



REPUBLIKA E KOSOVËS - REPUBLIKA KOSOVO - REPUBLIC OF KOSOVO

GJYKATA KUSHTETUESE

USTAVNI SUD

CONSTITUTIONAL COURT

Prishtina, on 7 July 2023

Ref. No.: KK 233/23

In accordance with paragraph 2 of Article 112 [General Principles], paragraph 1 of Article 115 [Organization of the Constitutional Court] of the Constitution of the Republic of Kosovo, Article 2 (Organization of the Work of the Constitutional Court), Article 10 (Duties of judges) and Article 11 (President and Deputy President) of Law no. 03/L-121 on the Constitutional Court of the Republic of Kosovo and in accordance with subparagraphs (a) and (b) of paragraph 1 of Rule 10 (Functions of the President) and paragraph 1 of Rule 14 (Administrative Sessions) of the Rules of Procedure of the Constitutional Court, No. 01/2018 adopted on 31 May 2018, namely subparagraphs (a) and (b) of paragraph 2 of Rule 10 (Duties of the President) and paragraph 1 of Rule 14 (Administrative Sessions) of the Rules of Procedure of the Constitutional Court, No. 01/2023 adopted on 27 June 2023, and implementing Decision no. Ref. KK224-8/21, of 6 September 2021, supplemented and amended by Decision No. Ref.KK.205/23 of 12 June, 2023 on the amendment and consolidation of the Code of Ethics for the Judges of the Constitutional Court, the Constitutional Court following the administrative session of 27 June 2023, adopts this:

CODE OF ETHICS

FOR THE JUDGES OF THE CONSTITUTIONAL COURT

Article 1

Purpose and scope

1. This Code shall serve as a guide for the conduct of the Judges of the Constitutional Court and is led by respect and honoring of the values of the Constitution of the Republic of Kosovo, the protection and advancement of justice and the rule of law, and the protection of fundamental human rights and freedoms.
2. The Judges are obliged to always act according to the highest standards of ethical and professional conduct throughout the exercise of their functions and activity within the Constitutional Court and also in their activity outside the Constitutional Court.

Article 2

General principles

1. The Judges shall exercise their duties and functions in accordance with the oath of the Judge of the Constitutional Court as defined in Article 7 (Appointment and commencement of mandate) of the Law on the Constitutional Court.
2. The Judges are obliged to perform their functions with conscience and impartiality, to decide on their own free will in compliance with the Constitution, as well as they are obliged to preserve the reputation and dignity of the Constitutional Court, as defined in Article 10 (Duties of judges) of the Law on the Constitutional Court.
3. Each Judge is obliged to participate in the work and decision-making process of the Constitutional Court, as well as to perform any other duties as defined by the Law and the Rules of Procedure, as defined in Article 10 (Duties of judges) and Article 19 (Taking of the decisions) of the Law on the Constitutional Court.
4. The Judges shall exercise their functions and activities with complete independence, integrity, dignity, and impartiality, with a high level of confidentiality and loyalty to their duties and always preserve the citizens' trust in justice and the Constitutional Court.
5. The Judges shall demonstrate the highest standards of professional and ethical conduct, including courtesy, collegiality and respect, in the manner they express themselves while exercising their function as members of the Constitutional Court, and shall ensure that their actions and statements are always professional and in full respect of the principle of collegiality and the dignity of the other.
6. The Judges shall demonstrate the same standards during the interaction with the parties to the proceedings, their representatives, and other persons with whom they interact in an official and personal capacity.

Article 3

Independence

1. While exercising their judicial functions, the Judges shall be independent from any institution, public authority or from any private entity.
2. The Judges shall not be subject to any influence of any kind, whether external or internal, direct or indirect. They shall refrain from any activity, expression, and association and shall refuse to follow any instruction and shall avoid any situation that could be considered to interfere with their judicial function or adversely affect public confidence in their independence.

Article 4 Impartiality

1. The Judges shall exercise their judicial functions impartially, fairly, and equally, without prejudice and bias based on race, gender, ethnicity, sexual orientation or any other personal status.
2. The Judges shall not undertake any action or express themselves in any way that may raise reasonable doubts regarding their independence and impartiality and that may affect the confidence of citizens in the independence, integrity, and dignity of their function.
3. The Judges shall exercise the utmost caution and avoid any interaction with parties or persons related to the cases under consideration.
4. If the Judges consider that the conditions for recusal as defined in Article 18 (Exclusion of a Judge) of the Law on the Constitutional Court and Rule 38 (Procedure for Recusal of Judges) of the Rules of Procedure no. 01/2023 have been met or believe that there are circumstances that raise reasonable doubts about their impartiality, the Judges shall request recusal from participation in the proceedings according to the relevant provisions of the Law on the Constitutional Court and its Rules of Procedure. Furthermore, the Judges shall avoid any situation that could raise suspicions about a conflict of interest or could even be perceived as such.
5. The Judges shall not use the prestige of their judicial position for any personal gain. The Judges shall not accept any gift, favour or advantage that may be related to their duties or functions, for themselves or any family member. This applies equally to, but is not limited to, gifts of appreciation or hospitality, except of protocol gifts of modest value.

Article 5 Integrity

The conduct of Judges shall be consistent with the high moral character that is a criterion for their judicial function. The Judges shall be aware at all times of their duty and act with integrity, dignity, loyalty, and due discretion in preserving the authority and reputation of the Constitutional Court.

Article 6 Confidentiality

1. The Judges are obliged to preserve the confidentiality of non-public, classified, or legally protected information that they receive in the course of exercising their judicial functions, including but not limited to those set forth in Rule 61 (Confidentiality) and Rule 52 (Deliberation) and Rule 53 (Voting) of the Rules of Procedure no. 01/2023.

2. The Judges shall preserve the secrecy of deliberations and voting and always act and express themselves with the appropriate self-restraint required by their function.
3. The Judges shall not convey confidential information to anyone outside the Constitutional Court, either intentionally or negligently, including but not limited to information related to cases, discussions held during deliberations and non-public hearings, non-public information related to internal administration, as well as any other information protected by law and obtained during the exercise of the judge's function.

Article 7 Loyalty

1. The Judges shall respect their obligation of loyalty to the Constitutional Court.
2. The Judges shall use the services of the officials and other employees of the institution, in a reasonable and respectful manner.
3. The Judges shall responsibly manage the material resources of the institution.
4. The Judges shall refrain from making any statement outside the institution that could damage their reputation.

Article 8 Professional skills

1. The Judges shall perform their duties with full dedication, diligence, professionalism, and utmost caution, in a fair and efficient manner and in full compliance with the Constitution, the legislation applicable in the Republic of Kosovo, and the internal regulations of the Constitutional Court.
2. The Judges shall be committed to continuously improve their professional skills and knowledge and commit to being informed about the latest developments in the field of constitutional law and relevant local, regional, and international jurisprudence.

Article 9 Freedom of expression

1. The Judges shall exercise their freedom of expression in a manner compatible with their judicial function, with loyalty to the Constitutional Court and in such a way that does not violate the dignity, reputation, and authority of other judges and the Constitutional Court and the trust of citizens in the Constitutional Court.
2. The Judges shall refrain from any reaction, expression of opinions, and comments related to the cases under consideration in the Constitutional Court, in any form, before the publication of a final decision.

3. The Judges shall refrain from reactions, expressions of opinions, and comments related to the published decisions of the Constitutional Court and its work in general, in any form, that may harm the dignity and reputation of other judges and the Constitutional Court, as well as the trust of citizens in the Constitutional Court. This applies equally to exercising the judicial function and representing the Constitutional Court and to academic activities or other public or private activities outside the Constitutional Court.
4. Dissenting and Concurring Opinions of the Judges of the Court shall always be in accordance with the Law on the Constitutional Court, the Rules of Procedure, this Code of Ethics and the standards established through the Opinions of the Venice Commission. Expressing a dissenting opinion in these separate opinions must always reflect loyalty to the Constitutional Court and the preservation of the authority, dignity, and credibility of all Judges and the Constitutional Court.
5. The Judges shall exercise the utmost caution in the use of social media.

Article 10 **Additional activities**

1. The Judges shall give priority to their work as judges and any additional engagement of the Judges shall be in full compliance with their independence, impartiality, and duties as judges.
2. The Judges shall not engage in any type of additional activity, profitable or not, that is incompatible with their function as defined in Article 5 (Incompatibility of function) of the Law on the Constitutional Court.

Article 11 **Implementation of the Code after the end of the mandate as judges**

1. The provisions of this Code shall continue to apply to judges even after the end of their mandate as judges, insofar as they are applicable. The Judges continue to be obliged to act with integrity, dignity, loyalty to the Constitutional Court and in compliance with the obligation of confidentiality, even after the end of their mandate as judges.
2. The Judges shall refrain from reactions, expressions of opinions, and comments related to the published decisions of the Constitutional Court and its work in general, in any form, that may harm the dignity and reputation of other judges and the Constitutional Court, as well as the trust of citizens in the Constitutional Court, even after the end of their mandates as judges.

Article 12
Interpretation and application

1. The interpretation of this Code is done exclusively by the Constitutional Court, in the spirit of international standards and rules that govern the ethics and conduct of judges.
2. The President of the Constitutional Court establishes a Consultative Commission composed of the three (3) most senior judges in office, as defined in Rule 11 (Precedence of Judges) of the Rules of Procedure no. 01/2023. The President of the Constitutional Court, assisted by the Consultative Commission, is responsible for ensuring the proper implementation of this Code of Ethics.
3. If the subject of evaluation and interpretation is the conduct of the President, the Deputy President shall replace the President, while one additional member will be added to the Consultative Commission, namely the next oldest judge in office. Whereas, if the conduct of another member of the Consultative Commission is subject to evaluation and interpretation, the said member of the Consultative Commission shall be replaced by the next senior judge in office. Without prejudice to the provisions of the Law on the Constitutional Court and the Rules of Procedure, the Consultative Commission, in an individual case, shall give the relevant opinion to the judge or former judge in question after hearing him.

Article 13
Entry into force

1. This Code shall enter into force at the moment of its signing, after adoption by the majority of votes of all judges in an administrative session.
2. Upon the entry into force of this Code, the Code of Judicial Conduct, adopted in 2013, shall be repealed.

Prishtina, on 7 July 2023

President of the Constitutional Court

Gresa Caka-Niman

