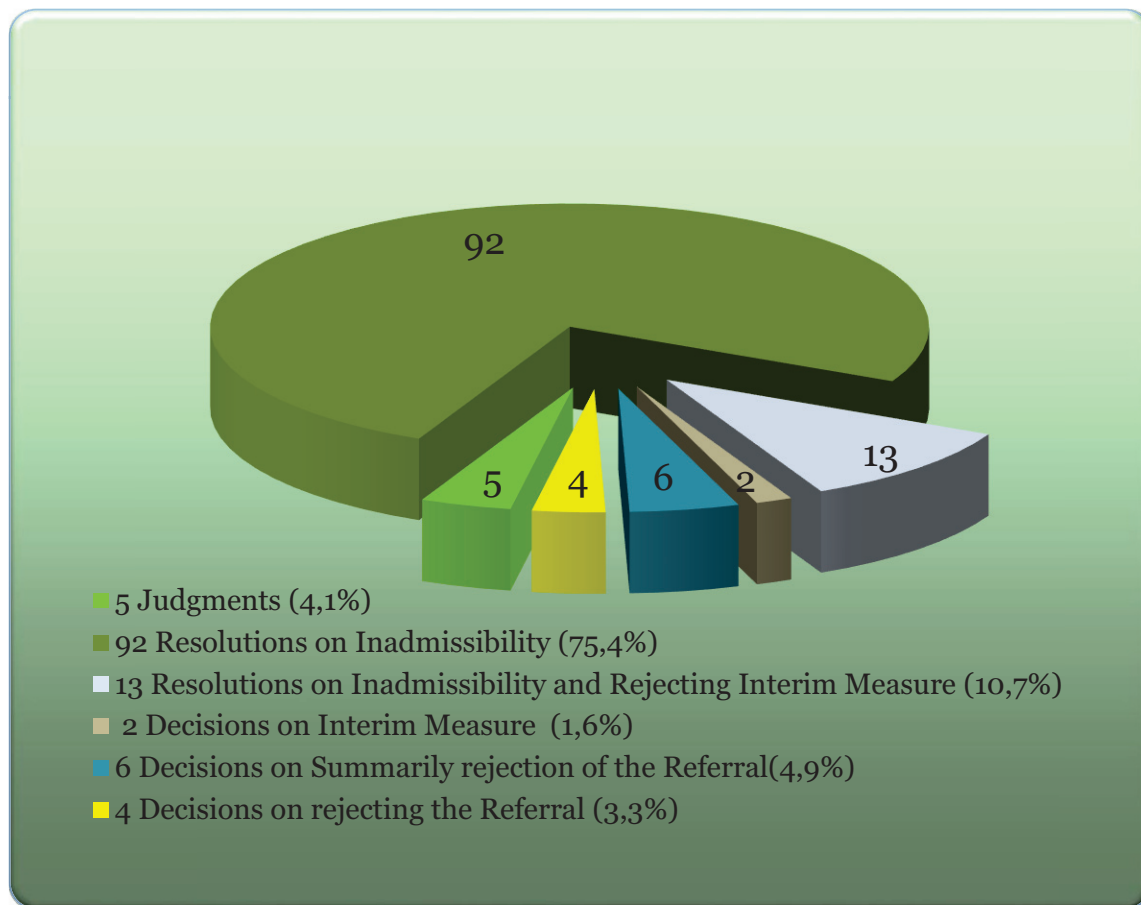


## 7. Sessions and Review Panels

In 2015, the Constitutional Court held 32 plenary sessions and 122 Review Panel sessions in which the reviewed cases were resolved by:

- 5 Judgments;
- 92 Resolutions on inadmissibility;
- 13 Resolutions on Inadmissibility and rejection of Interim Measure;
- 2 Decisions on Interim Measure;
- 6 Decisions on summarily rejection of the Referral; and
- 4 Decisions on rejecting the Referral.

## STRUCTURE OF DECISIONS IN NUMBER AND PERCENTAGE



**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 Kosovo Consolidated Budget, approved for 2015, are 1,470,170.00€, while by review of the budget for fiscal year 2015 is 1,459,829.00€. The difference of the budget by review is € 10,341.00 in the category of goods and services, and 3 (three) positions as the officials of the former President of CCK are added. The budget difference occurred with the internal transfer from Utilities in Goods and Services in the amount of € 1,120.00. By Government's decisions 12/64 and 09/65 on cash savings, from CCK in the category of wages and salaries were taken € 48,185.89 in the category of utilities € 2,284.60, as well as in the category of goods and services € 214.07. The final budget for fiscal year 2015 in KFMIS is € 1,409,144.44, as well as donations remaining from previous years in the amount of € 27,747.25. The final budget is presented in the following table according to structure, respectively economic category.

Wages and salaries	Goods and services	Utilities	Capital investment	Subsidies and transfers	Total
965,864.00€	487,585.00€	6,380.00€	0.00€	0.00€	1,459,829.00€

Wages and salaries	Goods and services	Utilities	Capital investment	Subsidies and transfers	Donations	Total
917,678.11€	487,370.93€	4,095.40€	0.00€	0.00€	27,747.25	1,436,891.69€

### Approved budget for 2015, allocation and execution for January–December

	Approved budget 2015 (A) €	Allocations January – December (B) €	Executions January- December (C) €	% (C/A) €	% (C/B) €
Wages and salaries	965,864.00	917,678.11	917,678.11	95.01	100
Goods and services	487,585.00	487,370.93	485,418.26	99.55	99.59
Utilities	6,380.00	4,095.40	3,118.15	48.87	76.13
Subsidies and transfers	0.00	0.00	0.00	0.00	0.00
Capital investment	0.00	0.00	0.00	0.00	0.00
Total	1,459,829.00	1,409,144.44	1,406,214.52	96.32	99.79

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

In the general budget, the participation of allocation for the first nine-month period was € 1,409,144.44 and indicated in percentage 100%.

	January-September €	October €	November €	December €	Total €	%
Wages and salaries	692,925.63	75,296.99	74,194.49	75,261.00	917,678.11	100
Goods and services	413,806.00	37,000.00	19,477.00	17,087.93	487,370.93	100
Utilities	5,800.00	580.00	0.00	-2,284.60	4,095.40	100
Subsidies and transfers	0.00	0.00	0.00	0.00	0.00	0.00
Capital investment	0.00	0.00	0.00	0.00	0.00	0.00
Total	1,112,531.63	112,876.99	93,671.49	90,064.33	1,409,144.44	100

### Budget execution for January-December

Budget execution based on allocation for the fiscal year was €, 1,406,214.52 and indicated in percentage is 99.79%.

Table of budget execution

	Allocations January –December (A) €	Execution January – dhjetor (B) €	Balance (C) €	% (B/A) €
Wages and salaries	917,678.11	917,678.11	0.00	100
Goods and services	487,370.93	485,418.26	1,952.67	99.59
Utilities	4,095.40	3,118.15	977.25	76.13
Subsidies and transfers	0.00	0.00	0.00	0.00
Capital investment	0.00	0.00	0.00	0.00
Total	1,409,144.44	1,406,214.52	2,929.92	99.79

### Budget execution for wages and salaries

Execution of wages and salaries per month

Month	Number of staff	Budget	Execution	Balance
January	59	73,972.00	72,348.20	1,623.80
February	59	74,830.00	73,513.05	1,316.95
March	59	74,830.00	74,611.20	218.80
April	61	76,330.00	76,321.04	8.96
May	61	77,830.00	77,619.27	210.73
June	61	78,499.72	81,878.96	-3,379.24
July	61	81,883.62	81,883.62	0.00
August	63	85,537.73	78,482.14	7,055.59
September	63	69,212.56	76,268.15	-7,055.59
October	62	75,296.99	75,296.99	0.00
November	62	74,194.49	74,194.49	0.00
December	63	75,261.00	75,261.00	0.00
Total		917,678.11	917,678.11	0.00

## Budget execution for goods and services

Execution of the budget in the category of goods and services in fiscal year 2015 per month:<sup>1</sup>

Months	Budget	Allocation	Execution	Balance
January	72,000.00	72,000.00	60,162.76	11,837.24
February	52,000.00	52,000.00	43,449.77	8,550.23
March	48,000.00	48,000.00	28,975.31	19,024.69
April	42,000.00	42,000.00	56,639.35	-14,639.35
May	52,000.00	52,000.00	50,340.79	1,659.21
June	40,000.00	40,000.00	39,364.59	635.41
July	50,000.00	50,000.00	43,010.66	6,989.34
August	22,806.00	22,806.00	10,871.53	11,934.47
September	35,000.00	35,000.00	50,290.66	-15,290.66
October	37,000.00	37,000.00	40,586.91	-3,586.91
November	19,477.00	19,477.00	47,553.48	-28,076.48
December	17,087.93	17,087.93	14,172.45	2,915.48
Total	487,370.93	487,370.93	485,418.26	1,954.67

## Capital investments

No funds were allocated in the category of capital investment to the Constitutional Court for fiscal year 2015.

## Budget execution for utilities

Execution of the budget in the category of utilities in the first nine months

Utility expenditure	Destination	Economic code	Approved budget €	Allocations January- September	Execution €
	Expenditures for land line telephony	13250	4,095.40	4,095.40	3,118.15

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<sup>1</sup> In the budget execution is not included the cash advance in the amount of € 2,500.00, as that is not considered as an expense, execution up to refilling or reconciliation of advance.



**PROCUREMENT UNIT**  
**(PU)**



## **V. PROCUREMENT UNIT (PU)**

Pursuant to the requirements of Article 8, item 2, of the Law No. 04/L-042 on Public Procurement (LPP), on 13 January 2015, the final procurement plan for 2015 was submitted to the Central Public Procurement Agency.

Pursuant to the requirements of Article 8, item 1, of the LPP, the final procurement plan for 2016 was submitted on 30 October 2015 and, in accordance with Article 8, item 2 of the LPP, the final procurement plan for 2016 shall be submitted to the Central Procurement Agency (CPPA) on 13 January 2016.

In support of the Final Plan of 2015, the Procurement Unit has initiated a total of 24 procurement procedures, whereas 1 (one) was carried over from 2014.

The procurement procedures have been classified by their value, by type and according to the procedure in accordance with LPP. They are as it follows.

### **1. Open procedure (medium value) carried over from 2014**

Activity carried over from 2014 and contract signed in 2015, for the project entitled "Service maintenance and cleaning of premises and facilities of CCK".

### **2. Open procedure (medium value)**

A total of 7 (seven) medium value contracts were initiated in 2015, which resulted in a total of 7 (seven) contracts signed.

The contracts signed are: "Services for learning Albanian, Serbian and English for the needs of staff of the Constitutional Court of Kosovo"; "Servicing and maintenance of vehicle Passat 2.0 TDI HIGHLINE (4 MOTION)"; "Supply with oil and oil products for the needs of CCK"; "Supply with representative material with logo of the CCK"; "Supply with toner for the needs of the CCK"; "Services for photography, framing and filming services for the needs of CCK"; "Supply, printing brochures and other materials for printing".

### **3. Procedure of quotation of prices (small value)**

A total of 7 (seven) small value contracts were initiated, which resulted in a total of 6 (six) contracts signed, whereas 1 (one) activity was interrupted and annulled.

The contracts signed are: "Supply with laptops for the needs of CCK"; "Printing services of materials for the needs of CCK"; "The implementation of the video project about the background of the CCK"; "Supply with daily, weekly and monthly newspapers"; "Services of providing sound equipment for simultaneous translation"; "Insurance of official vehicles TPL, TPL Plus and full Casco EU". The procurement activity entitled "Servicing and maintenance of existing air-conditioning and air conditioners and filling them with freon in the building of the CCK" was annulled.

### **4. Procedure with minimal value**

A total of 10 (ten) minimal value contracts were initiated, which resulted in a total of 10 (ten) contracts signed.

Contracts signed are: "Gifts for 8 March for CCK female staff"; "Supply with various books for the needs of CCK"; "Supply with specific books for the Judicial Year"; "Technical services of repair, maintenance, painting and polishment of three (3) vehicles: Passat 2.0 Highlane, Passat 2.0 R-Line and Peugeot 308"; "Services and gas filling of the air-conditioner MIDEA (MGA-D65/SN2) and the filling with gas of the existing air-conditioners according to the needs in the CCK building"; "Supply with wardrobe for the CCK drivers"; "Supply with carpets - rags, on the area of CCK facility"; "Souvenirs with symbols for gifts with logo of the CCK"; "Supply with mobile device (telephone) for the needs of CCK Secretariat".

Tabular presentation of all payments made in 2015, and payments of long-term contracts, signed by the Procurement Unit

Classification of contract by years	Sum of payment in 2015
a) Payment according to long-term contracts signed in 2015	63,792.28
b) Payment according to long-term contracts signed in 2014	176,375.79
c) Payment according to long-term contracts signed in 2013	54,218.20
d) Payment according to long-term contracts signed in 2012	41,862.45
<b>Total (a+b+c+d)</b>	<b>336,248.72</b>

**INFORMATION TECHNOLOGY AND MULTIMEDIA UNIT  
(ITMU)**



## **VI. INFORMATION TECHNOLOGY AND MULTIMEDIA UNIT (ITMU)**

Information and Communications Technology Unit-ICT is responsible for providing professional care services and general infrastructure of information technology in the Constitutional Court.

In 2015, the ICT Unit 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. CDMS system advancement in web-application**

- Project for CDMS (Case Data Management System) system advancement is the project on migration and enhancing the system from existing Windows application in the Web application. The application is installed and successfully tested and the system users attended training. All the data have been migrated successfully. Final acceptance of the application, along with the source code development, was done on 5 June 2015 and from that date the system has been in full use.
- The project was initiated and proposed by the Constitutional Court, whereas it is supported and funded by EROL-USAID.

### **Duties and responsibilities**

- Configuration of new policies for the security of e-mails and accounts of the Court employees;
- Improvement of the recent changes to the organizational structure and publication on the webpage;
- Initiation of the process and the technical specifications for the purchase of IT equipment according to foreseen plan;
- Formatting of Annual Report 2015 in three official languages and its publication on the Court webpage;
- Formatting and preparation for printing of quarterly and six-month reports for 2015 in three official languages;
- Creation of a back-up and transfer of back-up servers in the space of the Data-Center ASHI;
- Changes on the Court webpage as per requests of the Secretariat;
- Installing WSUS server for installation of updates for all the Court users;
- The installation of MS Office 2013 has started as per request of the staff;
- Submission of a request for initiation of the procurement process and technical specification for the provision of sound equipment and simultaneous translation;
- Preparation and installation of technology equipment for two new judges;
- Installation of Trados software and deployment of licenses in 7 computers of translators in DPS;
- Publication of 143 decisions on the webpage in three languages;
- Technical interventions in the equipment, based on requests from staff;
- Care and service provision for system maintenance and information technology and communication equipment;
- Care and the welfare of simultaneous translation system and recording of court public hearings and deliberations;

- Control and maintenance of the system of the Court domain and creation of the security policies in servers;
- Maintenance of creation of copies (back-up) of the Court domain and the CDMS system;
- Participation in two workshops on Strategic Plan of the Constitutional Court;
- Participation in training “ISO 27001, Information Security Management Systems (ISMS) Implementation”;
- Participation in the conference “Microsoft Industry Week”.

# AUDITING



## **VII. AUDITING**

### **1. Internal Audit**

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

- Personnel management;
- Management of assets;
- Management of logistics;
- Procurement management;
- Management of expenditures;
- Strategic plan of internal audit for period 2016-2018 and
- Annual plan of internal audit for 2016

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. That implementation has contributed to increasing the quality of activities and performance of the institution.

IAU has implemented the plan for 2015 and conducted following visits for implementation of the recommendations.

### **2. Internal Audit Committee**

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

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

In 2015, the IAC held 5 meetings and provided oversight of the plans, reports and the implementation of the recommendations made by auditors.

In 2015, the IAC concluded that the Constitutional Court is functioning at a satisfactory level, it assessed the cooperation between the management-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) completed the interim audit phase in November 2015 for financial statements of 2014. The Court has received the Audit Memo, whereby it is concluded that “The OAG has not identified any significant issues to address recommendations as well as 72% of the budget execution. Management has demonstrated good controls and started the process of risk management in accordance with its objectives, by developing risk matrix”. The Constitutional Court, for this stage of the audit, has not received any advice for management.

**Legal Unit**  
**(LU)**



## VIII. LEGAL UNIT (LU)

The Constitutional Court 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 Legal Advisors assist, in particular, in drafting correspondence, preparing reports and decisions for the Court and take also care of other procedures until the Court's decisions take their final form.

The Legal Advisors employed by the Court are, however, not civil servants, but 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 Legal Unit is composed of nine (9) senior Legal Advisors, three (3) junior Legal Advisors and one (1) Legal Secretary. Two of the current senior Legal Advisors are internationals, while the remaining members of the Unit 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 with the President of the Court and the Secretary General, who manages and coordinates the work of the Legal Unit.

The Legal Unit holds regular meetings once 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 to have consultations on case law.

Moreover, since its establishment until today, the Legal Unit continues to maintain a database, where all cases are arranged according to the type of decision, the nature of disputes, the nature of found violations etc. This database is managed by a group of Legal Advisors. The principal task of this group is to provide research reports to assist the Judges and Legal Advisors in working on pending cases.

In relation to the monitoring of the status of cases, the Legal Unit maintains a case report describing the case from the moment when it is assigned to a Legal Advisor up to its publication on the Court's website.

An important factor in ensuring efficient judicial decision-making and enhancing the drafting of reports and decisions is the training of the Court's professionals in different areas of work. Within the framework of the Court's activities, the members of the Legal Unit attend workshops throughout the year. A complete list of activities can be found in Section VII of this Report (Activities of the Court).

Furthermore, the Court, in cooperation with the Council of Europe and the Embassy of Switzerland, continues to support the training project for its Legal Advisors, that consists in sending each time two Legal Advisors for a 5 (five) months training in the Secretariat of the European Court of Human Rights in Strasbourg. The purpose of this project is the capacity-building of Legal Advisors through enhancing their knowledge and drafting capabilities.



**COMMUNICATION AND INFORMATION OFFICE  
(CIO)**



## **IX. COMMUNICATION AND INFORMATION OFFICE (CIO)**

Communication and Information Office (CIO) is as a new unit within the organizational structure of the Constitutional Court,. It was established in accordance with the objectives of the Strategic Plan of the Court in early 2015. Within the scope of its responsibilities CIO has information and communication with media/public, communication with the parties/citizens, protocol, access to official documents of the Court, as well as cooperation with the Venice Commission.

In 2015, in the Communication and Information Office carried out the activities described hereunder.

### **I. The communication with the media/public:**

- 52 weekly reports were drafted;
- Annual media report for 2014 was published;
- The physical and electronic archiving of the print media reports (626 articles) and of electronic (797 articles) on the work of the Court;
- 42 press releases were published;
- 80 internal notifications regarding the work and activities of the Court;
- There were submitted 137 questions by the print and electronic media, and 14 questions/requests by citizens.

### **II. Cooperation with the Venice Commission:**

- The Court answered to 93 questions submitted through the Forum of the Venice Commission by 13 constitutional courts and supreme courts of the member states, and by the European Court of Human Rights.
- 3 four-month reports were submitted, together with the most important decisions of the Court during this period, for publication in the Bulletin of the Venice Commission.

### **III. Protocol activities:**

- All protocol tasks are finished for 13 official visits to the Court, 12 official visits abroad, 8 workshops/conferences in Kosovo and 4 workshops/conferences abroad.

### **IV. Access to official documents:**

- Annual report was drafted and submitted for requests for access to official documents of the Court in 2015;
- In 2015 were received a total 7 requests for access to official documents of the Court, of which 6 requests were received, while 1 request was partially allowed.

### **V. Communication with parties /citizens:**

- In 2015, at the reception of the Court were registered and served:
  - 557 citizens.
  - 123 institutional representatives. and
  - 30 media representatives.



# **ACTIVITIES OF THE CONSTITUTIONAL COURT**



## **X. ACTIVITIES OF THE CONSTITUTIONAL COURT**

### **I. Official travels**

#### **12- 13 March 2015**

President Hasani under invitation of the Council of Europe, participated in the Regional Conference on the topic: *“The effective use of national remedies in domestic legal proceedings and the subsidiary role of the European Court of Human Rights”*, in Zagreb.

The Conference was organized by the Directorate General of Human Rights and Rule of Law of the Council of Europe, in cooperation with the Faculty of Law of the University of Zagreb, which was attended by the representatives of the Council of Europe, the European Court of Human Rights, academics, judges, lawyers and scientific researchers from all countries of the region.

#### **20 – 21 March 2015**

President Hasani and Judge Mr. Sc. Arta Rama – Hajrizi, participated in the 102<sup>nd</sup> Plenary Session of the Venice Commission, in Venice, Italy.

The 102<sup>nd</sup> Plenary Session of the Venice Commission was held on 20 and 21 March 2015, wherein President Hasani participated in the capacity of the member representative of the Republic of Kosovo, whereas Judge Rama – Hajrizi in the capacity of deputy-member.

President Hasani also participated as a panelist member in the sessions of the three sub-commissions of the Venice Commission: on judiciary, democratic institutions and fundamental rights.

#### **22 – 24 March 2015**

President Hasani participated in the 9th Symposium of the Union of Arab Constitutional Courts and Councils on the topic: *“The role of Constitutional Judiciary in developing of constitutional and political systems – Arab experiences”*, held in Kuwait.

Invited in the Symposium in the capacity of the representative of the Venice Commission, President Hasani delivered a speech on the development of the constitutional judiciary in Europe and the cooperation between the Venice Commission and Arab countries, based on the Co-operation Agreement signed in Cairo in 2009 between the Union of Arab Constitutional Courts and Councils (UACCC) and the Venice Commission.

During the Symposium held in Kuwait, President Hasani was received in an official meeting also by the President of the Constitutional Court of Kuwait, Mr. Yousef Al-Moutawah.

#### **6 – 8 April 2015**

President Hasani held meetings with the the Prime Minister of the Republic of Albania, Mr. Edi Rama, the President of the Constitutional Court of the Republic of Albania, Mr. Bashkim Dedja, and the President of the Supreme Court of Albania, Prof. Dr. Xhezair Zaganjori.

President Hasani was also hosted in a meeting by the Rector of the University of Tirana, Mr. Dhori Kule, and before academics and students of the Faculty of Law he held a lecture in relation to the latest developments in the Constitutional Judiciary of Kosovo.

During his visit, President Hasani has met with the President of the Parliament of the Republic of Albania, Mr. Ilir Meta, as well as with the Minister of Justice of this country, Mr. Nasip Naço.

## **27 – 28 April 2015**

President Hasani and a delegation of the Constitutional Court have been invited to participate in the international symposium on the topic “*Assessment of the Judgments on Individual Application - Challenges and Remedies*”, which took place in Ankara, Turkey.

The symposium was organized on the occasion of the celebration of 53rd anniversary of the establishment of the Constitutional Court of Turkey. During the visit to Ankara, President Hasani also met with the President of the Constitutional Court of Turkey, Mr. Zühtü Arslan.

## **8 – 9 June 2015**

President Hasani held a two-day working meetings with the highest leaders of the Constitutional Court and the High Court of the Republic of Albania, in Tirana.

## **10 – 15 June 2015**

Invited by the Court of Jurisdictional Disputes of the Republic of Turkey, President Hasani and judge of the Constitutional Court, Dr. Altay Suroy, participated in the International Symposium, on the occasion of the 70<sup>th</sup> anniversary of the Court of Jurisdictional Disputes, in Ankara, Turkey.

## **19 – 20 June 2015**

President Hasani participated, as a member representative of the Republic of Kosovo, in the 103rd Plenary Session of the Venice Commission, held in Venice, Italy.

President Hasani also participated as a panelist member in the sessions of two Sub-Commissions of the Venice Commission on democratic institutions and fundamental rights.

## **16 September 2015**

President Rama – Hajrizi made an official visit to the Constitutional Court of the Republic of Albania, in Tirana.

President Rama - Hajrizi was hosted by her counterpart, Mr. Bashkim Dedja.

The purpose of this visit was the exchange of mutual experiences on the relations between the Constitutional Court and the Supreme Courts of both of the countries.

## **19 – 23 October 2015**

The Constitutional Court, in co-operation with the German Foundation for International Legal Cooperation (IRZ), made a study visit of the Constitutional Court and the Federal Supreme Court, in Germany.

During the stay in the city of Karlsruhe, Germany, the President Rama – Hajrizi, and the delegation of the Constitutional Court of Kosovo, met with deputy-president Prof. Dr. Ferdinand Kirchhof and judges, Prof. Dr. Andreas L. Paulus, Prof. Dr. Doris König, M.C.L. and Prof. Dr. Susanne Baer, of the Federal Constitutional Court of Germany.

The delegation of the Constitutional Court held meetings also with the judges of the Federal Supreme Court of Germany, and with Mr. Hesse Dr. Günter Paul, the President of the Constitutional Court of the State, in Wiesbaden, Germany.

The purpose of this visit was the exchange of mutual experiences on the relations between the Constitutional Court and the Supreme Courts of both of the countries.

The visit was made possible with the support of the German Foundation for International Legal Cooperation (IRZ).

## **2 – 6 November 2015**

The Constitutional Court, in co-operation with the Office of the Council of Europe in Prishtina, conducted a study visit to the Council of Europe and the European Court of Human Rights, in Strasbourg, France. The delegation of the Court was composed of President Rama – Hajrizi, judges, the Legal Unit and the Secretary General.

During the visit, the delegation of the Constitutional Court of Kosovo met with the vice-president of the European Court of Human Rights, Mr. András Sajó and with Judge Mr. Ledi Bianku, judge of the European Court of Human Rights, elected in the name of the Republic of Albania.

President Rama – Hajrizi, also held a meeting with the President of Venice Commission, Mr. Gianni Buquicchio, and with different officials from the Council of Europe and the European Court of Human Rights.

The visit was made possible with the support of the Office of Council of Europe in Prishtina.

## **II. Official visits at the Constitutional Court/Other Activities**

### **9 – 10 march 2015**

A delegation from the Conseil d'Etat of France headed by the President of the Report and Studies Section, Mrs. Maryvonne de Saint Pulgent, visited the Constitutional Court.

French delegation headed by Mrs. de Saint Pulgent was received by President Hasani.

During the meeting, President Hasani informed the French delegation and Mrs. de Saint Pulgent about the work of the Constitutional Court and on the mutual cooperation with other counterpart institutions in the region and beyond. He specifically stressed out the excellent bilateral relationship with the Constitutional Council of France, thereby expressing his gratitude to France for its contribution to the Constitutional Court of Kosovo and to the strengthening of the rule of law in Kosovo.

Mrs. de Saint Pulgent positively evaluated the professionalism of the Constitutional Court of Kosovo while pointing out the necessity for an independent judiciary as a pre-requisite to further development of the state of law and democracy.

Both parties expressed their readiness to further strengthening of cooperation in all fields of mutual interest.

### **8 April 2015**

The Constitutional Court in cooperation with the Kosovo Judicial Institute organized a workshop on the topic: *“The role of the Constitutional Court in relation to the regular courts pursuant to Articles 113.7 and 113.8 of the Constitution of the Republic of Kosovo”*.

The aim of the workshop among others was to inform the candidates for future judges and prosecutors of the Republic of Kosovo, on the role of the Constitutional Court in relation to other branches of power as well as the working procedures in this Court.

### **21 May 2015**

In the session held on 21 May 2015, the Judges of the Constitutional Court of Kosovo, pursuant to Article 114, paragraph 5, of the Constitution of the Republic of Kosovo, elected Judge Mr. sc. Arta Rama-Hajrizi, as President of the Constitutional Court.

Judge Arta Rama-Hajrizi took the office of the President of the Constitutional Court on 26 June 2015.

### **27 – 29 May 2015**

A delegation of the Supreme Court of the Republic of Albania consisting of legal advisors and administrative clerks of this institution made a study visit at the Constitutional Court of the Republic of Kosovo, from 27 to 29 May 2015.

During the visit, the delegation of the Supreme Court of Albania was informed about the organization and work methods of the Legal Unit and other departments that function within the Constitutional Court of Kosovo.

### **16 June 2015**

On 16 June 2015, in Prishtina, a farewell ceremony was held on the occasion of the end of mandate of the President Hasani.

This ceremony was attended by state officials, representatives of the diplomatic missions and international organizations in Kosovo, as well as delegations of the Constitutional and Supreme Courts of Albania, and of the Constitutional Courts of Turkey, Bulgaria, Poland, Macedonia and Montenegro.

In this occasion, the President of the Constitutional Court of Kosovo, Prof. Dr. Enver Hasani, the President of the Supreme Court of Kosovo, Prof. Dr. Fejzullah Hasani, the President of the Constitutional Court of Albania, Mr. Bashkim Dedja, the President of the Constitutional Court of Bulgaria, Prof. Dr. Dimitar Tokushev, and the President of the Constitutional Court of Macedonia, Ms. Elena Gosheva, addressed the participants of the ceremony with speeches.

### **30 September 2015**

The Constitutional Court was visited by the students of the Faculty of Law of University “Kadri Zeka” of Gjilan.

The students were received in the courtroom of the Constitutional Court by the Chief Legal Advisor, Mr. Sevdail Kastrati, advisers Mrs. Amantina Tolaj and Mrs. Arbana Beqiri – Plakolli.

### **5 October 2015**

A delegation of the Court of Jurisdictional Disputes of the Republic of Turkey visited the Constitutional Court. The President Rama-Hajrizi welcomed at the Constitutional Court the delegation headed by the President of this court Mr. Serdar Ozguldur.

During the meeting, the two Presidents exchanged experiences between the two courts.

### **16 October 2015**

The Constitutional Court marked the Sixth Judicial Year by a solemn ceremony organized in Prishtina.

This solemnity was attended by a delegation of the Venice Commission, and of the Constitutional Courts of Slovenia, Albania, Turkey, Lithuania, Bulgaria, Montenegro, Macedonia, and representatives of the Supreme Court of Albania.

In this occasion, President Rama-Hajrizi, the President of the Republic of Kosovo, Her Excellency Mrs. Atifete Jahjaga and the President of the Venice Commission, Mr. Gianni Buquicchio, addressed the participants to this ceremony with speeches.

During the stay of the President of the Venice Commission in the Republic of Kosovo, President Rama-Hajrizi and Mr. Gianni Buquicchio held meetings with the state leaders of the country, Her Excellency Mrs. Atifete Jahjaga, Prime Minister, Mr. Isa Mustafa and with the Minister of Justice, Mr. Hajredin Kuçi.

### **19 – 23 October 2015**

Mrs. Suzana Krasniqi, Legal Advisor at the Constitutional Court, conducted a study visit at Conseil d'Etat of France, on 19 – 23 October 2015.

The study visit was made possible by coordination with the Embassy of France in Kosovo, and financial support from German Legal Reform Project (GIZ).

### **13 November 2015**

The Constitutional Court was visited by a group of students from the University “Isa Boletini”, Mitrovica. The purpose of this visit was to inform the students with the work and the competencies of the Constitutional Court.

### **November 2015**

The Constitutional Court was provided with continuous access on the database of judicial literature “WESTLAW”, by the company “Thomson Reuters”.

## **III. Work Seminars**

### **21 – 22 April 2015**

The Constitutional Court in cooperation with the Supreme Court and with the support of the German Foundation for International Legal Cooperation (IRZ) organized a workshop on the topic: “*How to encourage referrals to the Constitutional Court by the Supreme Court and other regular courts of the Republic of Kosovo/ How to increase the sensibility of the Supreme Court and other regular courts to file referrals with the Constitutional Court?*”, which was held in Budva, Montenegro.

This workshop was organized as a continuation of regular meetings and good institutional cooperation between the Constitutional Court and the Supreme Court of Kosovo, and aimed to further exchange the experiences between the judges of both courts with regard to submitting of referrals at the Constitutional Court of Kosovo.

Speakers and moderators of the workshop were Prof. Dr. Ulrich Karpen, professor and chair of Public Law and Political Science Department at the University of Hamburg, and Prof. dr. Matthias Hartwig, professor of the Constitutional Law at the University of Heidelberg in Germany.

### **7 – 8 May 2015**

At the invitation of the Constitutional Court of the Republic of Albania, a delegation of legal advisors of the Constitutional Court participated in the regional conference on the topic: “*Features of decision making process before the Constitutional Court*”, which took place in Lezha, Albania.

Besides the legal advisors of the Constitutional Court of Kosovo and of the Constitutional Court of Albania, this conference was attended by their colleagues from the Constitutional Court of Montenegro and the Constitutional Court of Macedonia. The conference was organized in cooperation with the German Foundation “Hanns Seidel”.

## **20 – 21 May 2015**

The Constitutional Court, in cooperation with the German Legal Reform Project (GIZ), organized a workshop on the topic: *“Disciplinary measures and proceedings for judges and legal advisers”*, which was held in Prishtina.

In this workshop it was addressed the subject on procedures and disciplinary measures for judges and legal advisors in the Constitutional Court of Germany, the Constitutional Court of Austria and the Constitutional Court of Spain.

The moderator of the workshop was the legal advisor to the Constitutional Court of Germany, Dr. Thorsten Ehrbeck.

## **April/ December 2015**

With the support of the Project of the Council of Europe on supporting the implementation of European standards of human rights, the seminars for the legal advisors of the Constitutional Court, on the following topics were held:

1. *“The right to trial within a reasonable time and the right to an effective remedy in relation to the excessive length of the proceedings under the ECHR”*, on 30 April 2015, in Prishtina;
2. *“The Admissibility Criteria and Article 5 of the Convention”*, on 25-26 May 2015 in Prishtina;
3. *“The right to a fair trial under Article 6 of the ECHR: Civil Aspect”* on 28 May 2015, in Prishtina;
4. *“The right to a fair trial under Article 6 of the ECHR: Criminal Aspect”* on 1 June 2015, in Prishtina;
5. *“The right to property under Article 1 of Protocol of the European Convention on Human Rights”*, on 21 September 2015, in Prishtina;
6. *“The right to freedom of expression under Article 10 of the European Convention on Human Rights”*, on 23 October 2015, in Prishtina;
7. *“Article 8 of the Convention on Human Rights - summary, principles and major cases”*; on 17 December 2015, in Prishtina;

## **15 – 18 September 2015**

The Constitutional Court held a workshop in Durrës, Albania, on the Action Plan of the Strategic Plan of the Constitutional Court..

## **28 – 30 October 2015**

The Constitutional Court, in cooperation with the Constitutional Court of the Republic of Albania organized a joint roundtable on the topic: *“Aspects of judicial and administrative activity of the Constitutional Court - Presentation of distinctive and mutual elements between the Constitutional Court of Kosovo and the Constitutional Court of Albania”*.

The roundtable was chaired by the general secretaries. Participants were officials of the two courts. The roundtable was organized in Skopje, Macedonia.

## **16 – 17 November 2015**

The Constitutional Court, in cooperation with the German Legal Reform Project (GIZ), organized the workshop on the topic *“Legal Drafting”*. Lecturers of the workshop were Dr. Steffen Wesche and Dr. Ingebjorg Darsow Faller, whereas the workshop was attended by the legal advisors of the Constitutional Court.

## APPENDIX



## APPENDIX

### Summary of accounts of the Constitutional Court for 2015

#### Statement of Cash Receipts and Payments

	Notes	2015			2014			2013		
		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	1,406,214			1,384,900			1,527,704		
Own source revenues										
Special Purpose Fund Appropriations	3									
Designated Donor Grants	4				84,600					
Fond of loans	5									
Other	6									
Total Receipts		1,406,214		-	1,469,500	-	-	1,527,704	-	-
Payments										
Operations										
Wages and allowances	7	917,678			837,307			737,776		
Goods and Services	8	485,418			595,351			592,559		
Utilities	9	3,118			7,074			9,365		
					1,439,732	-	-	1,339,700		
Transfers										
Transfers and Subsidies	10	1,406,214						101,042		
Capital Expenditures										
Property, building and equipment	11				29,767			86,962		
Other Payments	12									
Total Payments		1,406,214	-	-	1,469,500		-	1,527,704		-

## Budget Execution Report

		2015				2014	2013
		Original Budget (Appropriate )	Original Budget (Appropriate )	Actual	Variance	Actual	Actual
		A	B	C	D=C-B	E	F
		€	€	€	€	€	€
Notes							
Cash inflows into Treasury Accounts							
Taxes	14						
Own source revenues	15						
Grants and Assistance	16		27,747		27,747	84,600	
Capital Receipts	17						
Privatization Fund	18						
Loans	19						
Other	20						
Total KCB Receipts Collected		-	27,747	-	27,747	84,600	-
Cash Outflows from Treasury Account							
Wages and allowances	21	965,864	917,678	917,678		837,307	737,776
Goods and Services	22	496,806	515,118	485,418	(29,700)	595,351	592,559
Utilities	23	7,500	4,095	3,118	(977)	7,074	9,365
Transfers and Subsidies	24						101,042
Capital Expenditures	25					29,767	86,962
Privatization Fund	26						
Other	27						
Total Payments made through KCB		1,470,170	1,436,892	1,406,215	(30,677)	1,469,500	1,527,704

# ORGANIZATIONAL CHART





REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

# GJYKATA KUSHTETUESE УСТАВНИ СУД CONSTITUTIONAL COURT

