



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

GJYKATA KUSHTETUESE

УСТАВНИ СУД

CONSTITUTIONAL COURT

Raport vjetor Godišnji izveštaj Annual Report 2016



Prishtinë, 2017



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**RAPORTI VJETOR
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ANNUAL REPORT
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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 ARTA RAMA HAJRIZI

I have the honour and pleasure to present the Annual Report 2016. The annual report presents an overview of the activities of the Court during 2016, with a special focus on the work and results of each department and each administrative unit of the Constitutional Court. The report contains, among others, the summarized statistical data regarding the number of cases dealt with, the sessions held, submitted Referrals, alleged violations, budget expenditure, procurement activities, internal audit and the total number of employees in the Court. The report also contains data on organized conferences and workshops and visits conducted in the country and abroad and the participation of the professional staff of the Court in trainings.

The data presented in the Annual Report, besides that they are an evidence of professionalism and dedication demonstrated by judges and staff of the Court, at the same time they also are an extra motivation for further commitment in overcoming the challenges in the future.

Even during 2016, the Court, as final authority for interpreting the Constitution, decided on a range 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, I want to specify the Referral KO118/16 submitted by 12 deputies of the Assembly of the Republic of Kosovo, pursuant to Article 113 (5) of the Constitution, requesting the constitutional review of the Law No. 05/L-120 on Trepça, namely whether that Law violates Article 46 [Protection of Property], 58 [Responsibilities of the State], 60 [Consultative Counsel for Communities], 78 [Commission of Rights and Interests of Communities] and 81 (1) [Legislation of Vital Interest] of the Constitution of the Republic of Kosovo.

Another significant Referral was KO73/16, submitted by Ombudsperson in accordance with Article 113 (2) and 135 (4) of the Constitution, requesting constitutional review of Administrative Circular no. 01/2016, issued by the Ministry of Public Administration of the Republic of Kosovo on 21 January 2016. It was requested from the Constitutional Court to assess whether Administrative Circular no. 01/2016 violates the independence of independent constitutional institutions included in Chapter XII of the Constitution, more specifically, the independence of Ombudsperson guaranteed by Article 133 of the Constitution.

Further on, it is worth mentioning the Referral KI18/16 submitted to the Court by Bedri Salihu, in accordance with Article 113 (7), requesting the constitutional review of Judgment Rev. No. 308/2015 of the Supreme Court of Kosovo, of 12 November 2015. The Court found that the Judgment of the Supreme Court violated the Applicant's right guaranteed by Article 31 [Right to Fair and Impartial Trial] of the Constitution, in conjunction with paragraph 1 of Article 6 [Right to a Fair Trial] of the European Convention of Human Rights.

In addition, with the purpose of exchanging the ideas and experiences in constitutional justice and strengthen of professional and friendly relations, I and the judges of the Court also conducted official visits to the constitutional courts of other countries and other prestigious state institutions and international conferences. Such visits were conducted in United States of America, Turkey, Bulgaria, Slovenia, Albania and Montenegro.

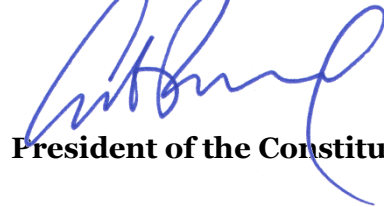
On 27 and 28 October 2016, the Constitutional Court marked the seventh judicial year of the Court by organizing international conference on "*Incidental control as constitutional mechanism in securing constitutionality of laws in countries in transition*". Besides representatives of institutions of the Republic of Kosovo, delegations from constitutional

courts of other countries took part, such as Portugal, Turkey, Bulgaria, Albania and Macedonia.

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

The Constitutional Court and its judges will continue to carry on 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 Secretariat of the Constitutional Court (hereinafter, the Secretariat) for the year 2016. The Secretariat supports the Constitutional Court and ensures the efficient and effective functioning of its administration.

This annual report provides an overview of activities of the Court during the year 2016, with a special focus on the work and results of each department and unit of the administration of the Constitutional Court.

The Secretariat in 2016 was highly committed in reaching objectives and successfully concluding projects foreseen by the Work Plan 2016 and the Strategic Plan of the Court 2014 – 2017.

It was particularly focused on filling vacant positions, training and further professional capacity development of staff and on development and implementation of rules of procedure, with the aim of ensuring a higher performance of the Secretariat within the scope of its responsibilities.

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.

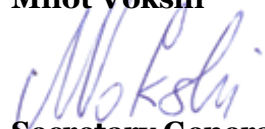
The accomplishment of the identified objectives is a result of the team work of the Secretariat's personnel. Therefore, I take this opportunity to express my gratitude to all the staff of the Secretariat for the given contribution and for the results achieved in the implementation of the work plans and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

I especially thank the donors, whose assistance during 2016 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 2016

Introduction

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

In 2016, the Constitutional Court received 151 new Referrals.

It decided on 172 Referrals submitted to the Court in 2016; it published in the website of the Court and served on the parties 143 decisions.

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

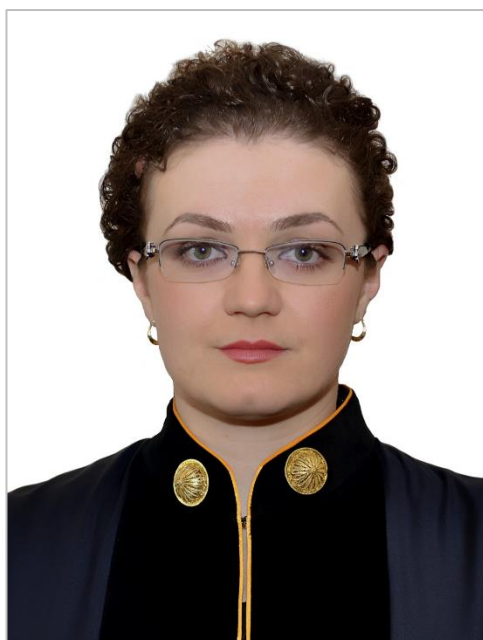
In compliance with Article 115.2 of the Constitution of the Republic of Kosovo and with Rule 14 (3) i) of the Rules of Procedure of the Constitutional Court of Kosovo, the Constitutional Court approved its annual report 2016, in the administrative session held on 6 July 2017.

The Secretariat, pursuant to Article 115.2 of the Constitution of the Republic of Kosovo, and in accordance with Rule 14 of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo, organized 4 (four) administrative sessions and made 15 (fifteen) decisions. Among the most important decisions were:

- Approval of the Annual Report for 2015;
- Decision on amending and supplementing the Practice Direction No. 06/2012 on functioning and structure of the Legal Unit; and
- Approval of the Working Plan of Secretary General for 2016.

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

Arta Rama-Hajrizi, President,
Ivan Čukalović, Deputy President,
Robert Carolan, Judge (until 9 September 2016),
Altay Suroy, Judge,
Almiro Rodrigues, Judge,
Snezhana Botusharova, Judge,
Bekim Sejdiu, Judge,
Selvete Gerxhaliu-Krasniqi, Judge, and
Gresa Caka-Nimani, Judge.



**Arta Rama-Hajrizi,
President**



**Ivan Čukalović,
Deputy President**



**Robert Carolan
Judge (until 9
September 2016)**



**Altay Suroy,
Judge**



**Almiro Rodrigues,
Judge**



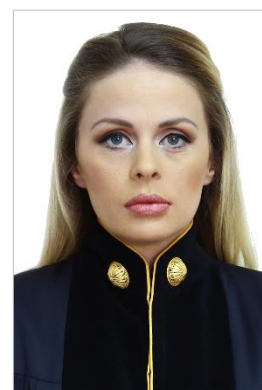
**Snezhana
Botusharova,
Judge**



**Bekim Sejdiu,
Judge**



**Selvete Gerxhaliu-
Krasniqi,
Judge**



**Gresa Caka Nimani,
Judge**

SECRETARIAT OF THE CONSTITUTIONAL COURT

The Secretariat, 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:

- Office of the Secretary General;
- 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 some activities to be conducted in 2016; the Secretariat has accomplished 90% of the planned activities.

The Legal Unit (LU) includes the positions of legal advisors and other legal staff. 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; and
- Regulation No. 01/2016 amending and supplementing Regulation No. 03/2015 for the promotion and transfer of staff of the Constitutional Court of the Republic of Kosovo.

The Secretariat also published:

- Annual Report for 2015; and
- Bulletin of decisions 2015, volume I and II, in three languages.

The Secretariat presented in the administrative sessions:

- Report on the fourth quarter, October-December 2015;
- Report on the first quarter, January-March 2016;
- Report on the second quarter, April-June 2016;
- Report on the third quarter, July-September 2016.

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

I. DEPARTMENT OF ADMINISTRATION AND HUMAN RESOURCES (DAHR)

I. Human resources and capacity building

- Based on the recruitment plan, 3 (three) public vacancies were prepared and published, as well as 1 (one) internal vacancy for promotion. One Legal Advisor (senior) and two Legal Advisors (junior) were selected by a public vacancy. Meanwhile, the senior Legal Advisor and one junior Legal Advisor have started to work in 2016, whereas the other junior Legal Advisor is expected the approval of recommendation of the selection committee in the administrative session.
- On 9 September 2016, the international Judge Robert Carolan submitted his resignation, namely the request not to extend the mandate from the expiry of the decision of 14 June 2016. On 14 September 2016, in accordance with Article 8.2 of the Law no. 03/L-121, the President of the Court requested the Assembly of the Republic of Kosovo to start the procedure for the appointment of a new judge in the Constitutional Court.
- In the reporting period, two junior legal advisors were promoted to the position of Senior Legal Advisor, while there has been a promotion in the horizontal line, namely, an increase of salary for the position of junior legal advisors, legal secretary in the Legal Unit and translators in the CCK.
- In 2016, two senior legal advisors resigned, while a senior legal advisor was allowed unpaid leave for a period of 4 (four) months. On the other hand, the extension of the employment contract was not confirmed to a junior legal advisor due to failure during the probation period.
- In 2016, a total of 3 (three) employees have been contracted for special services; a translator, an administrative assistant, and a finance officer.
- In the reporting period, 7 candidates, selected by public vacancy, have finished internship in the CCK.
- Instructions regarding the assistance in running and supervising the Human Resources have been provided to the line managers in all matters related to the management of staff under their direction.
- The total number of employees in the payroll is 65, of which number 36 are male, or 54%, while 29 are female, or 46%, while in terms of ethnicity 56 are Albanians (83%), 5 Serbs (10%), 2 Turks (3%), 1 Bosnian (2%) and 1 Montenegrin (2%). In this payroll number are included also the former President of the CCK and three officials appointed by him in accordance with the applicable law.
- Completed the effects of the work for the current year 2016 for the administrative staff of the Court.

Figure no. 1: Number of employees by ethnicity:

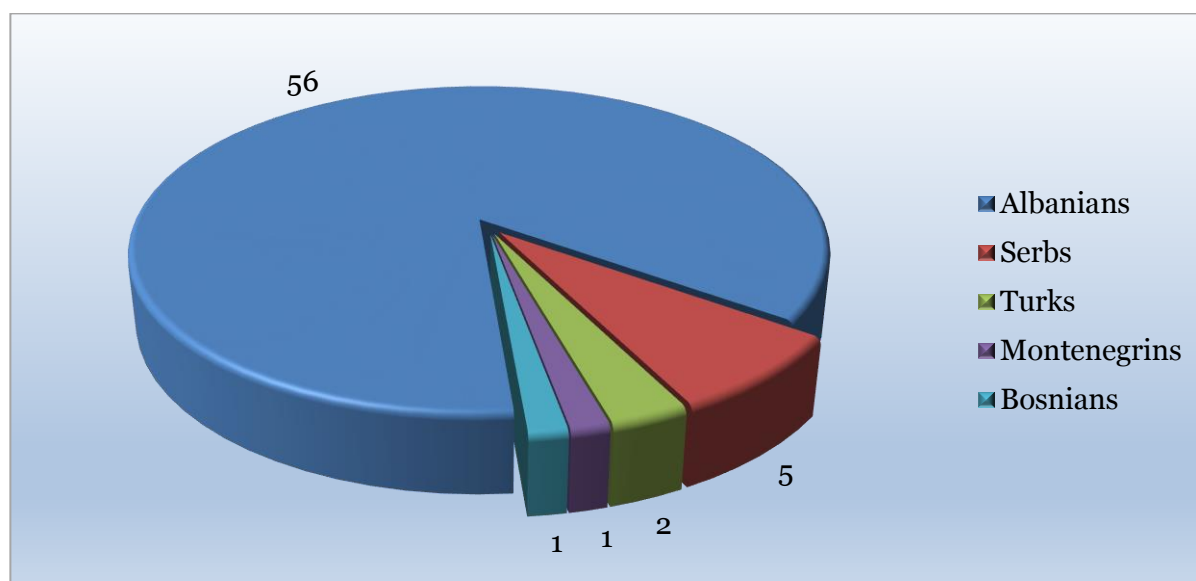
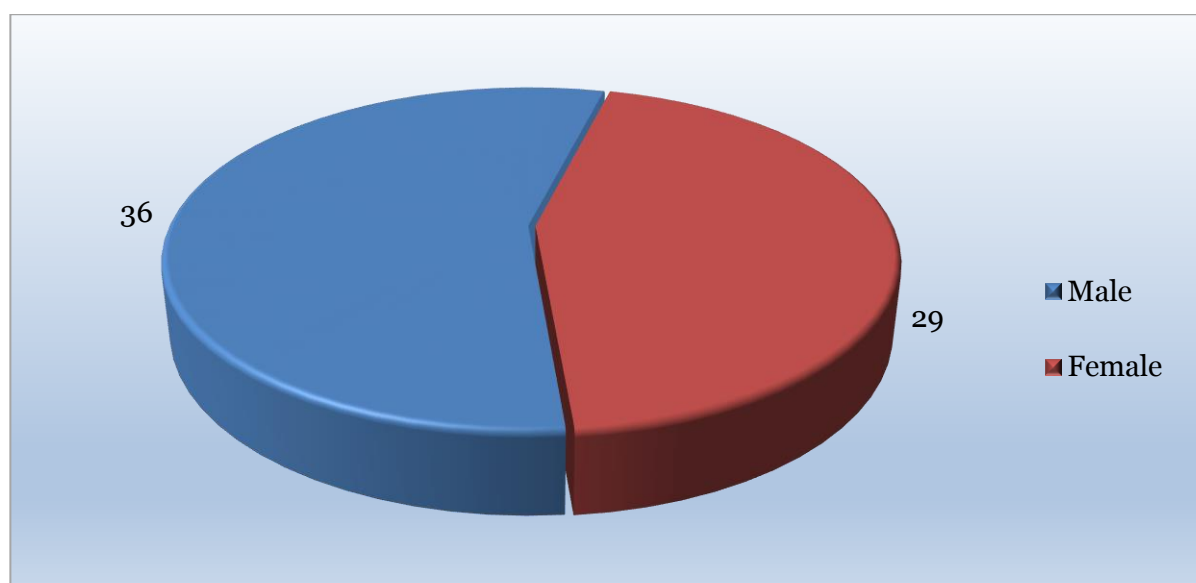


Figure no.2: Number of employees by gender:



II. Capacity building

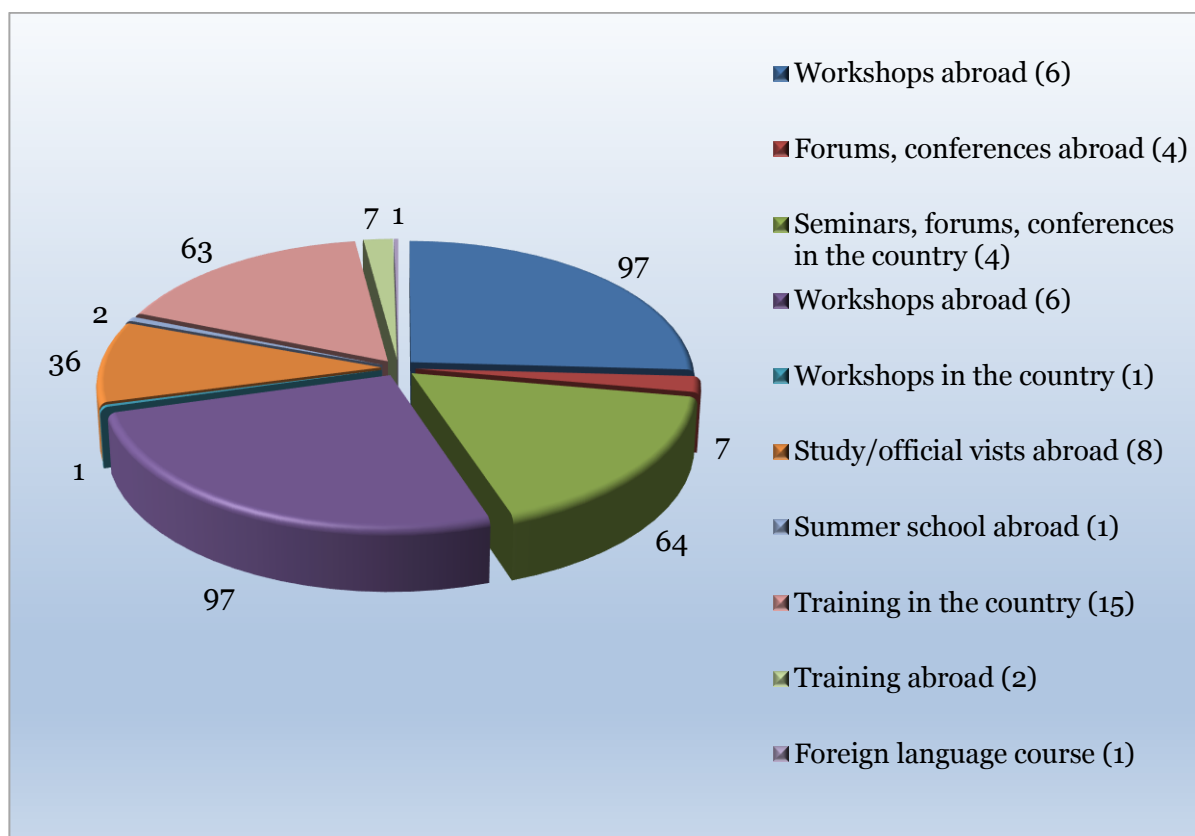
In order to further enhance the capacity and operational capabilities, as well as to implement the staff training policies within the Constitutional Court, in 2016 these activities were organized: workshops abroad (6), workshops inside the country (1), study/official visits abroad (8), conference abroad (3), conference in the country (1), seminar in the country (2), forum abroad (1), forum in the country (1), summer school abroad (1), training in the country (15), training abroad (2), course of foreign languages (1). More specifically:

- Three workshops regarding the implementation of the Strategic Plan 2014-2016 were held in Durres with 53 participants from the Court;

- An orientation workshop for new judges of the Constitutional Court was held in Budva, Montenegro with 24 participants from the Court, including the President of the Court, Arta Rama-Hajrizi;
- A workshop on the topic “On Anti-Corruption” was held in Thessaloniki with 10 participants from the Court, including six (6) judges. Meanwhile, a joint workshop between the Constitutional Court of the Republic of Kosovo and of Albania was held in Durres with 10 participants from the Court;
- A workshop on “Media and institutions: Transparency vs. confidentiality” was held in Prishtina, with one participant from the Court;
- Three members of the Constitutional Court had two 5-month study visits in the Court of Strasbourg, in order to better attain the European judicial practices and their implementation in Kosovo constitutional judiciary;
- Two official visits were paid to the Constitutional Court of the Republic of Albania, in Tirana, with 21 participants, including the President of the Court, Arta Rama-Hajrizi;
- The “Symposium organized on the occasion of 54th anniversary of the Constitutional Court of the Republic of Turkey” was attended by four members of the Court, including the President of the Court, Arta Rama Hajrizi. One judge of the Court participate in the inauguration of the Judicial Year of the Supreme Court of the Republic of Turkey "Day of Honor", in Ankara.
- An official visit took place on the occasion of the 25th anniversary of the establishment of the Constitutional Court of Slovenia, with three participants from the Court, including the President of the Court, Arta Rama-Hajrizi. Another meeting organized by the Constitutional Court of Albania took place in Saranda, with four members of our Court;
- A conference on “Women judges and the rule of law” took place in Washington, with two participants from the Court, including the President of the Court, Arta Rama-Hajrizi. Another conference on “The new generation on the internal audit, solution of problems 2016” was held in Budapest, with two participants from the Court, In addition, a regional conference on “Administrative justice in the Western Balkans” was held in Podgorica, with 2 participants from Court;
- A conference organized by the Council of Europe was held in Prishtina, with 22 participants;
- A Seminar on “The relations of the Constitutional Court and the Supreme Court with the media” organized by the Council of Europe was held in Prishtina, with 10 participants from the Court; Information seminar on “membership and cooperation with the European Commission for Democracy through Law” was held in Prishtina, with 16 participants from the Court, including 4 judges;
- A Regional Forum was held in Sarajevo, with one participant from the Court; Judicial Forum on “ensuring uniform implementation of the European Convention on Human Rights by the Constitutional Court and the regular judiciary” was held in Prishtina, with 16 participants from the Court, including the President of the Court, Arta Rama-Hajrizi;
- A Summer School organized by the Turkish Constitutional Court was held in Turkey, with 2 participants from the Court;

- A training regarding electronic procurement was held in Tirana, with 2 participants from the Court; one other training on “Public Procurement” was held in Durrës, with 5 participants from the Court;
- Trainings within the country: 5 in the field of finance, with 5 participants; 2 in the field of jurisprudence, with 24 participants; 1 for protocol, with 1 participant; 1 training in the field of procurement with 8 modules, organized by the PPRC and KIPA, with 2 participants; 2 training in the field of Information Technology, with 3 participants from the Court; and 1 training with two modules of the ECDL package with 18 participants; 1 training in the field of administration was held in KIPA, with 1 participant; 1 in the field of leadership and public policy, organized by USAID and AUK, with 4 participants; and 1 on “Withholding tax for wages and pension contributions”, with 8 participants from the Court;
- French language course is funded by the French Embassy in Kosovo; classes were held in the library of the Court with 1 participant.

Figure no. 3: Participation in training, workshops, seminars and study visits



III. Administrative and logistic support

- The administrative tasks were run, monitored and successfully managed in a timely and efficient manner in accordance with the mandate of DAHR. In this respect, it was ensured provision of the required services in the field of logistics, transport and control of incoming and outgoing office materials and IT equipment; their supervision and monitoring was conducted.
- A number of 282 invoices were registered in *Free Balance* System, after supply of office materials and IT equipment and services for the work needs of CCK.
- At the same time, the regular maintenance and servicing of vehicles of the Constitutional Court was supervised 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.
- The process of implementation of the CCK Strategic Plan has been managed, as well as additional activities have been taken and the process of implementation of the Action Plan for 2016 has been monitored. In this context, the Action Plan for 2017 has been drafted, in the implementation of the Strategic Plan 2014 -2017, as well as risk management is done by compiling a register of risk in achieving the strategic objectives of the CCK.
- For the reasons above, weekly, monthly and three (3) monthly specific work reports were compiled and timely submitted to the Office of the Secretary General.

IV. Library's services

During 2016, the following books, bulletins, magazines, decisions, reports and official gazettes were received and registered in the library of the Court:

- 4 legal books from Turkish Academy of Justice; 2 books from the French Constitutional Council; 2 books from the International Committee of the Red Cross; 1 book from the Council of Europe; 2 books from the Constitutional Court of Bosnia and Herzegovina; 1 book in German from the political field; 10 books in English of legal field from individual donors; 4 books in Albanian language of legal field, from individual donors; 1 book in Albanian language related to the Convention on Human Rights; 1 book with summary of case law of the Special Chamber of the Supreme Court Privatization Agency of Kosovo Related Matters in Albanian, Serbian and English; 2 legal books from the Slovenian Constitutional Court, one with selected decisions 1991-2015;
- 3 bulletins from the Venice Commission for 2015/1; 2 for 2015/2; 2 for 2015/3; 1 Bulletin of Case Law of CCK, and one bulletin of Case Law of the Supreme Court of Kosovo 2016, in three languages;
- 1 Vienna magazine on the International Constitutional Law, from "ICL Journal" and 1 magazine "FlyInn", February 2016;
- 16 decisions of the Constitutional Court of the Republic of Albania, on the right of property: 1993-2014/2015; 8 selected decisions 1996-2014, and 1 with decisions of 2015, by the Constitutional Court of the Republic of Croatia;

- Annual Report 2015 of Kosovo Trust Agency, in Albanian, Serbian and English, with 1 copy; Annual Report 2015 of Kosovo Property Agency, with a copy in Albanian and in Serbian; and the Annual Report of the Review Panel of Human Rights in Kosovo;
- Official Gazette of the Republic of Kosovo: no. 1, 2, 3, 4 of January 2016, no. 5, 6, 7 of February 2016 and no. 8, 9, 10 of March 2016; no. 11, 12, 13, 14 of April 2016; no. 15, of May 2016; no. 16, 17, 18, 19, 20 of June 2016; no. 21, 22 of June 2016; no. 23, 24, 25, 26, 27, of July 2016; no. 28, 29, 30, 31 of August 2016; no. 32, 33, 34 of September 2016; no. 35, 36 of October and no. 37, 38, 39 of November; each with three copies of the Office for Publication of the Official Gazette.

Conclusion

Despite the limitations and challenges faced, it was managed to provide timely services necessary for the functioning of the Court in the matters that depend on DAHR mandate.

**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 and proof-reading (in Albanian and in Serbian language), transcription and simultaneous interpretation. Thus, the DPS processed over 18. 818 pages, or an average of 69 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 697 hours and 42 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.

DPS 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

DPS 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;
- 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 economic operator, in terms of translation (outside and inside the Court); and
- Successful implementation of all objectives that emerged in 2016 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

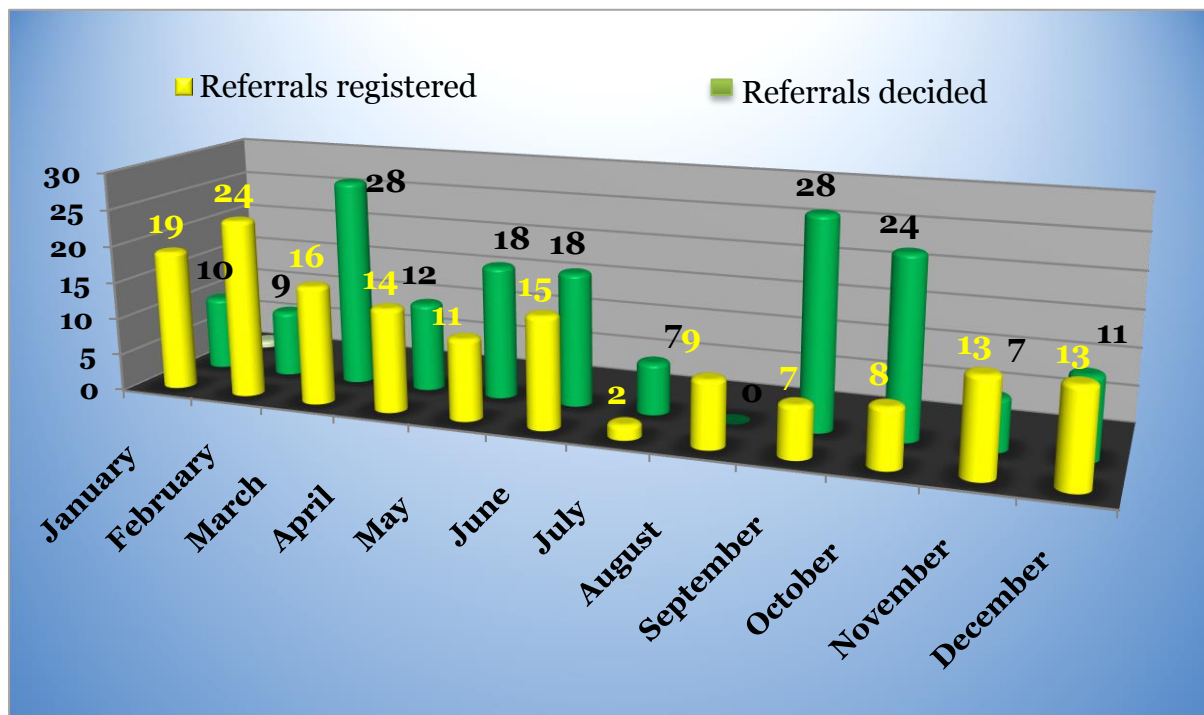
In 2016, the Court has processed a total of 252 Referrals/Cases:

- 101 Referrals carried over from 2014/2015, of which 93 were decided and 8 are being processed;
- 151 Referrals were received in 2016, of which 79 were decided and 72 are being processed;
- a total of 80 Referrals are being processed.

A total of 172 Referrals were decided, or 67,8% of all available cases (252).

In 2016, 143 decisions were published on the Court webpage and served on the parties, while 27 resolved Referrals are in the process of being drafted.

DYNAMICS OF REFERRALS BY MONTHS



In 2016, the Constitutional Court delivered 5 Judgments:

- Judgment in Case KO73/16, submitted by Ombudsperson, constitutional review of Administrative Circular no. 01/2016, issued by the Ministry of Public Administration of the Republic of Kosovo on 21 January 2016;
- Judgment in Case KI65/15, Applicants Tatjana Davila, Ljubiša Marić, Zorica Krsenković, Zlata Jevtić, constitutional Review of the non-execution of three (3) Judgments of the Kosovo Property Agency Appeals Panel of the Supreme Court, namely Judgments nos. GSK-KPA-A-021/12 of the 17 January 2013, GSK-KPA-A 141/

12 of 17 April 2013 and GSK-KPA-A-045/12 of 3 October 2012, and two (2) Decisions of the Kosovo Property Claims Commission, namely KPCC/D/ A/ 211/ 2013 of 21 August 2013 and KPCC/ D /C/ 216/ 2013, of 22 November 2013;

- Judgment in Case KI18/16, submitted by Bedri Salihu, constitutional review of Judgment Rev. no. 308/2015 of the Supreme Court of Kosovo, of 12 November 2015;
- Judgment in Case KI132/15, submitted by Visoki Decani Monastery, constitutional review of two Decisions of 12 June 2015, No. AC-I-13-0008 and No. AC-I-13-0009 of the Appellate Panel of the Special Chamber of the Supreme Court of the Republic of Kosovo on Privatization Agency of Kosovo related matters;
- Judgment in Case KI135/14, Applicant IKK Classic, constitutional review of Judgment E. Rev. no. 21/2014 of the Supreme Court of Kosovo, of 8 April 2014.

2. Submission of Referrals

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. 151 referrals were received in 2016, which means that an average of 12,6 referrals were received per month, and 14,2 were resolved.

The structure of filed Referrals is as follows:

- 134 individual Referrals, or 88,7%, were filed by natural persons;
- 17 Referrals, or 11.3%, by legal persons.

3. Allocation of Referrals

The DCRSA has processed in accordance with Article 22 of the Law on the Constitutional Court all submitted Referrals under Article 113 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 Rule 7 of the Rules of Procedure.

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

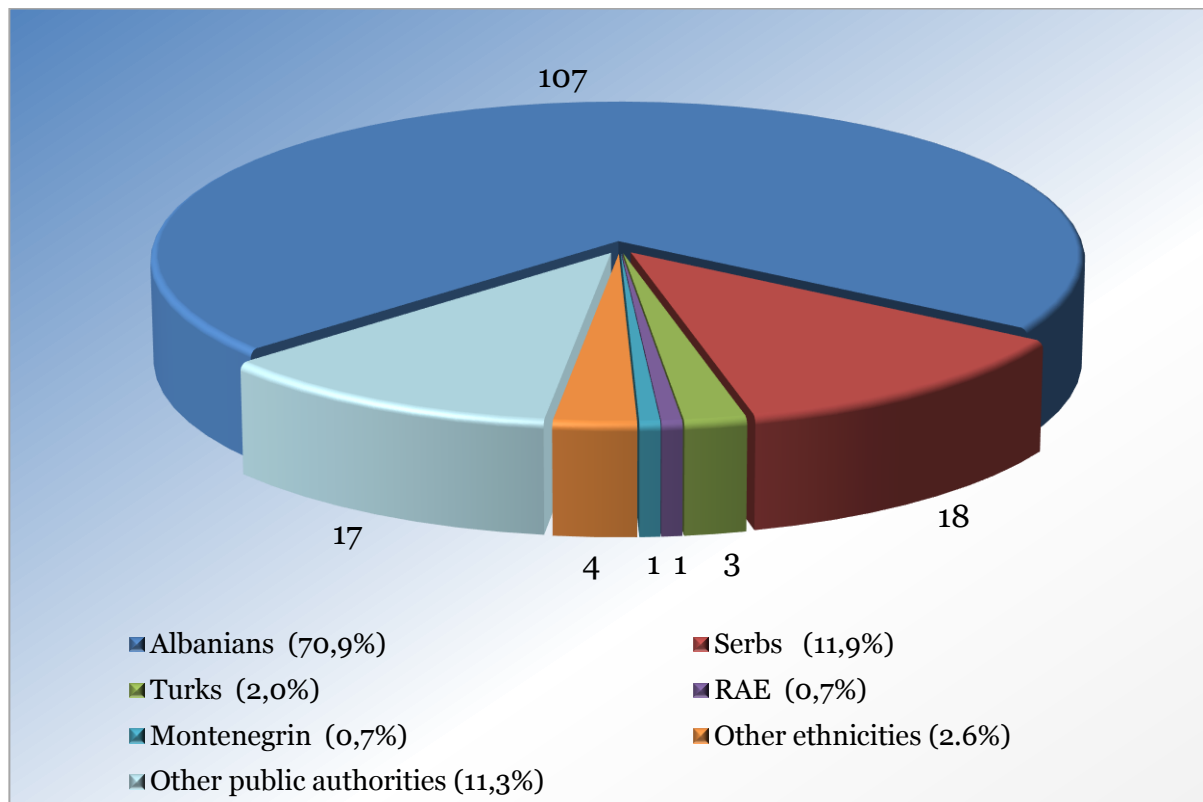
All Kosovo citizens, regardless of ethnic or religious background, have equal access to the Constitutional Court.

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

- 107 Referrals, or 70,9%, were filed by Albanians;
- 18 Referrals, or 11,9%, were filed by Serbs;
- 3 Referrals, or 2,0%, were filed by Turks;

- 1 Referral, or 0.7%, were filed by RAE community;
- 1 Referral, or 0.7%, were filed by Montenegrins;
- 4 Referrals, or 2.6%, were filed by other nationalities;
- 17 Referrals, or 11.3 %, were submitted by other public authorities (legal persons).

ETHNIC STRUCTURE OF APPLICANTS



5. Types of alleged violations

Types of alleged violations of 151 Referrals received in 2016 are as it follows:

- Article 21 [General Principles], 12 cases or 7,9%;
- Article 22 [Direct Applicability of International Agreements and Instruments], 3 cases or 2 %;
- Article 24 [Equality before Law], 16 cases or 10,6 %;
- Article 31 [Right to Fair and Impartial Trial], 56 cases or 37,1%;
- Article 32 [Right to Legal Remedies], 1 case or 0,7%;
- Article 45 [Freedom of Election and Participation], 1 case or 0,7%;
- Article 46 [Protection of Property], 36 cases or 23,8%;
- Article 49 [Right to Work and Exercise Profession], 6 cases or 4,0%;
- Article 51 [Health and Social Protection], 1 case or 0,7 %;
- Article 54 [Judicial Protection of Rights], 3 cases or 2,0 %;
- Constitutional Review of decisions of other public authorities, 8 cases or 5, 3%;
- Constitutional Review of decisions of judiciary, 1 case or 0,7%; and
- Other violations, 5 cases or 3, 3 %.

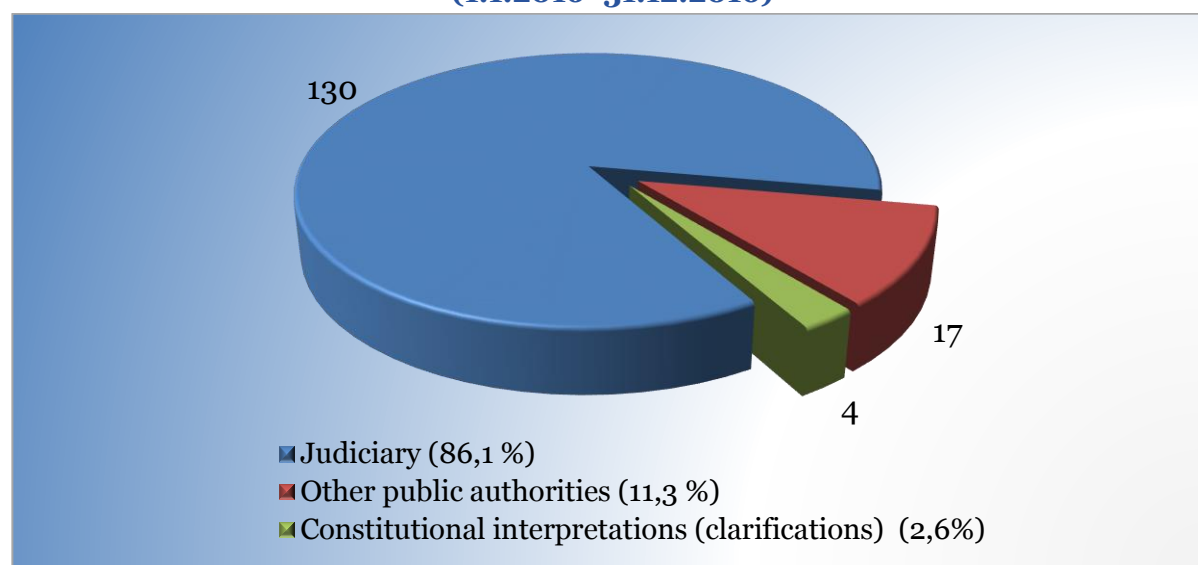
ALLEGED VIOLATIONS BY TYPE (1.1.2016- 31.12.2016)



6. Alleged violators of rights:

- 130 Referrals, or 86,1%, refer to violations allegedly committed by Court Decisions;
- 17 Referrals, or 11,3%, refer to violations allegedly committed by other public authorities; and
- 4 Referrals, or 2,6%, refer to constitutional interpretations (clarifications).

ALLEGED VIOLATORS OF RIGHTS (1.1.2016- 31.12.2016)

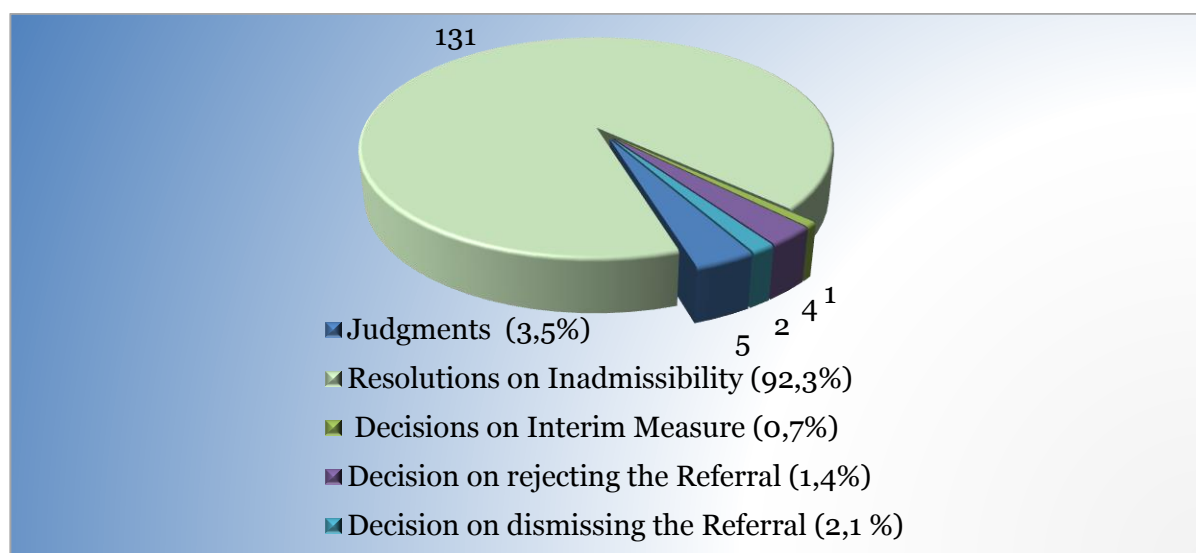


7. Sessions and Review Panels

In 2016, the Constitutional Court held 32 plenary sessions and 122 Review Panel sessions in which the reviewed cases were resolved by judgments, resolutions, decisions on dismissing the Referral, decisions on rejecting the Referral and decisions on interim measure. In this period we had a dissenting opinion (in case of Judgment KI135/14). The structure of the published decisions is as it follows:

- 5 Judgments;
- 131 Resolutions on Inadmissibility;
- 4 Decisions on summarily rejection of the Referral;
- 2 Decisions on rejecting the Referral; and
- 1 Decision on extension of interim measure.

STRUCTURE OF DECISIONS IN NUMBER AND PERCENTAGE



DEPARTMENT OF BUDGET AND FINANCE
(DBF)

IV. DEPARTMENT OF BUDGET AND FINANCE (DBF)

The resources allocated to the Constitutional Court from Kosovo Consolidated Budget, for 2016, are **1,541,413.00€**, while by review of the budget for fiscal year 2016 is **1,501,013.00€**, the difference of the budget by review is **40,500.00€**.

By Government's Decision No. 07/112 of 18.10.2016 on cash savings in the category of wages and salaries were taken € 25,000.00.

By Government's Decision No. 11/120 of 14.12.2016 on cash savings in the category of Capital Investments € 14,500.00.

By Government's Decision No. 01/123 dated 28.12.2016 on cash savings, in the category of goods and services the amount € 1,329.49, the difference of the budget by review is **€ 40,829.49**.

The final budget for fiscal year 2016 in KFMIS is **€ 1,460,183.51**, as well as donations remaining from previous years in the amount of € 22,457.00, and 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
967,548.00€	487,102.51€	3,000.00€	2,533.00€	0.00€	1,460,183.51€

Wages and salaries	Goods and services	Utilities	Capital investment	Subsidies and transfers	Donations	Total
967,548.00€	487,102.51€	3,000.00€	2,533.00€	0.00€	22,457.00€	1,482,640.51€

Approved budget for 2016, allocation and execution for January–December

	Approved budget 2016 (A) €	Allocations January – December (B) €	Executions January–December (C) €	% (C/A) €	% (C/B) €
Wages and salaries	967,548.00	955,388.54	955,388.54	98.74	100
Goods and services	487,102.51	487,102.51	487,102.51	100	100
Utilities	3,000.00	3,000.00	2,497.88	83.26	83.26
Subsidies and transfers	0.00	0.00	0.00	0.00	0.00
Capital investment	2,533.00	2,533.00	2532.09	99.96	99.96
Total	1,460,183.51	1,448,024.05	1,447,521.02	99.13	99.96

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

In the general budget, the participation of allocation for the fiscal year 2016 was € 1,448,024.05 and indicated in percentage 99.16%.

	January- September €	October €	November €	December €	Total €	%
Wages and salaries	713,235.23	78,377.83	81,016.82	82,758.66	955,388.54	98.78
Goods and services	419,968.00	38,467.00	20,000.00	8,670.51	487,012.51	100
Utilities	3,000.0	0.00	0.00	0.00	3,000.00	100
Subsidies and transfers	0.00	0.00	0.00	0.00	0.00	0.00
Capital investment	2,533.00	0.00	0.00	0.00	2,533.00	0.00
Total	1,138,733.23	118,542.88	99,318.77	91,429.17	1,448,024.05	99.16

Budget execution for January-December

Budget execution based on allocation for the fiscal year 2016 was € 1,447,521.02 and indicated in percentage is 99.96%.

Table of budget execution:

	Allocation January –December (A) €	Execution January– December (B) €	Balance (C) €	% (B/A) €
Wages and salaries	955,388.54	955,388.54	0.00	100
Goods and services	487,102.51	487,102.51	0.00	100
Utilities	3,000.00	2,497.88	502.12	83.26
Subsidies and transfers	0.00	0.00	0.00	0.00
Capital investment	2,533.00	2,532.09	0.91	99.96
Total	1,448,024.05	1,447,521.02	503.03	99.96

Budget execution for wages and salaries

Execution of wages and salaries per month:

Month	Number of staff	Budget	Execution	Balance
January	65	80,403.47	80,403.47	0.00
February	65	82,281.46	82,281.46	0.00
March	65	80,513.57	80,513.57	0.00
April	64	78,867.51	78,867.51	0.00
May	64	79,488.79	79,488.79	0.00
June	64	78,826.71	78,826.71	0.00
July	63	76,898.50	76,898.50	0.00
August	63	78,278.96	78,278.96	0.00
September	63	77,676.26	77,676.26	0.00
October	64	78,377.83	78,377.83	0.00

November	65	81,016.82	81,016.82	0.00
December	65	82,758.66	82,758.66	0.00
Total		955,388.54	955,388.54	0.00

Budget execution for goods and services

Execution of the budget in the category of goods and services in fiscal year 2016 per month:

Month	Budget	Allocation	Execution	Balance
January	64,965.00	64,965.00	47,052.95	17,912.05
February	52,000.00	52,000.00	43,853.66	8,146.34
March	53,000.00	53,000.00	35,351.89	17,648.11
April	50,000.00	50,000.00	46,839.78	3,160.22
May	45,000.00	45,000.00	62,304.49	-17,304.49
June	40,000.00	40,000.00	42,792.34	-2,792.34
July	45,000.00	45,000.00	31,985.37	13,014.63
August	20,000.00	20,000.00	30,317.66	-10,317.66
September	50,000.00	50,000.00	43,835.42	6,164.58
October	38,467.00	38,467.00	44,513.62	-,046.62
November	20,000.00	20,000.00	42,262.98	-22,262.98
December	8,670.51	8,670.51	15,992.35	-7,321.84
Total	487,012.51	487,012.51	487,102.51	0.00

Budget allocated for capital investments as per project codes

Projects	Project codes	Approved budget €	Execution €	Balance €
Supply with UPS	15008	2,533.00	2,532.09	0.91
Total		2,533.00	2,532.09	0.91

Budget execution for utilities

Execution of the budget in the category of utilities for 2016 divided per month:¹

Utility expenditure	Destination	Economic code	Approved Budget€	Allocations January December	Execution €
	Expenditures for land line telephony	13250	3,000.00	3,000.00	2,497.88

¹ 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)

On 12 January 2016, the Procurement Unit submitted the final procurement plan for 2016 to the Central Public Procurement Agency, pursuant to Article 8, item 8.2, of the Law on Public Procurement No. 04/L-042, as amended and supplemented by Law No. 04/L-237, Law No. 05/L-068, and Law No. 05/L-092.

The Procurement Unit has initiated and developed a total of 32 procurement procedures in support of the Final Plan of 2016.

the procurement procedures have been classified by their type, value, and the procedure based on the Law on Public Procurement. They are detailed as it follows.

Open procedure (medium value).

In 2016 were initiated and developed a total of nine (9) activities and 12 (twelve) contracts have been signed:

1. Services with non-alcoholic drinks and hot drinks for the needs of staff of the Constitutional Court;
2. Two Lots of Supply of IT equipment:
 - Lot 1 Supply of PC Desktop, Laptop and UPS;
 - Lot 2 Supply of IT accompanying equipment;
3. Three Lots of Servicing and maintenance of CCK vehicles:
 - Lot 1 Servicing and maintenance of vehicles VW, Audi and Shkoda;
 - Lot 2 Servicing and maintenance of vehicle Toyota RAV4; and
 - Lot 3 Servicing and maintenance of vehicle Mitsubishi Lancer 1.5 petrol;
4. Supply of office material;
5. Delivery of supply with handmade silver services;
6. Supply of plane tickets;
7. Insurance of official vehicles TPL, TPL Plus and full Casco EU;
8. Servicing and maintenance of IT equipment (PC, Laptop, Printer, UPS, Scanner);
9. Two Lots of Servicing of sound equipment and security equipment;
 - Lot 1 Servicing of sound equipment and simultaneous translation; and
 - Lot 2 Servicing of security equipment.

a. Negotiated procedure without publication of a contract notice (medium value)

In 2016 the PU initiated and developed one (1) activity and signed a total 5 (five) contracts.

b. Procedure of quotation of prices (medium value)

In 2016 the PU initiated and developed a total of 9 (nine) activities and signed a total 9 (nine) contracts:

1. Supply with various books for the needs of CCK;
2. Supply with mobile devices (Smart Phone) for the needs of the Judges of CCK;
3. Supply and installation of the system for the card reader (access control);
4. Supply with representative material with logo of the Constitutional Court of Kosovo;
5. Training services of the CCK staff in ECDL system;
6. Internal painting with color of the CCK building;
7. Services of design and making functional the two offices in the building of CCK;
8. Services for publication of materials for the needs of CCK;
9. Services for software maintenance (CDMS);

Procedure with minimal value

In 2016 the PU initiated and developed a total of 13 (thirteen) activities and signed a total 13 (thirteen) contracts:

1. Fabric coating of official chairs of CCK;
2. Supply services with representative items;
3. Supply with robes of two judges of CCK;
4. Technical services of painting and politer of vehicle – Passat 2.0 TDI HIGHLINE (4 MOTION), production year 2013;
5. Replacement of the switchboard and servicing of smoke detectors;
6. 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 building of the Constitutional Court;
7. Supply of inventory in the server room at the CCK;
8. Installation of earthing and servicing of the generator;
9. Supply with air conditioners, assembling and filling of air conditioners with freon as well as the dismantling of air conditioner and placement in another office;
10. Services of supervision and professional consultancy;
11. Repair and servicing of hydraulic elevator;
12. Supply with wardrobe for the CCK divers;
13. Requisites for delegations on the occasion of the Judicial Year of CCK.

Tabular presentation of all payments made in 2016 and payments of long-term contracts signed by the PU.

Payments of supplies, services and works for the contracts signed over the years.	Total amount by years
i. Payment according to contracts signed in 2012 & 2013	23,626.53 €
ii. Payment according to contracts signed in 2014	148,657.42 €
iii. Payment according to contracts signed in 2015	63,164.96 €
iv. Payment according to contracts signed in 2016	92,183.56 €
Total amount (i+ii+iii+iv)	327,632.47 €

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

VI. INFORMATION TECHNOLOGY, COMMUNICATIONS AND MULTIMEDIA UNIT (ITCMU)

The **ITCMU** is responsible for providing professional care services and general infrastructure of information technology in the Constitutional Court.

In 2016, the **ITCMU** 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

- Implementation of Access Control system for recording entry-exit through the IR-cards at the Court building;
- Implementation of IPTV for judges through VOIP platform, connected by PTK;
- Creation of referral form for submission to the Constitutional Court in electronic form and published on the official website;
- Modification of security cameras and video surveillance system, replacement and upgrading of analog cameras in HD, to increase the building security;
- Compilation of the draft proposal for staff training in ECDL.

Activities taken

- Management and organization of technical and operational duties within the Unit;
- Control and maintenance of the system of the Court domain and creation of the security policies in servers;
- Completion of the design of “Information Bulletin” magazine and its submission to the Directorate for Information;
- Initiation of the process and specifications for the purchase of IT equipment according to the foreseen plan;
- Advancement in establishing Windows 10 operating systems and other application software;
- Creation of a back-up and transfer of back-up servers in the space of the Data-Center ASHI;
- Updating new versions for IP-tel, extraction and analysis of the costs of VOIP phone system;
- Participation in two workshops for Strategic Plan of the Constitutional Court;
- Participation in training “IT - Project Management”;
- Participation in training “Course 20410: Installing and Configuring Windows Server 2012”;
- Maintenance of translation system during the sessions in the courtroom;
- Publication of 142 decisions in the official webpage in three official languages;
- Care and service provision for system maintenance and information technology and communication equipment;
- Maintenance of creation of copies (back-up) of the Court domain and CDMS system.

AUDITING

VII. INTERNAL AUDITING UNIT (IAU)

1. Internal Audit

In accordance with the annual plan for 2016, the IAU has finished in time all planned audits, such as:

- Management of case registration and archive;
- Staff management;
- Management of vehicles;
- Management of expenditures;
- Procurement management.

The IAU drafted and submitted within the certain time limit:

- Strategic plan of internal audit for period 2017-2019; and
- Annual plan of internal audit 2017.

The IAU conducted all internal audits 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.

The IAU made a continuous follow-up actions 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 regard, took care of implementing the audit recommendations made by both, the internal auditor and general auditors. This has contributed to increasing the quality of activities and performance of the institution.

The IAU has implemented the plan for 2016 and conducted follow-up visits for implementation of the recommendations.

2. Internal Audit Committee

The Internal Audit Committee is an independent advisory body of the Constitutional Court. That Committee 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 2016, the Internal Audit Committee held 4 meetings and provided oversight of the plans, reports and the implementation of the recommendations made by auditors.

3. External Audit

The Office of the Auditor General completed the interim audit phase in December 2016 for financial statements of 2016. The Court has received the Audit Memo, whereby it is concluded that *“Management and budget execution was at a good level, 73% of the budget execution for the nine-month period January- September 2016. The controls in the area of expenditures, the management of personnel and assets are functional and are also being implemented effectively. The CCK has also prepared the annual plan of the organization in accordance with strategic plan. Furthermore, the CCK has prepared a register of risks and their management.”*

The Constitutional Court, for this stage of the audit, has received only one (1) 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.

However, the Legal Advisors employed by the Court are not civil servants; they have the status of professional staff for an indefinite period, with specific working conditions as provided by the Law on Court, 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 currently composed of eleven (11) senior Legal Advisors, two (2) junior Legal Advisors and one (1) Legal Secretary. The current composition of the Legal Unit includes one international senior Legal Advisor. The local members of the Unit belong to different ethnicities.

The Legal Unit is managed by the Chief Legal Advisor and two Deputy Chief Legal Advisors. The Chief Legal Advisor liaises with the President of the Court and the Secretary General.

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 progress from the moment when it is assigned to a Legal Advisor up to its publication on the Court's official 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 attended professional workshops throughout the year. A complete list of activities of the Legal Advisors can be found in Section VII of this Report (Activities of the Court).

The Court, in cooperation with the Council of Europe and the Embassy of Switzerland, has successfully completed the study visit project (2014-2016) for its Legal Advisors, that consisted in sending each time two Legal Advisors for a five-month study visit in the Secretariat of the European Court of Human Rights in Strasbourg. The purpose of this project was the training of Legal Advisors through enhancing their capabilities in drafting preliminary reports and decisions.

The Legal Advisors have also attended ten (10) other professional workshops organized by the Council of Europe Office in Prishtina, concerning the analysis and study of specific cases related to Articles 2, 3, 5, 6, 8, 10, 13 and 14 of the European Convention on Human Rights.

The Legal Unit remains committed to increasing its professionalism through the accomplishment of various projects provided and made possible by the strategic donors and partners of the Constitutional Court.

**COMMUNICATION AND INFORMATION OFFICE
(CIO)**

IX. COMMUNICATION AND INFORMATION OFFICE (CIO)

The CIO, within the scope of its responsibilities, 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 2016, in the CIO carried out the activities that follow.

I. Communication with the media/public

- Drafted 43 media weekly reports;
- Published annual media report for 2016, 27 press releases and 49 internal notifications regarding the work and activities of the Court;
- Archived the physical and electronic media reports (351 articles) and of electronic (626 articles) on the work of the Court;
- Submitted responses to 114 questions by the print and electronic media and 19 questions/requests by citizens.

II. Protocol activities

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

III. Requests for access to official documents

- The CIO submitted the annual report on requests for access to official documents of the Court in 2016.
- The CIO received a total of 8 requests for access to official documents of the Court; 7 requests were entirely allowed, while only 1 request was partially allowed.

IV. Communication with parties /citizens

In 2016, the reception of the Court registered:

- 770 citizens;
- 127 institutional representatives; and
- 23 media representatives.

V. Cooperation with the Venice Commission

- The Court answered to 74 questions submitted through the Forum of the Venice Commission by 13 constitutional courts and supreme courts of the member states.
- The CIO submitted 3 four-month reports, together with the most important decisions of the Court for publication in the Bulletin of the Venice Commission.
- The Court submitted 5 questions to the Forum of constitutional and supreme courts of the Venice Commission member states. The CIO received responses from 11 constitutional and supreme courts member states.

ACTIVITIES OF THE CONSTITUTIONAL COURT

X. ACTIVITIES OF THE CONSTITUTIONAL COURT

I. Official travels

24 - 26 February 2016

A delegation of the Constitutional Court of the Republic of Kosovo, led by the President of the Court, Arta Rama-Hajrizi, has travelled to Tirana on a two-day official visit on 24 February 2016.

During its stay in the capital of Albania, the delegation of the Constitutional Court held meetings with the President of the Constitutional Court of the Republic of Albania, Mr. Bashkim Dedja, with the President of the Supreme Court of the Republic of Albania, Mr. Xhezair Zaganjori, and with Minister of Justice of the Republic of Albania, Mr. Ylli Manjani.

The delegation of the Constitutional Court and President Rama-Hajrizi were also received in a special meeting by the President of the Republic of Albania, Mr. Bujar Nishani, on 26 February 2016.

18 - 19 March 2016

Judge Altay Suroy participated in the third regional forum on the rule of law for Southeast Europe, at the invitation of AIRE Center and Civil Rights Defenders supported by the United Kingdom Foreign Office and the Swedish Government on 18 and 19 March 2016, in Sarajevo, Bosnia and Herzegovina.

The purpose of the Forum was to promote the implementation of the European Convention on Human Rights in the region, regional cooperation in the ongoing development of the rule of law and human rights, and to support the process of regional integration in the EU.

13 - 18 March 2016

Mr. Veton Dula, Director of Communication and Information Office, and Ms. Arta Balaj, Head of President's Cabinet, conducted a study visit to the European Court on Human Rights and Council of Europe institutions and participated in a seminar on "The ECtHR standards and the EC on the Right to Freedom of Expression" on 13 - 18 March 2016, in Strasbourg, France.

The visit to Strasbourg was supported by Thomson Foundation and has offered the opportunity to the officials of our Court to further enhance the professional relationships and meet the distinguished professionals of the Council of Europe and the European Court of Human Rights in the field of law and media.

23 - 25 March 2016

A delegation of the Constitutional Court, consisting of legal advisors and administrative staff, stayed for a study visit in the Constitutional Court of the Republic of Albania from 23 to 25 March 2016.

During the visit, the delegation of the Constitutional Court was closely introduced with the organization and working methods of the Legal Department and other departments that operate within the Constitutional Court of the Republic of Albania.

25 - 26 April 2016

At the invitation of the Constitutional Court of the Republic of Turkey, a delegation of the Constitutional Court, led by the President, Mrs. Arta Rama-Hajrizi, participated in the international symposium on “*The execution of judgments concerning constitutional complaints and their effects*”, which was held in the Turkish capital on 25 and 26 April 2015.

The symposium was organized on the occasion of the celebration of the 54th anniversary of the establishment of the Constitutional Court of Turkey.

During her stay in Ankara, President Rama-Hajrizi met with the President of the Constitutional Court of Turkey, Mr. Zühtü Arslan, and together they signed a memorandum of cooperation on behalf of the two courts. The memorandum of cooperation includes a range of activities in the field of mutual legal research, professional training and mutual exchange of experiences between the two constitutional courts.

18 - 21 May 2016

The Secretary General of the Constitutional Court, Mr. Milot Vokshi, and Mr. Admir Vokshi, Director of Finance, attended the International Conference on “*New Generation of Internal Audit - Problem Resolution 2016*”, held on 19 to 20 May 2016 in Budapest, Hungary.

23 - 31 May 2016

At the invitation by the Association of Women Judges, the President of the Constitutional Court, Mrs. Arta Rama-Hajrizi, and the Chief of Cabinet, Mrs. Arta Balaj, stayed on an official visit in the US and attended the biennial international Conference of IAWJ on “*Women Judges and Rule of Law: Assessing the Past, Anticipating the Future*”, which was held from 26 to 29 May 2016 in Washington DC, USA.

6 - 9 June 2016

Mr. Veton Dula, Director of Communication Office, as the liaison officer between the Constitutional Court and the Venice Commission, participated in the 15th meeting of the Joint Council on Constitutional Justice of the Venice Commission on 6-9 June 2016, in Venice, Italy.

22 - 24 June 2016

At the invitation of the Constitutional Court of the Republic of Slovenia, a delegation of the Constitutional Court, led by the President, Mrs. Arta Rama-Hajrizi, attended the ceremony of the 25th anniversary of the establishment of the Constitutional Court of Slovenia followed by a Conference, on 23 June 2016, in Bled of Slovenia.

During the visit in Slovenia, President Rama-Hajrizi also met the President of the Constitutional Court of Slovenia, Mr. Miroslav Mogetič.

1 September 2016

At the invitation of the Constitutional Court of the Republic of Turkey, Judge Altay Suroy participated in the inauguration ceremony of the Judicial Year of the Supreme Court of the Republic of Turkey, on 1 September 2016, in Ankara.

21 - 22 September 2016

At the invitation of the Constitutional Court of the Republic of Bulgaria, the President of the Constitutional Court, Mrs. Arta Rama-Hajrizi, and Judge Snezhana Botusharova participated in an international conference on *“The Protection of Fundamental Citizens’ Rights and National Security in the Modern World: Role of Constitutional Courts”*, organized on the occasion of the 25th anniversary of the establishment of the Constitutional Court of Bulgaria.

During their stay in Sofia, President Rama-Hajrizi and Judge Snezhana Botusharova were received in a special meeting by the President of the Constitutional Court of Bulgaria, Mr. Boris Velchev, while individual meetings were held also with other counterparts from the regional and European constitutional courts, who participated in this international conference.

17 - 19 October 2016

At the invitation of the Ministry of Justice of the Republic of Turkey, Judge Altay Suroy attended the Congress of the International Law, on 17-19 October 2016, in Istanbul, Turkey.

19 - 21 December 2016

At the invitation of the Constitutional Court of Montenegro, the President of the Constitutional Court, Mrs. Arta Rama-Hajrizi, and Judge Gresa Caka-Nimani, participated in the International Conference on *“The role of the Constitutional Court in developing the Rule of Law: Protection of human rights and fundamental freedoms”*, organized on the occasion of the tenth anniversary of the establishment of the Constitutional Court of Montenegro.

During their stay in Montenegro, President Rama-Hajrizi and Judge Caka-Nimani were hosted in a separate meeting by the President of the Constitutional Court of Montenegro, Ms. Desanka Lopičić, while they had separate meetings with other counterparts of other regional and European constitutional courts, participants in the international conference.

II. Official visits at the Constitutional Court/Other activities

19 January 2016

Judges of the Constitutional Court, led by the President, Arta Rama-Hajrizi, participated in the International Conference organized by the Council of Europe Office in Kosovo on *“Interpretation and implementation of the European Convention on Human Rights by Constitutional Courts of the Western Balkans”*, on 19 January 2016, in Prishtina.

President Rama-Hajrizi delivered a speech on *“Challenges and perspectives of the implementation of the European Convention for Human Rights (ECHR) by the Constitutional Court of Kosovo.”*

1 - 4 February 2016

The Constitutional Court held a workshop of the Action Plan of the Strategic Plan of the Constitutional Court, on 1-4 February 2016, in Durres, Albania.

8 April 2016

A delegation of the Supreme Court of the Republic of Albania, led by President Mr. Xhezair Zaganjori, paid a courtesy visit to the Constitutional Court, where they were welcomed by President Ms. Arta Rama-Hajrizi and judges of the Court.

18 - 21 April 2016

The Constitutional Court organized an orientation workshop for new judges of the Constitutional Court, in Budva, Montenegro.

10 - 12 May 2016

The Constitutional Court welcomed a delegation from the Constitutional Court of the Republic of Albania. On this occasion, the President of the Constitutional Court, Mrs. Arta Rama-Hajrizi, received in a meeting the President of the Constitutional Court of the Republic of Albania, Mr. Bashkim Dedja, accompanied by the judges Mrs. Altina Xhoxhaj and Mr. Fatmir Hoxha, on 11 May 2016, in Prishtina.

The delegation of the Constitutional Court of Albania stayed on an official visit in Kosovo at the invitation of the Constitutional Court and on this occasion it also met with leaders of other state institutions.

13 May 2016

The Constitutional Court was visited by a group of students from the Faculty of Law “Haxhi Zeka” from Peja. They were welcomed by Judge Mr. Bekim Sejdiu and Legal Advisor Mr. Sevdail Kastrati. The purpose of this visit was to discuss about existing competencies and challenges of the Constitutional Court.

May 2016

With the support of the Council of Europe Project to support the implementation of the European Standards on Human Rights, the seminars for the legal advisors of the Constitutional Court were held on:

1. “*The right to freedom of assembly under Article 11 of the European Convention on Human Rights and other International Instruments: Overview, Principles and Main Cases*”; the seminar was moderated by Alexander Vashkevich, Professor of the European University of Human Sciences (Vilnius, Lithuania) and former judge of the Constitutional Court of Belarus and was held on 13 May 2016, in Prishtina.
2. “*The case law of the European Court of Human Rights on Article 9 of the Convention and Article 9 Freedom of Religion*”, held on 13 May 2016, in Prishtina.

3. *“European Standards for Protection against Discrimination (with a focus on sexual orientation and gender identity)”*, held on 21 June 2016, in Prishtina.

1 - 4 June 2016

The Constitutional Court of the Republic of Albania in cooperation with the Constitutional Court of the Republic of Kosovo held a roundtable on *“Novelties of the draft law on the organization and functioning of the Constitutional Court”* under the Law Reform, held on 1 - 4 June 2016, in Saranda, Albania.

A delegation of the Constitutional Court, composed of legal advisors and administrative staff, represented the Constitutional Court in this joint roundtable.

6 - 9 June 2016

The Constitutional Court held a workshop of the Action Plan of the Strategic Plan of the Constitutional Court, on 6 - 9 June 2016, in Durres, Albania.

14 June 2016

Legal Advisors of the Constitutional Court and of the Supreme Court participated in a joint workshop on *“Constitutional and Supreme Court Relations with the Media”*, held on 14 July 2016, in Prishtina.

Supported by the German Foundation for International Legal Cooperation (IRZ), the workshop aimed at training the legal advisors of both courts on active and professional relations with the media, benefits and advantages of good relations with the public, and interpretation of court decisions in the media.

The moderator of the workshop was Prof. Dr. Jan Bergmann, Presiding Judge at the Administrative Court of the Land of Baden-Württemberg in Germany, who also elaborated on the differences between confidentiality and transparency in the work of the courts.

6 - 9 September 2016

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 *“Anticorruption”*, in Thessaloniki, on 7 and 8 September 2016.

The workshop was attended by judges and legal advisors from both courts, who among others discussed and exchanged their points of view on the judiciary mechanisms and its role in fighting corruption, and the right to fair and impartial trial in cases of corruption based on the case law of the Constitutional Court of Kosovo.

The workshop attendees were given the opportunity to become more closely acquainted with the international case law and instruments for the prevention and fight against corruption, and particularly with the legal framework and judicial mechanisms for the fight against corruption in Austria.

Prof. Dr. Matthias Hartwig, lecturer of the International Public Law and Constitutional Law at the Heidelberg University, Germany, and Dr. Johannes Windisch, Public Prosecutor at the

Austrian Public Prosecutor's Office, participated in this topic through their presentations on the fight against economic crime and corruption in Vienna and were also the moderators of this workshop.

6 October - 9 October 2016

The Constitutional Court held a workshop of the Action Plan of the Strategic Plan of the Constitutional Court, on 6-9 October 2016, in Tirana, Albania.

25 October - 26 October 2016

The Constitutional Court marked the Seventh Judicial Year by a solemn ceremony, on 26 October 2016, in Prishtina.

The ceremony was attended by highest-rank state officials, accredited representatives of diplomatic missions and international organizations in the country as well as highest-level delegations of the Constitutional Courts of Albania, Macedonia, Turkey, Croatia, Portugal, Bulgaria, Montenegro and of the Supreme Court of Albania.

The President of the Constitutional Court, Mrs. Arta Rama-Hajrizi, the President of the Republic of Kosovo, Mr. Hashim Thaçi, the Prime Minister of the Republic of Kosovo, Mr. Isa Mustafa, the President of the Assembly of the Republic of Kosovo, Mr. Kadri Veseli, and the Minister of Justice, Mrs. Dhurata Hoxha, addressed an occasional speech to the participants attending this ceremony.

On 27 October 2016, it was held the first International Conference on "*Incidental control as a constitutional mechanism in ensuring the constitutionality of laws in the countries in transition*".

31 October - 1 November 2016

The Constitutional Court, in cooperation with the Legal Reform Project of the German Corporation for International Cooperation (GIZ), organized a workshop on "*Media and Institutions: Transparency vs. Confidentiality*", on 31 October and 1 November 2016, in Prishtina.

The purpose of the workshop was to discuss the challenges faced by the Constitutional Court and other state institutions during their daily work vis-à-vis the national media. Among others, matters such as the most practical types of communication with the media, drafting and development of the strategic communication objectives, selection of the most effective communication methods and the line between transparency and confidentiality in the work of the institutions vis-à-vis the media were discussed during this workshop.

The moderator of the workshop was Dr. Bernd Odörfer, Judge and Spokesperson of the Higher Regional Court of Stuttgart, who had previously acted as a spokesperson of the Federal Constitutional Court of Germany.

8 November 2016

Within the project of the Council of Europe "Improving the protection of European standards for human rights by the Constitutional Court", funded by the Government of Switzerland, the

Constitutional Court organized informative seminar for membership and association with the European Commission for Democracy through Law ("Venice Commission"), on 8 November 2016, in Prishtina.

The information seminar aimed, in particular, the sustainable improvement of the understanding and effective protection of European standards for human rights by the Constitutional Court and other local public institutions. The information seminar also aimed to inform the main local actors involved in the work of the Venice Commission about its mandate and its functioning in three main areas - democratic institutions and fundamental rights, constitutional justice and elections - and provide basis to discuss any issues and challenges that may arise in relation with the Venice Commission.

5 - 6 December 2016

The Constitutional Court of the Republic of Albania in cooperation with the Constitutional Court of the Republic of Kosovo held a joint roundtable on "Recent developments in the activity of the Constitutional Court and the Constitutional Court of Albania", on 5- 6 December 2016 in Durrës, Albania.

A delegation of the Constitutional Court, composed of legal advisors, directors and administrative staff, represented the Constitutional Court in this joint roundtable.

15 December 2016

Within the project of the Council of Europe "Improvement of the protection of European standards of human rights by the Constitutional Court", funded by the Government of Switzerland, the Constitutional Court organized a Judicial Forum on ensuring the uniform implementation of the European Convention on Human Rights by the constitutional courts and regular judiciary, on 15 December 2016, in Prishtina.

The Judicial Forum aimed, in particular, to sustainably improve understanding and effectively protect the European standards for human rights by the Constitutional Court and other local public institutions. The Forum also aimed to compare the access to the constitutional courts and regular courts on the implementation of the European Convention on Human Rights as well as to provide a forum for discussion about their respective roles in strengthening the human rights and the harmonization of the case law in compliance with the Council of Europe standards.

APPENDIX I

APPENDIX I

Summary of accounts of the Constitutional Court for 2016 Statement of Cash Receipts and Payments

Notes	2015			2015			2014		
	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	1,445,955.62			1,406,124.00			1,384,900.00		
Own source revenues									
Special Purpose Fund Appropriations									
Designated Donor Grants							84,600.00		
Fond of loans									
Other									
Total Receipts	1,445,955.62	-		1,406,124.00	-	-	1,469,500.00	-	-
Payments									
Operations									
Wages and allowances	2	955,388.54		917,678.00			837,307.00		
Goods and Services	3	485,537.11		485,328.00			595,351.00		
Utilities	4	2,497.88		3,118.00			7,074.00		
		<u>1,443,423.53</u>		<u>1,406,124.00</u>			<u>1,439,732.00</u>		
Transfers									
Transfers and Subsidies	5								
Capital Expenditures									
Property, building and equipment	6	2,532.09					29,767.00		
Loan Returns	7								
Other Payments	8								
Total Payments		2,532.09	-	-	-	-	29,767.00	-	-

Budget Execution Report

		2016				2015	2014
		Original Budget (Appropriate)	Original Budget (Appropriate)	Actual	Variance	Actual	Actual
		A	B	C	D=C-B	E	F
		€	€	€	€	€	€
Cash inflows into Treasury Accounts	Notes						
Tax revenues	9						
Non-tax revenues	10						
Dedicated revenues	11						
Grants and Assistance	12		22,457.00				84,600.00
Loans	13						
Other	14						
Total KCB Receipts Collected		-	22,457.00	-	-		84,600.00
Cash Outflows from Treasury Account							
Wages and allowances	2	1,022,548.00	967,548.00	955,389.00	(12,159.00)	917,678.00	837,307.00
Goods and Services	3	489,965.00	487,103.00	485,537.00	(1,566.00)	485,328.00	595,351.00
Utilities	4	4,000.00	3,000.00	2,498.00	(502.00)	3,118.00	7,074.00
Transfers and Subsidies	5						
Capital Expenditures	6	25,000.00	2,533.00	2,532.00	(1.00)	29,767	29,767.00
Privatization Fund	7						
Other	8						
Total Payments made through KCB		1,541,513.00	1,460,184.00	1,445,956.00	(30,677)	1,406,124.00	1,469,499.00

General Fund Appropriations 2016

Economic Classification	2016			2015	2014
	KCB	OSR	Total		
	€	€	€	€	€
Wages and allowances	955,389.00		955,389.00	917,678.00	837,307.00
Goods and Services	485,537.00		485,537.00	485,328.00	595,351.00
Utilities	2,498.00		2,498.00	3,118.00	7,074.00
Transfers and Subsidies					
Capital Expenditures	2,532.00				29,767.00
	1,445,956.00	-	1,445,956.00	1,406,124.00	1,469,499.00

ORGANIZATIONAL CHART



REPUBLIKA E KOSOVËS - РЕПУБЛИКА КОСОВО - REPUBLIC OF KOSOVO

GJYKATA KUSHTETUESE УСТАВНИ СУД CONSTITUTIONAL COURT

