



REPUBLIKA E KOSOVËS - REPUBLIKA KOSOVO - REPUBLIC OF KOSOVO
GJYKATA KUSHTETUESE
USTAVNI SUD
CONSTITUTIONAL COURT

ANNUAL REPORT

2023

Prishtina, 2024

ANNUAL REPORT 2023

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FOREWORD BY THE PRESIDENT OF THE CONSTITUTIONAL COURT

The year 2023 marks a not necessarily easy, but nevertheless successful journey for the Constitutional Court. The Constitutional Court is growing and developing together with the Republic of Kosovo. Therefore, the moments that marked the year we left behind are inevitably related to the stages and trends of development of a new state and democracy, such as the Republic of Kosovo.

The Constitutional Court of the Republic of Kosovo, in accomplishing its mission as guardian of the Constitution, in 2023 has further deepened its institutional consolidation, as well as the development of case law, based on democratic values and principles of the rule of law, as stemming from the constitutional norms, the case law of the European Court of Human Rights and the best international practices. In this Annual Report, readers can find a summary of the judicial activity of the Court during 2023, as well as important information related to the work of the Court and each of its departments. The statistical data presented here provide a clear overview of the referrals received and resolved, the typology of constitutional violations alleged before the Court, administrative activities, official visits and workshops held, as well as detailed information regarding the management of public finances.

The year 2023 has marked a similar trend to the previous year in terms of new registered referrals. A total of 294 new referrals were registered, while 112 were inherited from previous years. 276 of the referrals registered in 2023 were submitted by natural and legal persons, while 18 referrals were submitted by public authorities. In 2023, the highest number of referrals submitted by state authorities within a single calendar year was recorded, including in the context of the number of contested laws. Throughout 2023, 209 decisions have been resolved and published on the Court's website, of which (i) 33 Judgments, 17 of which related to institutional referrals; (ii) 147 Resolutions on Inadmissibility as a result of the assessment of the merits and/or procedural admissibility criteria of the respective cases; and (iii) 10 Decisions to reject referrals and 19 other decisions and/or orders.

This judicial activity, with a high number of registered and resolved referrals, beyond presenting challenges, has also presented opportunities for the further development and consolidation of constitutional justice in the country. I highlight here the institutional referrals, through which issues such as: (i) the separation and interaction of powers and the independence of the judicial branch and prosecutorial system; (ii) separation of powers and interaction between the central and local levels; (iii) the operation of the public administration; (iv) free market economy; and (v) media freedom, including the independence and oversight of the public broadcaster have been addressed. In addition, through the decisions relating to individual referrals, the Court's case-law has been further built and consolidated, including with respect to issues such as: (i) prevention of domestic violence and implementation of the Istanbul Convention; (ii) various aspects of the right to a fair trial, including the principle of equality of arms and presenting evidence in criminal proceedings, the court/tribunal established by law, as well as the prolongation of court proceedings; (iii) the right to liberty and security, in the context of legal terms for detention; (iv) license as property right; and (v) active and/or passive electoral rights.

In what follows, I will outline briefly and succinctly the landmark decisions of the Court from these categories. As can be seen from the full decisions, which the reader can find on the Court's website in Albanian, Serbian, English and sometimes in French, each of these decisions were preceded by an in-depth analysis, with reference to comparative practice and relevant international standards for the respective field and/or issue.

The year 2023 was characterized by initiatives for essential reforms in the justice system. The Constitutional Court has had the opportunity to address certain aspects related to these initiatives within its constitutional competencies for preventive control and preliminary assessment of the constitutionality of constitutional amendments. There are two important judgments that have further consolidated the constitutional principles of separation of powers and independence of the judicial and prosecutorial system. Both of these Judgments that will be briefly described below, in essence, reflect that the proper functioning and administration of justice, including public trust in this system, reflect one of the most essential principles of a democratic society based on the rule of law, which principle is a fundamental value of the constitutional order of the Republic of Kosovo.

In the Judgment in the joint cases KO100/22 and KO101/22, in which the Court assessed the constitutionality of the law, by which the law in force on the Kosovo Prosecutorial Council was amended and supplemented, the Court reiterated that the separation and interaction of powers is one of the fundamental values embodied in the Constitution and on which the constitutional order of the Republic of Kosovo is based. The Court further emphasized that the Constitution has established the mechanisms of control and interaction between the three independent branches that constitute the classic triangle of separation of powers, but also in relation to the independent constitutional institutions. The essence of the separation of powers lies precisely in how these powers must control and balance one another, without creating any interference, dependency or subordination of other powers. In this spirit, this Judgment clarified, among other things, important aspects related to (i) the independence of the prosecutorial system, including the relevant obligations for accountability, based on the constitutional order of the Republic of Kosovo and the necessary balance between prosecutor and lay members of the Prosecutorial Council; (ii) the constitutional competencies of the Ombudsperson; (iii) the issue of the security of prosecutors' mandates and its close correlation with the independence of prosecutors in particular and the prosecutorial system in general; and (iv) equality before the law in the context of legal remedies and judicial protection of rights.

The separation of powers and the independence of the judicial system have also been the keywords in the Court's Judgment in case KO55/23, regarding the preliminary assessment of the constitutional amendments for the vetting in the justice system. The Court has again emphasized the role of the Judicial Council and of the Prosecutorial Council as independent constitutional institutions in the state architecture of the Republic of Kosovo. Emphasizing that the independence of the judicial system is the cornerstone of the rule of law, this Judgment brings to light again the close correlation between the manner in which judges and prosecutors are appointed and dismissed and their independence. The Judgment further elaborates that, taking into account the close correlation between the independence of the judiciary and the prosecutorial system with the security of tenure of judges and prosecutors, the criteria for their dismissal should provide the highest level of security and legal foreseeability. By this Judgment, the Court has paved the way for the undertaking of the vetting in the justice system, as a reform that, according to the clarifications given in the Judgment in question, must nevertheless contain the necessary safeguards for human rights and freedoms and guarantee the basic constitutional values.

In the reporting year, the Court also published Judgments related to two important legal initiatives related to the reform of the public administration, referrals which were referred to the Court by the Ombudsperson. The referrals registered as KO216/22 and KO220/22 (joined cases) and KO79/23 brought back for constitutional review before the Constitutional Court the Law on Public Officials and the Law on Salaries in the Public Sector, respectively. The fact that for both of these cases the Court had already said its word once in 2020 and the same were returning for its assessment, among others, reflected the fact that the principles elaborated in detail through the Court's case-law were not necessarily taken into account in

their entirety, from the other two branches of power in the process of drafting the respective new laws.

Through the two new Judgments, the Court partially repealed the two contested laws before it, namely the Law on Public Officials and the Law on Salaries in the Public Sector. The Court again emphasized the essential constitutional principles, including in the context of the Law on Public Officials, issues that, among other things, are related to: (i) the independence of independent constitutional institutions in relation to the oversight competence of the Government; (ii) the principle of legal certainty and foreseeability, in the context of the legal effect of a norm on rights acquired after and before its entry into force; and (iii) the right to legal remedy and judicial protection. As for the Law on Salaries in the Public Sector, according to the scope of the referral of the Ombudsperson, the Court limited the constitutional review assessment only to the category of functionaries/officials/employees whose salary level was reduced by the law in question. Among other things, the relevant provisions were assessed in terms of (i) salary reduction for judges and prosecutors, categories which represented the most affected category proportionally, with a reduction of up to fifty (50%) percent of the amount of the preliminary salary; (ii) reducing the salaries of functionaries, officials and other employees; (iii) the difference in the treatment of the foreign service of the Republic of Kosovo; (iv) the difference in treatment in the context of the salary level for employees after the entry into force of the law in question; and (v) the change of the formula for calculating the allowance for work experience that affected the reduction of the amount of this allowance for the entire category of public officials for the first fifteen (15) years of work experience.

Among the basic premises of the constitutional review of the contested provisions of both of these laws, was the position, consolidated through the practice of the Court, that (i) the Assembly has the full constitutional competence for the adoption of laws and the selection of policies, as far as that the adopted laws are in compliance with the Constitution and the values and principles proclaimed therein; and (ii) according to its consolidated case-law in the constitutional review of contested acts, the Court focuses only on the interpretation and protection of constitutional norms and not on the assessment of the selection of public policy that led to the adoption of a law. Same as the Judgment in relation to the Law on Public Officials, the review of the Law on Salaries in the Public Sector was subjected to a profound analysis, based on the Court's jurisprudence, the case-law of the European Court of Human Rights, that of the Court of Justice of the European Union, as well as the comparative practice of other constitutional courts and also the relevant Opinions and Reports of the Venice Commission and the Consultative Council of European Judges.

Throughout 2023, through its case-law, the Court also clarified the essential principles that relate to the free market economy. More precisely, the Judgment in case KO173/22, concerning the constitutional review of Law no. 08/L-179 on Interim Measures of Essential Products in Special Cases of Destabilization in the Market, for the first time addressed the concept of the free market economy, in accordance with articles 7 [Values], 10 [Economy] and 119 [General Principles] of the Constitution. The Judgement emphasized firstly that the market economy is a value of the Republic of Kosovo and that the market economy with free competition is the basis of the economic regulation of the Republic of Kosovo. It further clarified that in principle and in the context of the common denominator stemming from the decisions of the European Court of Human Rights, the Court of Justice of the European Union and the comparative practice of other constitutional courts member of the Forum of the Venice Commission, interim protective measures in the context of import, export, including circumstances of market destabilization, are possible, insofar as the latter are "*prescribed by law*", follow a "*legitimate goal*" and are strictly "*proportional*". However, the Judgment clarified that based on paragraph 5 of Article 119 [General Principles] of the Constitution, independent bodies for market regulation have the competence to impose such restrictive measures. Briefly summarized, the Court assessed that while the contested provisions of the law in question, in principle, established restrictive measures through law, which followed a

legitimate goal and were proportional, the condition of their establishment by independent bodies was not fulfilled. Moreover, the contested Law had not amended and/or repealed the relevant provisions of other applicable laws in the Republic of Kosovo, namely (i) Law no. 03/L-244 on State Reserves of Goods; and (ii) Law no. 2004/18 on Internal Trade in conjunction with Law no. 04/L-005 on Amending and Supplementing Law no. 2004/18 on Internal Trade, which define similar mechanisms for interim measures of essential products in specific cases, thus resulting in several laws applicable in the same field with different regulations and definitions, and consequently, contrary to the principle of legal certainty, as an essential value of the constitutional order of the Republic of Kosovo.

Throughout 2023, the Court also further consolidated the principles related to local self-government and the interaction between local and central government. The judgments in the joint cases KO159/21 and KO160/21 and in the case KO177/23, have analyzed and applied in the circumstances of the respective cases the principles regarding local self-government as defined by the Constitution, the European Charter for Local Self-Government, as well as the relevant Opinions of the Venice Commission. Through these Judgments, the Court, among other things, further elaborated issues related to the exercise of full and exclusive competencies of the municipalities and the administrative control of the central authorities over the local ones, reiterating, among other things, that (i) the basic territorial unit of self-government local in the Republic of Kosovo are the municipalities and their competencies are regulated by law; (ii) municipalities have “*own*”, “*extended*” and “*delegated*” competencies; and (iii) the administrative review of municipal acts by the central authorities in the field of their competences, is limited to ensuring compliance with the Constitution and the law.

Furthermore, it is worth mentioning the Judgment in case KO134/21, which allowed the Court to elaborate for the first time some specific aspects related to the constitutional values defined by Article 7 [Values], Article 40 [Freedom of Expression] and Article 42 [Freedom of Media] of the Constitution. In assessing the act of the Assembly, through which the members of the governing body of RTK, the public broadcaster in Kosovo, were dismissed collectively, in addition to the case law of the European Court of Human Rights, the Court analyzed the principles and standards that stem from a series of acts of the Committee of Ministers of the Parliamentary Assembly of the Council of Europe, Opinions of the Venice Commission and reports of the European Broadcasting Union. The judgment emphasized that the guarantees for the independence and autonomy of the public broadcaster derive from the constitutional guarantees and applicable international instruments regarding freedom of expression and freedom of media according to the interpretation of the European Court of Human Rights, but also the Law on RTK itself. In this case, the Court found that the Assembly had exceeded the limits of its oversight competence established in paragraph 9 of Article 65 [Competencies of the Assembly] of the Constitution and, moreover, had violated the independence of the public broadcaster, whose role is essential for freedom and pluralism of the media in a democratic society, thus contrary to the values defined in paragraph 1 of article 7 [Values] of the Constitution of the Republic of Kosovo.

Finally, and in the context of the interpretation of the fundamental rights and freedoms defined in the Constitution and applicable international instruments, the Court, throughout the reporting year, beyond consolidating its case-law, has also expanded the latter. Below, in a very succinct manner, I will outline some of the individual cases that deserve special attention due to their typology and importance in terms of establishing the principles and standards of constitutional justice regarding the fundamental rights and freedoms, with an emphasis on (i) the right to life and the positive obligations of the state arising from the European Convention on Human Rights and the Istanbul Convention; (ii) active and passive electoral rights, with an emphasis on the freedom and secrecy of the vote; (iii) the right to liberty and security, with an emphasis on the applicable criteria regarding the imposition and extension of the detention measure; and (iv) the right to a fair and impartial trial, with an

emphasis on access to justice, prolonged court proceedings and the necessary criteria for the imposition of security and/or interim measures.

In the context of the first category, it is worth highlighting the Judgment in the case KI129/21, through which the Court has interpreted the obligations of state institutions within the meaning of Article 25 [Right to Life] of the Constitution, also in the light of the obligations which the Republic of Kosovo has assumed through the Convention of the Council of Europe on Preventing and Combating Violence Against Women and Domestic Violence, implementing for the first time in its practice this international instrument, known as the Istanbul Convention. While the Istanbul Convention represents a novelty in the constitutional order of the Republic of Kosovo, the assessment of the (in)actions of the state authorities to protect life in the context of domestic violence, unfortunately, is not a completely new ground in the Court's jurisprudence, since the Court in fact, in its beginnings, found a violation of the right to life in case KI41/12.

In the context of the second category, the Judgment of the Court in case KI69/21 is of particular importance, through which the constitutional principles related to the equal, free and secret vote in the constitutional order of the Republic of Kosovo were emphasized. Through this Judgment and based on the principles stemming from the case-law of the European Court of Human Rights, the Framework Convention of the Council of Europe for the Protection of National Minorities, the Venice Commission, the common denominators stemming from the case law of other Constitutional Courts, essential principles related to passive and active electoral rights have been clarified as per the provisions of Article 45 [Freedom of Election and Participation] of the Constitution in conjunction with Article 3 (Right to free elections) of Protocol no. 1 of the European Convention on Human Rights. Through this Judgment, the Court, among others, has emphasized that despite the fact that the Constitution of the Republic of Kosovo provides for guaranteed seats for communities that are not the majority, active voting rights cannot be subject to any kind of conditionality, because based on the Constitution, the vote is equal, free and secret.

In the context of the third category, the Court has established principles related to the right to liberty and security in the context of the criteria necessary for imposing and/or extending detention. Through the Judgments in cases KI129/22, KI55/22 and KI85/22, the Court has addressed Article 29 [Right to Liberty and Security] of the Constitution in conjunction with Article 5 (Right to liberty and security) of the European Convention on Human Rights, in the context of the legal terms for detention before the relevant indictments are filed. The findings of the Court in the circumstances of the cases at hand, in principle, emphasize that any limitation of the right to liberty and security, through detention measures for the accused in criminal proceedings by the competent court, must be in accordance with the legal deadlines defined in the applicable law and have been reasoned in the context of the essential allegations of the respective parties.

Finally, and in the context of the fourth category, the Court further consolidated the principles related to the right to a fair and impartial trial, guaranteed by Article 31 [Right to Fair and Impartial Trial] of the Constitution in conjunction with Article 6 (Right to a fair trial) of the European Convention on Human Rights, as one of the constitutional rights with an essential role for the rule of law. Throughout 2023, specific aspects of this right have been addressed, including judgments in the cases: (i) KI161/21, in the context of the equality of arms and presenting of evidence in criminal proceedings and the importance of taking into account evidence in the context of domestic violence; (ii) KI214/21, in the context of access to justice and the assessment of the legality of presidential decrees by regular courts; (iii) KO64/23, in the context of judgment within a reasonable time, namely the prolongation of court proceedings, reiterating the applicable standards in this context; and (iv) KI21/23, KI36/22 and KI143/22, in the context of the legal criteria and proportionality necessary in the

establishment of security and/or interim measures by the regular courts until the final and/or meritorious resolution of the respective cases.

The full decisions of the cases as above and all other decisions of the Court, including summaries and relevant outlets for the public, are published on the website of the Court in the two official languages of the Republic of Kosovo, in English and in some cases, also in French. Also, all of the most important Judgments and Decisions are summarized and published in the Bulletins of case law of the Constitutional Court that are published on the Court's website on a monthly, quarterly and annual basis.

In addition to the judicial activity, the Court has undertaken and implemented a series of activities designed to further advance the quality and efficiency of its internal operation and to strengthen mechanisms for increased transparency and effective communication with the public. In accordance with the objectives and strategic goals specified in the Strategic Plan (2021-2025) of the Court, a total 80% of the activities planned according to the Strategic Plan's Action Plan (2021-2023) have been implemented, which can be divided into two groups.

The first group includes the updating and advancement of the internal regulation and especially the entry into force of the Court's Rules of Procedure no. 01/2023 in July of the past year. Among the most essential changes that can be highlighted in the new Rules are: (i) increasing of efficiency in decision-making through, among other things, shortening the internal procedural deadlines related to the publication of a court decision after decision-making; (ii) increasing of transparency, especially in judicial decision-making, among other things, through the publication of the ratio of votes for and against a decision, in contrast to the previous system through which the court's decision-making was made public only by noting whether a decision was taken by unanimous vote or by majority, as well as opening for dissenting and concurring opinions of judges all categories of Court decisions, unlike the previous system, where the latter were possible only in relation to Judgments; (iii) increasing of the transparency and accountability of the Court through the consolidation of principles and procedures for access to court documents, including confidential ones; and (iv) consolidation of internal mechanisms for systematic and regular supervision of the implementation of the Court's decisions. In this regard, the Court in 2023, with the support of the Council of Europe, has also invested in improving the technical and technological infrastructure, with a direct impact on increasing the quality and efficiency of all operations, including those related to judicial decision-making.

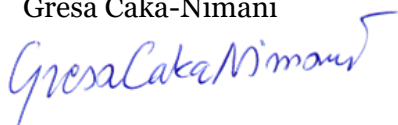
The second group of issues refers to the Court's external communication, including its communication and cooperation with supranational courts and peer international courts. In addition to regular communication with the public through the publication of decision-making notifications, three types of periodic reports, as well as addressing all requests for access to public documents, the Court in 2023 added Facebook as a platform for communication with citizens. Throughout this year, it has also undertaken activities aimed at advancing cooperation with civil society in order to continuously improve transparency and accountability. Alongside external communication, the Court has also placed special emphasis on enhancing its internal communication capacities and its organizational culture. These efforts were finalized with the approval of the Charter of Values as an internal document aimed at aligning all Court employees in a common system of values and principles.

The year 2023 has been an important year in terms of international cooperation and affirmation of the Constitutional Court of the Republic of Kosovo. The Court has continued its close cooperation with peer member courts of the Venice Commission Forum, as well as conducted professional exchanges with the European Court of Human Rights and the Court of Justice of the European Union. Thanks to the existing tradition of cooperation with the European Court of Human Rights, judges and professional staff of the Court have been placed in the aforementioned Court for certain periods. An important moment was especially the

establishment of the Balkan Constitutional Courts Forum, in which the Court participates for the first time as a co-founder and as an equal member with other participating constitutional courts. Finally, the excellent reputation and respect enjoyed by the Court in the context of constitutional justice was best demonstrated on the occasion of marking the 14th anniversary of its establishment. We were honored and humbled to welcome to the Republic of Kosovo the presidents and judges of the delegations of the Constitutional and High Courts from various countries in Europe and beyond, as well as representatives from the European Court of Human Rights, the Venice Commission and internationally renowned academics. In addition to the Presidents of the Courts from many European countries and representatives from the United States of America, the Court was also honored by the participation of the President of the Constitutional Council of the Republic of France, Mr. Laurent Fabius, thus resulting in the further strengthening of the cooperation of the Constitutional Court with colleagues from the Republic of France and other Francophone Constitutional Courts.

These achievements of the Constitutional Court, outlined as above and presented through the numbers and statistics on the pages of this Report, are the result of the tireless work and the relentless commitment of the judges of the Court, the Constitutional Legal Advisors, the Secretary General and the entire staff of Court. This synergy is the key to a performance that fulfills the mandate and constitutional mission of the Court. In addition, gratitude is also extended to the Court's continuing partners, including but not limited to the Council of Europe, the French Embassy, the US Embassy and the US Agency for International Development, the German Embassy and the German IRZ. Reflecting back on a year of achievements, despite the challenges, is the best motivation to continue the work and sincere commitment towards upholding and protecting constitutional rights and freedoms, the values of the rule of law, democracy and the rule of law - for our citizens, for our Republic.

Gresa Caka-Nimani



President of the Constitutional Court of the Republic of Kosovo

ANNUAL REPORT OF THE CONSTITUTIONAL COURT FOR 2023

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

In 2023, the Constitutional Court received 294 new referrals, while it decided on 184 referrals. Whereas, including cases which have been transferred from previous years and decided in 2023, the Court published on its website and served to the parties 209 decisions.

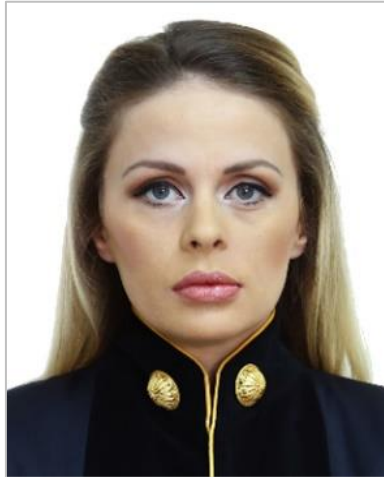
All the decisions of the Constitutional Court were published in the Official Gazette of the Republic of Kosovo.

In accordance with paragraph 2 of Article 115 [Organization of the Constitutional Court] of the Constitution and in accordance with Rule 14 (Administrative Sessions) of the Rules of Procedure of the Constitutional Court of the Republic of Kosovo no. 01/2023 ((hereinafter: the Rules of Procedure of the Court), the Constitutional Court approved its Annual Report for 2023, on 12 April 2024.

In accordance with paragraph 2 of Article 115 [Organization of the Constitutional Court] of the Constitution and in accordance with Rule 16 (Secretariat) of the Rules of Procedures of the Constitutional Court of the Republic of Kosovo no. 01/2023, the Secretariat in 2023 organized holding of (9) administrative sessions. In these administrative sessions thirty-three (33) decisions were rendered.

The Constitutional Court of the Republic of Kosovo in 2023 was composed of:

Gresa Caka-Nimani, President
Bajram Ljatifi, Deputy President;
Selvete Gërxhaliu-Krasniqi, Judge;
Safet Hoxha, Judge;
Radomir Laban, Judge;
Remzije Istrefi-Peci, Judge;
Nexhmi Rexhepi, Judge;
Enver Peci, Judge.



Gresa Caka-Nimani
President



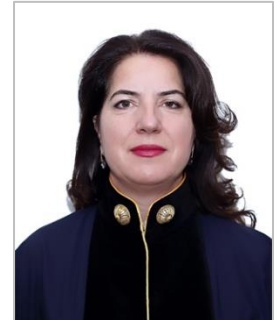
Bajram Ljatifi
Deputy President



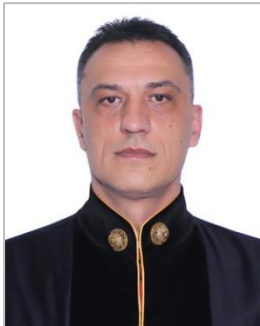
**Selvete Gërxhaliu-
Krasniqi**
Judge



Safet Hoxha
Judge



Remzije Istrefi-Peci
Judge



Radomir Laban
Judge



Nexhmi Rexhepi
Judge



Enver Peci
Judge

SECRETARIAT OF THE CONSTITUTIONAL COURT

The Secretariat of the Constitutional Court of the Republic of Kosovo, in accordance with Article 12 of Law No. 03/L-121 on the Constitutional Court of the Republic of Kosovo (hereinafter: Law on the Constitutional Court) and in accordance with Rule 16 of the Rules of Procedure of the Court, performed administrative work and supported the work of judges of the Constitutional Court.

The Secretariat is managed by the Secretary General, who pursuant to paragraph 4 of Article 12 of the Law on the Constitutional Court, is responsible for the organization and management of the Secretariat. The organizational structure of the Secretariat consists 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 of Budget and Finance (DBF);
Communication and Information Office (CIO);
Internal Audit Unit (IAU);
Procurement Unit (PU); and
Information Technology, Communication and Multimedia Unit (ITCMU).

In the accomplishment of the objectives of the Strategic Plan of the Constitutional Court for the period 2021-2025 (hereinafter: the Strategic Plan of the Court 2021-2025), out of **103** activities envisaged to be undertaken in 2023, **89** of them have been successfully implemented or **86.41%**.

The functioning of the Legal Unit (LU), composed of constitutional-legal advisors and other legal staff, as well as its structure and organization, are regulated by Regulation no. 03/2019 of the Legal Unit (hereinafter: Regulation of Legal Unit). Constitutional-legal advisors support the professional work of judges.

In 2023, the Secretariat has accomplished the following objectives:

Implementation of Strategic Plan of the Court 2021-2025;
Drafting the Mid-Term Expenditure Framework for 2025-2027; and
Designing the Risk Register for 2023.

In the past year, the Secretariat of the Constitutional Court also published:

- Annual working report for 2022;
- Newsletter no. 15 (July-December 2022);
- Newsletter no. 16 (January - June 2023);
- Bulletin of case law for 2022;
- Periodic bulletin, October-December 2022;
- Periodic bulletin, January -March 2023;
- Periodic bulletin, April - June 2023;
- Periodic bulletin, July - September 2023; and
- The Rules of Procedure No. 01/2023.

LEGAL UNIT

LEGAL UNIT

The Legal Unit is a special organizational structure of the Constitutional Court of the Republic of Kosovo, established based on the Law on Constitutional Court, the Rules of Procedure of the Constitutional Court, as well as the Regulation of the Legal Unit No. 03/2019. The Legal Unit answers directly to the President and judges of the Constitutional Court.

The primary role of the Legal Unit is to provide professional support to the judges of the Court conducting legal research and analysis and assisting in the drafting of preliminary reports, decisions as well as other constitutional/legal material, necessary for the work of the Court. In this regard, the Legal Unit is responsible for assisting the Court in ensuring a high quality of decision-making and consistency of the case law. For such purposes, the Legal Unit, among others, conducts exhaustive legal research of (i) at the level of national law; (ii) regional and international constitutional law; (iii) international and comparative law; (iv) opinions, recommendations and best practices announced under the auspices of the Council of Europe and the Venice Commission; (v) the case law of the European Court of Human Rights and the European Court of Justice; and, where appropriate, (vi) other international courts. Also, the Legal Unit (vii) prepares various materials for discussion and decision-making during the administrative sessions of the Court, as well as the professional sessions held with the judges and advisors of the Court.

Other important functions of the Legal Unit are: (i) assisting the Secretariat in receiving the parties and referrals and additional documents; (ii) filtering all new referrals filed with the Court and drafting an initial filtering report regarding the referrals submitted by the parties; (iii) identifying the referrals with interim measure and other urgencies that a referral may present depending on the nature of the case (iv) maintaining and updating databases such as: the database of the type of referrals and raised allegations, the database for the implementation of Court decisions; and also a database to monitor the status of each case from the beginning until its publication. All Court decisions are classified according to the filtering system by the Legal Unit prior to publication on the website of the Court in order to provide an easier scientific, professional and academic search for all citizens of the Republic of Kosovo and the legal community who access decisions through its website.

The Legal Unit is composed of: Chief Constitutional Legal Advisor; Juristconsult; Deputy Chief Constitutional Legal Advisors; Senior Constitutional Legal Advisors; Constitutional Legal Advisors and a Senior Legal Advisor for the Administration of Referrals. Currently, the Legal Unit is composed of 15 members and is managed and supervised by the Chief Constitutional Legal Advisor who is assisted by two Deputy Chief Constitutional Legal Advisors. All three, including Juristconsult, are elected by the judges of the Court from among senior constitutional legal advisors for a period of three (3) years. The Chief Constitutional Legal Advisor, *inter alia*, assists and advises the Court in the performance of its functions, supports all members of the Legal Unit in the performance of their duties, oversees the organization, activity and performance of the members of the Legal Unit, and oversees the drafting of preliminary reports and the performance of other tasks. While the role of the Juristconsult is to advise the Court and to notify it about various matters related to the Court's own case law and the new case law of the ECtHR with a view to ensuring the consistency of the case law. In coordination with the Chief Constitutional Legal Advisor, the Juristconsult assists and proposes relevant recommendations in order to ensure the high quality of decision-making and consistency of the case law of the Court.

The members of the Legal Unit have specific roles designed for the needs of the Court. They have the status of full-time employees and specific working conditions, and precise descriptions of their duties are established in the Law on the Court, the Rules of Procedure 16 and the Regulation on the Legal Unit. In terms of the advice they provide, they are independent and free to express their professional opinion on any referral in which they work.

The Legal Unit holds regular meetings regarding the organization of its work, including but not limited to: (i) monitoring the status of cases; (ii) discussing different legal/constitutional issues; (iii) proposing internal acts of the Court; as well as (iv) discussing the case law of the Court and of the ECtHR. An important factor in ensuring effective legal decision-making and improving the quality of drafting of reports and decisions is the professional training of the Court's professional advisors in the field of constitutional, international and human rights law. In the framework of the activities of the Court, the members of the Legal Unit participate in professional workshops throughout the year. A full list of activities of legal advisors can be found in the section of this report - Court Activities.

In 2023, the Legal Unit has managed to fulfil all its duties towards providing support to judges in preparing, reviewing and decision-making regarding the cases referred to the Court.

Throughout this year, a high number of cases have been handled , some of them of a high complexity and with an impact on the case law of the Court, in which the Legal Unit has made a continuous contribution to the process of analyzing cases, preparing legal research and drafting decisions, based on the decision-making of the Court's judges.

The Legal Unit continues to be committed to enhancing its professionalism, through the implementation of various projects, provided and enabled by the strategic partners of the Constitutional Court. Consistently and throughout the year, the Constitutional Court is open to offering meetings with students and other interested parties, with the aim of notifying all concerned about the work of the Constitutional Court, its role defined by the Constitution, and the Referrals filed with it.

**DEPARTMENT OF ADMINISTRATION AND HUMAN
RESOURCES**

DEPARTMENT OF ADMINISTRATION AND HUMAN RESOURCES

I. Human resources and capacity building

In 2023, DAHR in implementation of the work plan, supported the smooth progress of the work of the Secretariat in accordance with its mandate.

During this period, in accordance with the notes of the personnel, these activities were carried out:

In the framework of reporting and work organization, were drafted and submitted:

- Annual employee report for 2022;
- Recruitment plan for 2023;
- Three-year training report;
- Annual report of DAHR for 2022;
- Gender budgeting of the Court staff;
- Performance indicators for the period January-May 2023.

Organization of eight (8) external vacancies to fill ten (10) positions:

- One (1) Certification Officer, which was filled on 24 April 2023;
- One (1) Procurement Officer, which resulted in no successful candidates;
- One (1) Protocol Officer, which was filled on 1 June 2023;
- One (1) Director of Procurement Unit, which was filled on 1 September 2023;
- One (1) Temporary replacement of the position of Office Manager in the Cabinet, which was filled on 18 September 2023;
- Three (3) Constitutional Legal Advisors, which resulted in no successful candidates;
- One (1) Translator from Albanian to Serbian and vice versa, which is in the evaluation phase; and
- One (1) Receptionist, which is also under evaluation.

Organizing two (2) promotion procedures, through internal vacancies to fill the positions: one (1) Director of the Department for Professional Support and one (1) Certification Officer, in which case, based on the result of the recruitment procedure, only the position of Director of Professional Support was filled with a successful candidate, while the position of Certification Officer has been canceled and announced with an external vacancy.

Engagement of Interns:

Receipt and evaluation of two (2) requests for the engagement of international interns;

Organizing the expression of interest for the engagement of one (1) Multimedia and Website Intern, which was filled on 1 August 2023;

Organization of the expression of interest for the engagement of six (6) interns for a period of one (1) year. The selection of six candidates was made at the end of 2023, while the practical work will begin in January 2024.

During this period, three (3) evaluation procedure of the probation period was conducted, in which case the successful finish of the probation period was confirmed.

Regarding the support of the recruitment and promotion procedures, DAHR has provided all support services, namely the management of the following recruitment procedures: registration of applications, drafting Decisions for the formation of the Selection Committee, preparation of relevant forms, processing of invitations/notifications, the organization of tests and interviews, the drafting of final reports, the preparation of responses to complaints and the communication of results.

Four (4) CCK officials completed ten (10) years of uninterrupted work in the Court in 2023.

Appointment acts, employment contracts, decisions on termination of the employment relationship, Decisions on working groups, Decisions on the establishment of Selection Committees, Decisions on the use of official vehicles, Decisions on parental leave, Certificates, Acknowledgment and proofs of Employment have been prepared and provided, according to the requests of the officials. On a regular basis, the attendance of the staff is evidenced, as well as the evidence of annual and medical leaves is updated.

Within the framework of the implementation of the requirements from the administrative sessions and the action plan of the Strategic Plan, these activities have been carried out:

Four (4) working groups have been formed within the framework of changes in the internal regulations and activities foreseen by the Action Plan of the Strategic Plan;
Seven (7) internal regulations and (1) administrative instructions were issued;
Electronic software for the management of human resources, assets and warehouses has been developed;

During this year, as far as special holidays are concerned, one (1) CCK official of the Court used unpaid leave, while six (6) officials used parental leave with 70% of their salary, and one (1) official appointed in public functions continues to exercise the right to agreed suspension of the employment relationship.

Regarding the implementation of the Strategic Plan, two workshops were held regarding the implementation of the action plan of strategic plan 2023 as well as the Risk Register.

During this reporting period, within the framework of changes in the payroll and statistical data throughout the year 2023, there are:

- Six (6) new employees;
- Two (2) resignations;
- One (1) termination of employment relationship with retirement;
- Five (5) parental leaves;
- One (1) unpaid leave;
- One (1) agreed suspension.

Out of the total number of seventy (70) employees allowed by the budget of 2023, at the end of this period, the total number of employees in the payroll of December 2023 is 63 employees, out of them:

Number of employees by gender:

- 33 or 52%, are female;
- 30 or 48%, are male.

Number of employees by ethnicity:

- 58 or 92.06% are Albanians;
- 2 or 3.17% are Serbs;
- 2 or 3.17% are Bosnians; and
- 1 or 1.59% Montenegrins.

Figure no. 1: Number of employees by ethnicity:

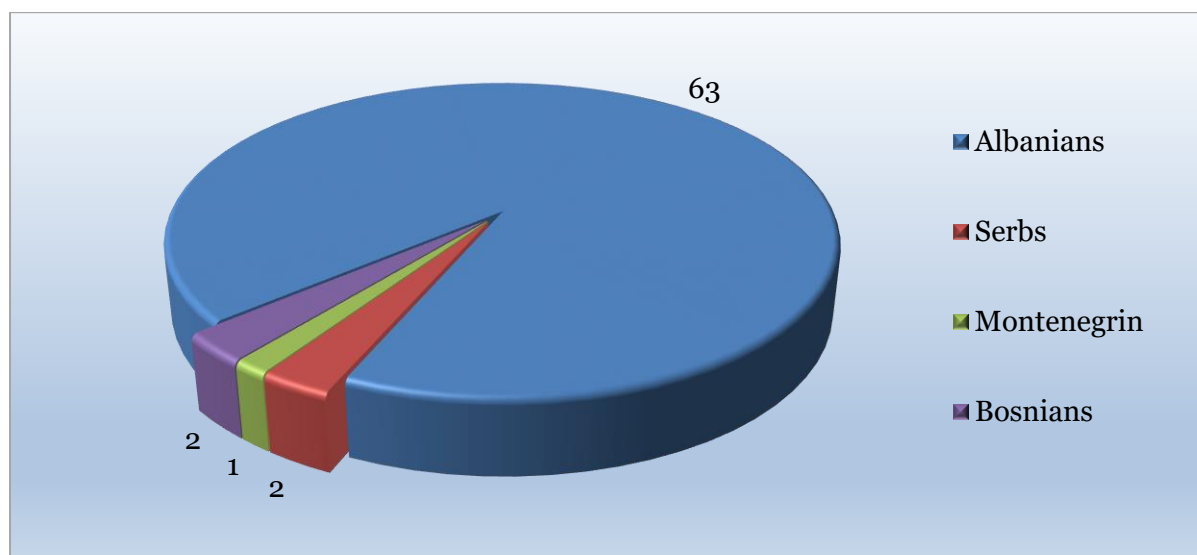
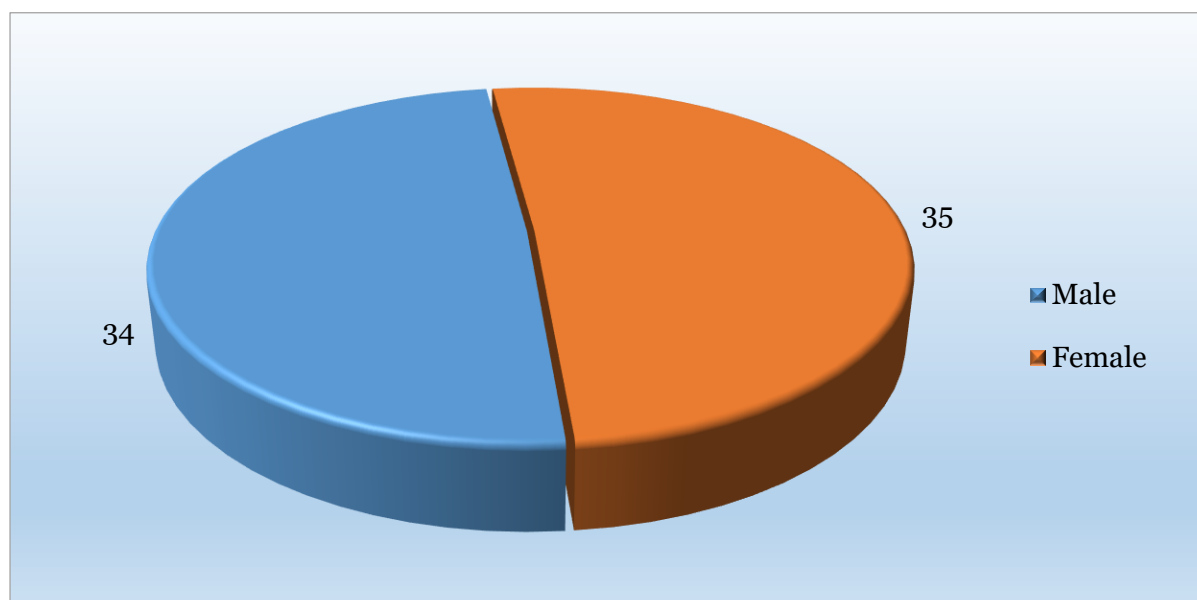


Figure no. 2: Number of employees by gender:



Capacity building (training and career development)

In 2023, the DAHR implemented the three-year training plan for the period 2022-2024, as well as continuously updated and identified all staff activities during this year. A total of 46 activities were carried out, as follows:

- Six (6) international conferences;

- Five (5) exchange of experience;
- Two (2) regional/Balkan forums;
- One (1) international meeting;
- One (1) world congress;
- One (1) study visit;
- Dy (2) official visits;
- One (1) summer school;
- One (1) workshop abroad;
- Nine (9) workshops in the country;
- Five (5) training abroad;
- Eleven (11) training in the country;
- One (1) seminar abroad.

Below we present the data of the activities carried out according to the chronology:

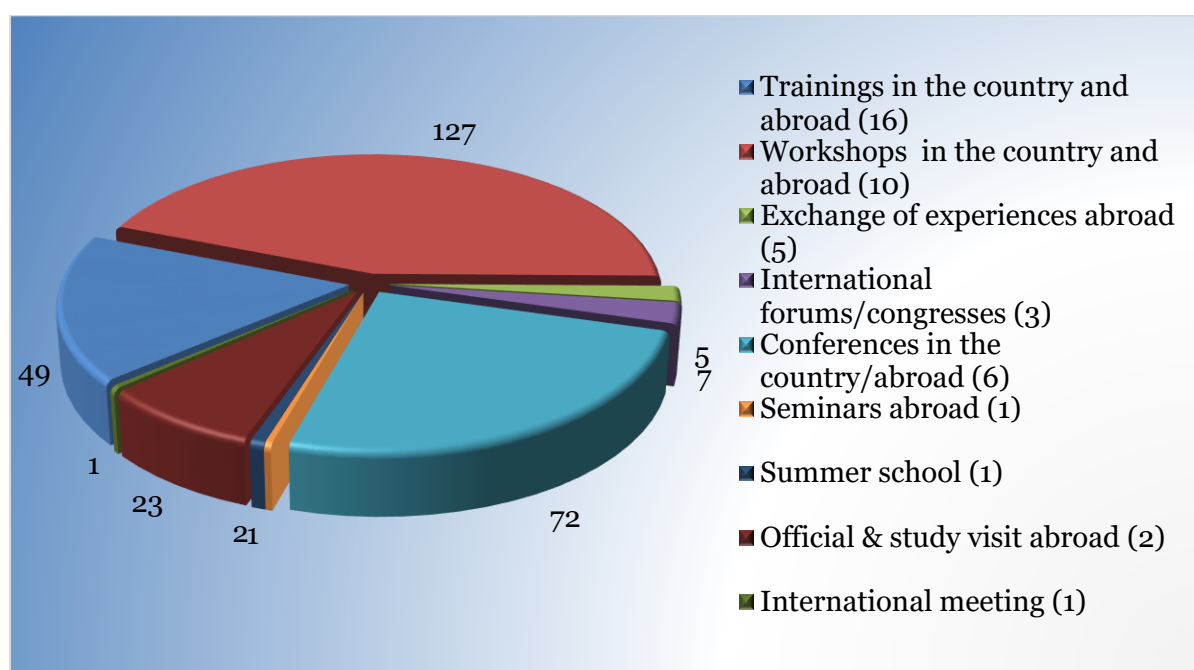
- On 9-27 January 2023, the participation in the winter session of international law courses, organized by the Hague Academy of International Law, took place in The Hague, Netherlands, with one (1) participant;
- On 5-18 January 2023, in Prishtina, the basic training on knowledge of Public Procurement was conducted, with one (1) participant;
- On 19-22 January 2023, in Budva, Montenegro, a workshop was held on the topic “Orientation workshop for the new judge”, organized by the Council of Europe, with thirty (30) participants;
- On 30 January – 3 February 2023, an official visit, organized by the Council of Europe, took place in Lisbon, Portugal, in which thirteen (13) participants took part;
- On 2-3 February 2023, in Mitrovica, the translation and interpreter training organized by the Office of the Language Commissioner was held, with one (1) participant;
- On 21 February 2023, in Prishtina, the training was carried out with contact officials regarding the declaration of assets, organized by the Agency for Prevention of Corruption, with a total of one (1) participant;
- From 27 February to 27 April 2023, with the support of the Council of Europe, one (1) Constitutional Advisor stayed at the Strasbourg Court for 2 full months, with an aim of acquiring the best practices of the European judiciary and implementing them in the constitutional judiciary of Kosovo;
- In March 2023, for about three weeks, the President of the Court, with the support of the Council of Europe, visited the Strasbourg Court, with an aim of the best possible exchange of European judicial practices and their implementation in the constitutional judiciary of Kosovo;
- On 15-17 March 2023, in Durrës, Albania, the first workshop was held regarding the Implementation of the Action Plan of the Strategic Plan for 2023, organized by the working group, with twelve (12) participants;
- On 23 March 2023, in Prishtina, a workshop on the topic “Cash Planning” was held, organized by the Ministry of Finance, with one (1) participant;
- On 26-29 March 2023, in Luxembourg, an official visit was made, organized by the Constitutional Court, in which nine (9) participants took part;

- From 2 April to 3 May 2023 with the support of the Council of Europe, one (1) Senior Legal Advisor stayed at the Strasbourg Court for one (1) full month, with an aim of acquiring the best practices of the European judiciary as best as possible and their implementation in the constitutional judiciary of Kosovo;
- On 13 April 2023, in Prishtina, the “Management of procurement contracts” training was held, organized by KRPP, with ten (10) participants from the Court;
- From 23 to 26 April 2023, in Sofia, Bulgaria, the “Meeting of the 20th anniversary of the Joint Council of Constitutional Justice of the Venice Commission” was held, supported by the Council of Europe, in which one (1) participant from the Court participated;
- From 4 to 7 May 2023, in Graz, Austria, an international conference was held in which the President participated with a lecture on the topic “Rule of Law and the role of the Constitutional Court”;
- From 9 to 10 May 2023, in Tirana, at the invitation of the Supreme Court of Albania, the President participated in the international conference on the occasion of the 110th anniversary of the Supreme Court entitled “Judicial practice of the Supreme Court, from national identity to universal values”;
- On 25-26 May 2023, in Prishtina, the training on the topic “Ethics in public administration (Prevention of conflict of interest and corruption)” was held, organized by KIPA, in which one (1) participant from the Court took part;
- On 25-31 May 2023, in Prishtina, the “Expenditure Module” training organized by the Treasury-Ministry of Finance was organized, in which one (1) participant from the Court took part;
- On 9 June 2023, in Gjakova, the joint workshop of judges of the Constitutional Court with judges of the Basic Courts of Gjakova, Peja and Prizren was organized and supported by the Council of Europe, in which a total of seven (7) participants from Court took part;
- On 10-17 June 2023, in The Hague, the Netherlands, a training program was held on the topic “Human and minority rights”, organized by MATRA and supported by the Ministry of Foreign Affairs of the Netherlands, in which one (1) representative took part;
- On 23 June, the continuation of the French language course, organized by the French Alliance, began;
- On 30 June 2023, in Prishtina, the training on the topic “Presentation of the Updated Chart of Accounts and Guide to the Chart of Accounts” was held, organized by the Treasury-Ministry of Finance, in which one (1) participant from the Court took part.
- On 3-7 July 2023 with the support of the European Union-CEF, in Ljubljana, Slovenia, one (1) Senior Legal Advisor participated in the training on the topic “We lead - Jumbo Meeting”.
- On 10-13 July 2023, a study visit was paid to the State Council of France, in which one (1) judge from the Court participated;
- On 10-12 July 2023, in Prevala, a workshop on “Internal Communication” was held, supported by USAID, in which thirty (30) participants from the Court took part;

- On 17-24 July 2023, in New York, USA, the world congress of justice was held, in which two (2) female judges from the Court participated;
- On 17-20 July 2023, in Thessaloniki, Greece, the joint workshop of judges of the Constitutional Court with the Supreme Court was organized and supported by IRZ, in which a total of thirteen (13) participants from the Court took part;
- On 8-9 September 2023, in Prevala, the workshop for the Drafting of the new Action Plan of the Strategic Plan for the years 2024-2025, organized and supported by the Council of Europe, was held, in which a total of twenty one (21) participants from the Court took part;
- On 18-22 September 2023, at the invitation of the Constitutional Court of Turkey, 2 (two) participants from the Court participated in the Summer School, which was held in Ankara.
- On 18 September 2023, in Prishtina, the training on the topic “Reasoning of decisions and human rights” was held, organized and supported by the Council of Europe, in which a total of eleven (11) participants from the Court took part;
- On 19-20 September 2023, in Prishtina, the training was held for a trainer organized by the Council of Europe in cooperation with the Academy of Justice, in which three (3) participants from the Court took part;
- On 20 September 2023, in Prishtina, the workshop on the topic “The Importance of Preventing Conflict of Interest, The Role of Responsible Authorities according to Kosovar Legislation and Regional and International Practices” was held, organized and supported by the Agency for the Prevention of Corruption;
- On 21-23 September 2023, in London, a seminar was held with the topic “Notre Dame Seminar on Constitutional and Rule of Law”, in which one (1) representative from the Court participated;
- On 26-27 September 2023, in Prishtina, a training was held on the topic “Accounting plan and accounting in SIMFK” organized by KIPA, in which one (1) representative from the Court participated.
- On 20 October 2023, a workshop was held in Prishtina on the topic “How to draft an Integrity Plan”, organized by the Agency for the Prevention of Corruption, with 1 participant;
- On 24-25 October 2023, the Constitutional Court organized the international conference on the topic “The Contribution of Constitutional Courts in Protecting and Strengthening Fundamental Values of Democracy, Rule of Law, and Fundamental Human Rights and Freedoms”, in Prishtina, with a total of 38 participants, including support staff;
- On 27 October 2023, the Balkan Forum of Constitutional Courts was held in Bulgaria, with 4 participants from the Court;
- On 3 November 2023, in Prishtina, the training on the topic “Judicial protection of the right to freedom of expression online” was held, with a total of 11 participants, this activity supported by the Council of Europe;
- On 8-10 November 2023, in Sarajevo, Bosnia, the 10th Southeast European Regional Forum on the Rule of Law, organized by the Council of Europe, was held with 1 participant;

- From 13 November to 8 December 2023, two exchanges of experiences were held in Strasbourg, France, supported by the Council of Europe, with 2 participants;
- On 26-29 November 2023, the training was held in Albania on the topic “Qualitative Writing in Audit”, with 1 participant from the Court;
- On 26- 29 November 2023, the training was held in Albania on the topic “Public Finance Management and Accounting in the Public Sector”, with 1 participant from the Court;
- On 26-28 November 2023, the International Conference of the jubilee anniversary of the Constitutional Court of Albania was held in Albania, with 2 participants from the Court;
- On 5-7 November 2023, the conference “Internal Audit Conference 2023” was held in London with 2 participants from the Court;
- On 14 December, a conference was held with IRZ, in Prishtina with a total of 28 participants;
- On 18-19 December 2023, the training “Istanbul Convention and reference to ECtHR Decisions” was held in Prishtina, supported by the Council of Europe, with a total of 13 participants.

Figure no. 3: Participation of Constitutional Court staff in study visits, conferences and summer schools abroad, conferences/workshops in the country and abroad, training in the country and abroad and foreign language courses:



Administrative and logistic support

DAHR has provided administrative and other services that assist in performing and increasing work efficiency for all the Court staff:

The reception and distribution of the inventory for the new employees was organized and done, and all the employees at the Court were supplied with the necessary IT equipment;

The registration, maintenance and regular servicing of the Court's vehicles and the compilation of special reports on the expenses of fuel have been done;
The control of incoming and outgoing office materials and IT equipment was carried out, as well as its registration in the E-asset Information Management System was made;
After the supply of consumables and IT equipment, as well as services for the work needs of the CKK, **188** invoices were registered in the Free Balance System;
Special reports have been compiled on the loading or unloading of work equipment for CCK employees.

Library of the Court (Library services)

In the library field, these activities were carried out, namely this literature was received and registered:

The annual membership of the Constitutional Court of Kosovo with the Association of Electronic Libraries of Kosovo (ABEK) has continued, through which access to these electronic resources is provided: Cambridge Journals Online, Edward Elgar Publishing, IMF- International Monetary Fund, Open Edition Journals, ASTM- Compass;

The following titles have been accepted and registered in the electronic system:

- ICL Journal : Vienna Journal on International Constitutional Law, 2022, volume 16 issue 4;
- ICL Journal : Vienna Journal on International Constitutional Law, 2023, volume 17 issue 1;
- ICL Journal : Vienna Journal on International Constitutional Law, 2023, volume 17 issue 2;
- "Judge and Lawyer" by author Hasan Hoti;
- The Role of Constitutional Courts in New Democracies.

**DEPARTMENT OF CASE REGISTRATION, STATISTICS AND
ARCHIVE**

DEPARTMENT OF CASE REGISTRATION, STATISTICS AND ARCHIVE

Status of cases

In 2023, the Court processed a total of 473 referrals/cases, out of which 294 are received and 179 were carried over from the past years:

22 referrals carried over from 2021 are resolved;

157 referrals carried over from 2022, out of which 112 are resolved, while 45 referrals are in the process;

294 referrals were received in 2023, out of which 50 were resolved and 244 referrals are in the process.

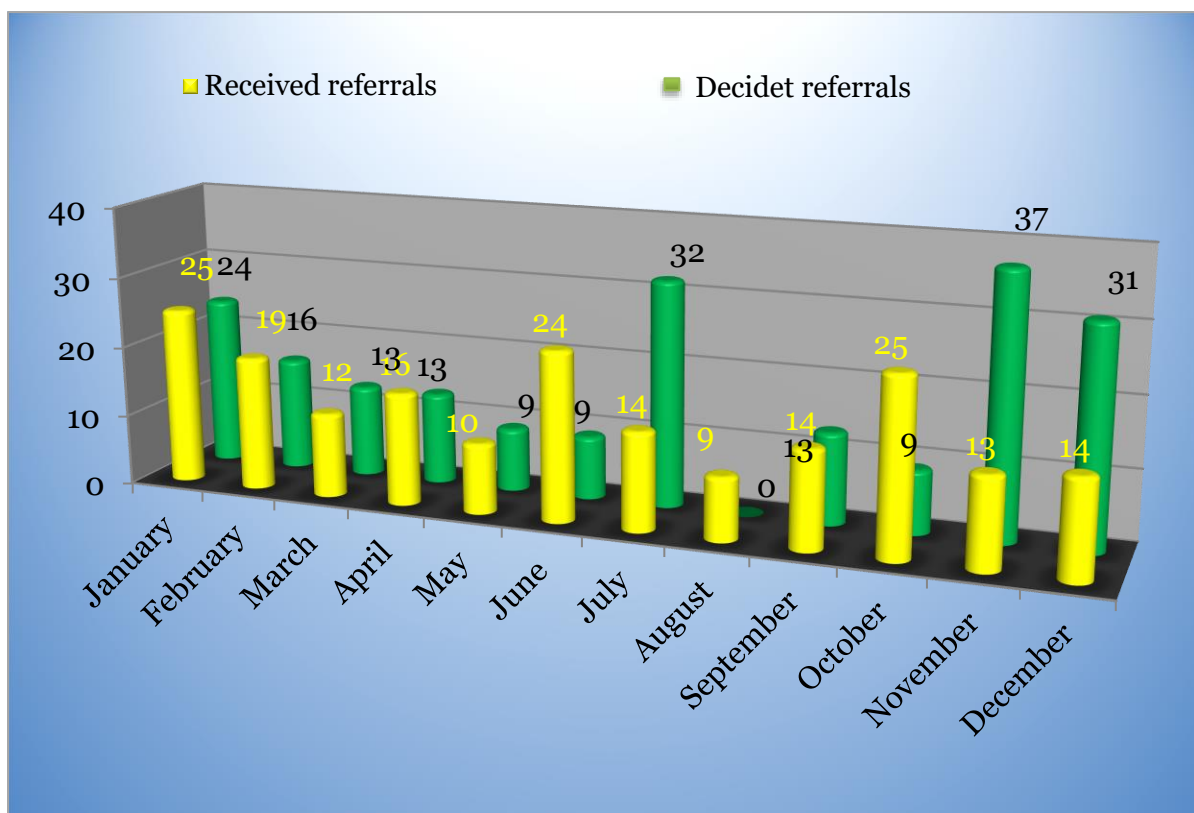
In this period, 184 referrals were resolved or 39% of the referrals that the Court had in 2023.

In this period, 209 decisions were published on the Court's webpage and served on the parties, while 4 other referrals are in the process of preparation.

During the period in question, 24,5 referrals were received on average per month, while 15,3 were decided.

The monthly dynamics of the referrals received and resolved is as follows:

Figure no. 4: Dynamics of referrals by months (1 January - 31 December 2023)



Structure of the Applicants

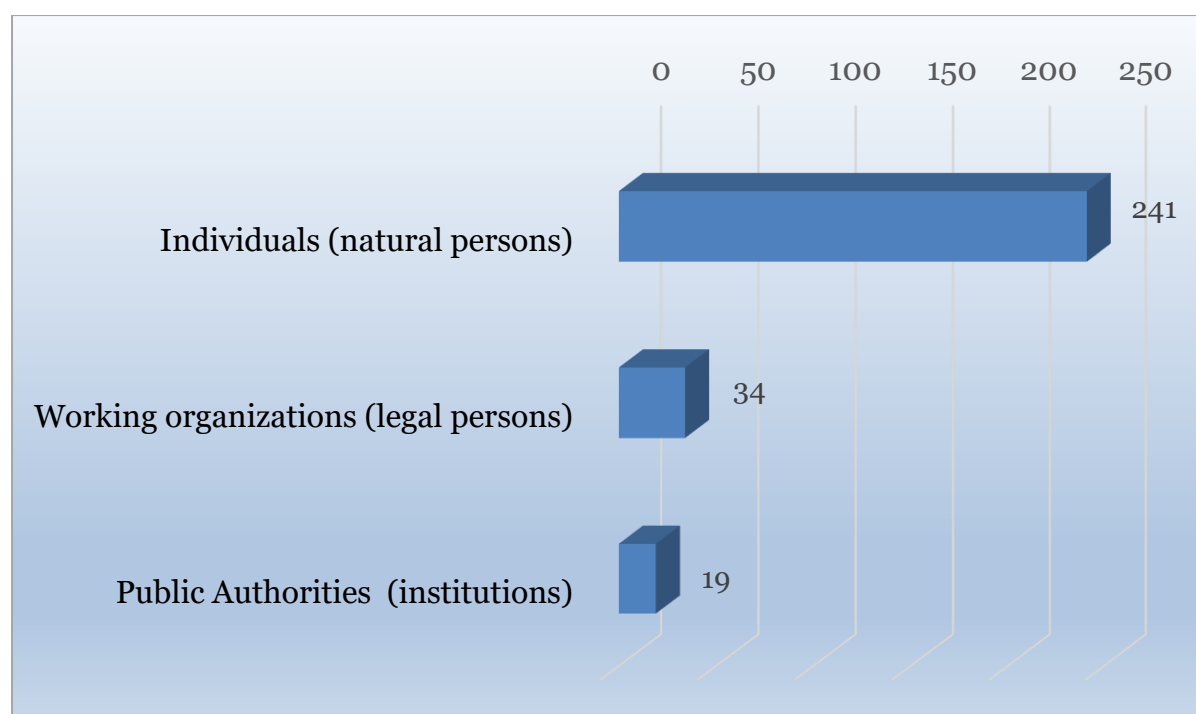
The jurisdiction and authorized parties to submit a referral to the Constitutional Court are determined by the Constitution of Kosovo and the Law on the Constitutional Court of Kosovo.

Citizens' trust in the Constitutional Court has increased significantly as a result of efficient, effective and impartial work. The Department for Registration of Cases, Statistics and Archives in 2023, has received 294 new referrals.

The structure of the filed referrals is as follows:

241 referrals were filed by individuals (natural persons), or 82 %,
34 referrals were filed by working organizations (legal persons), or 11,6%, and
19 referrals were filed by public authorities (institutions), or 6,5%,

Figure no. 5: Structure of the Applicants (1 January – 31 December 2023)



Allocation of referrals

In accordance with Article 22 of the Law on the Constitutional Court, the DCRSA has processed all submitted Referrals to the Court in accordance with Article 113 of the Constitution.

The allocation of referrals/cases to Judge Rapporteurs was done in accordance with Rules 10 and 35 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 44 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 38 of the Rules of Procedure.

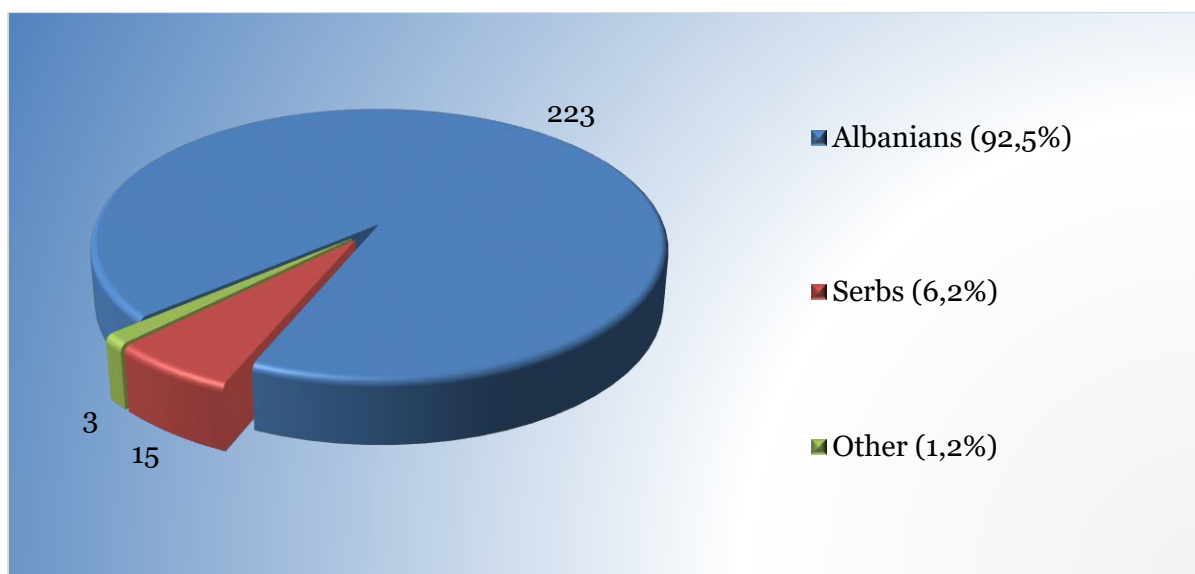
Access to the Court and public trust in the work of the Court

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

The ethnic access of individuals is indicated as follows:

- 223 referrals by Albanians, or 92,5 %;
- 15 referrals by the Serb community, or 6,2 %;
- 3 referrals by other ethnicities, or 1,2 % and

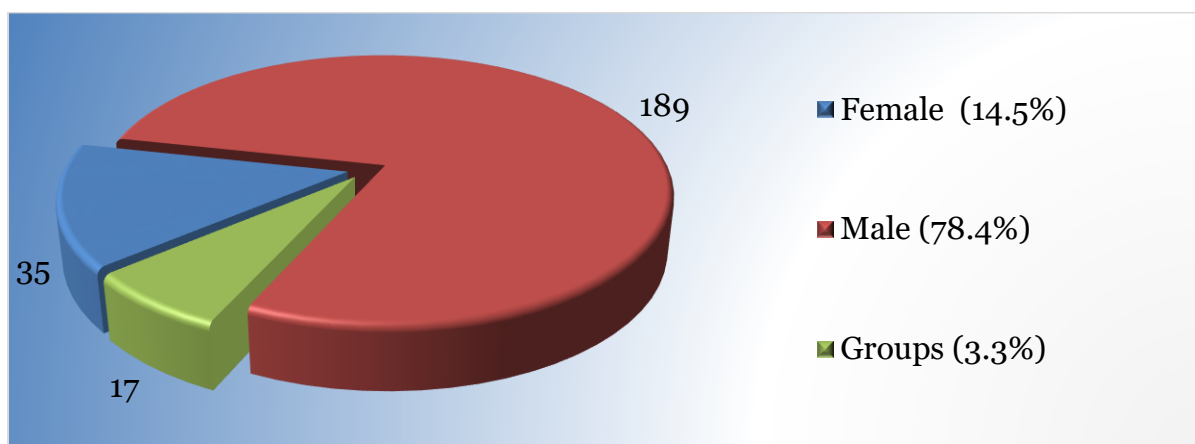
Figure no. 6: The ethnic structure of the Applicants (1 January – 31 December 2023)



Gender structure of the Applicants is indicated as follows:

- 35 referrals submitted by females, or 14,5%;
- 189 referrals submitted by males or 78,4%;
- 17 referrals submitted by groups or 7,1%.

Figure no. 7: Gender structure of Applicants (1 January - 31 December 2023)

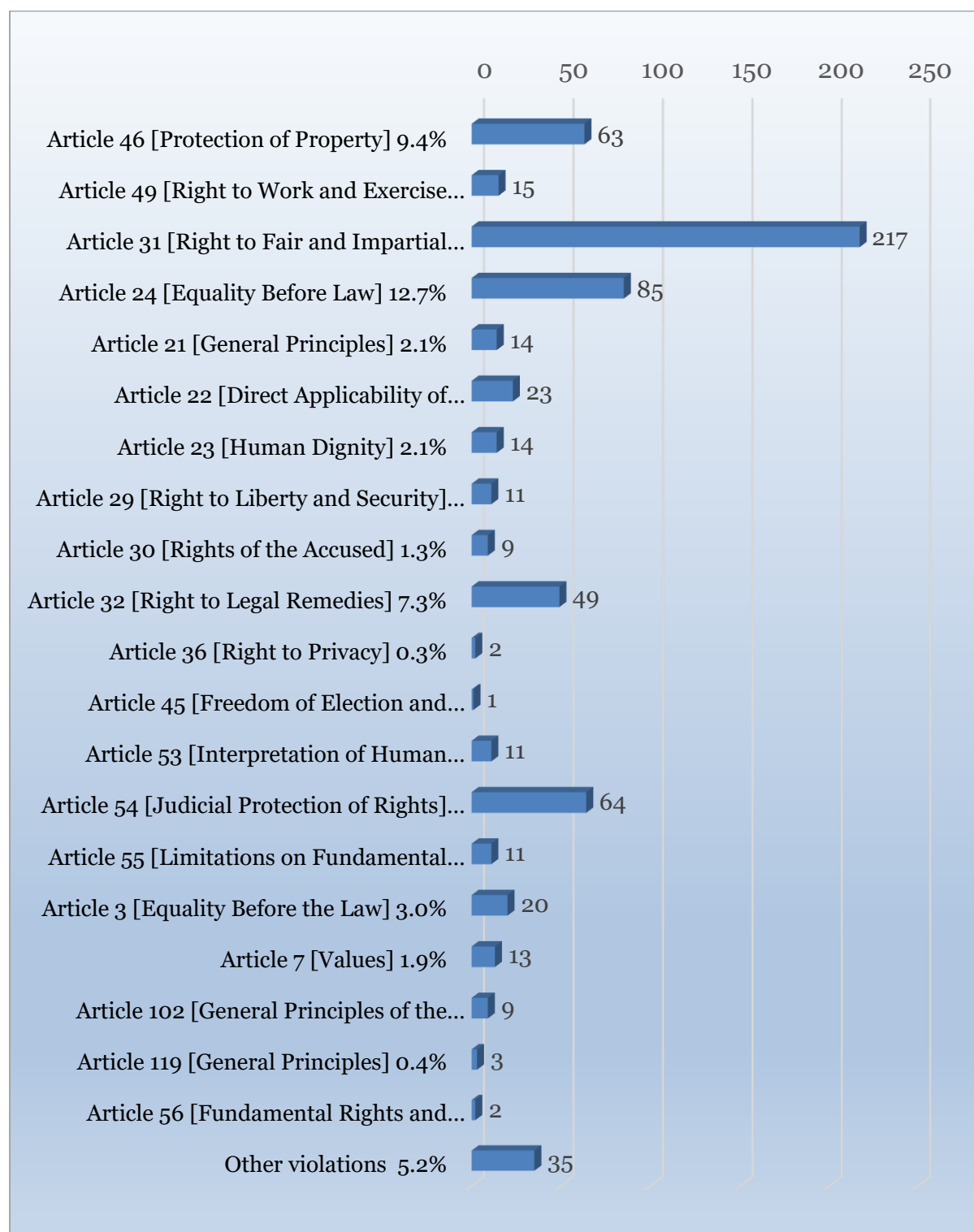


Alleged violations by type

Types of alleged violations from 294 referrals received during the period 1 January – 31 December 2023, is as follows:

- Article 46 [Protection of Property], 9.4%
- Article 49 [Right to Work and Exercise Profession], 2.2%
- Article 31 [Right to Fair and Impartial Trial], 32.2%
- Article 24 [Equality Before Law], 12.7%
- Article 21 [General Principles], 2.1%
- Article 22 [Direct Applicability of International Agreements and Instruments], 3.4%"
- Article 23 [Human Dignity], 2.1%
- Article 29 [Right to Liberty and Security], 1.6%
- Article 30 [Rights of the Accused], 1.3%
- Article 32 [Right to Legal Remedies], 7.3%
- Article 36 [Right to Privacy], 0.3%
- Article 45 [Freedom of Election and Participation], 0.1%
- Article 53 [Interpretation of Human Rights Provisions], 1.6%
- Article 54 [Judicial Protection of Rights], 9.5%
- Article 55 [Limitations on Fundamental Rights and Freedoms], 1.6%
- Article 3 [Equality Before the Law], 3%
- Article 7 [Values], 1.9%
- Article 102 [General Principles of the Judicial System], 1.3%
- Article 119 [General Principles], 0.4%
- Article 56 [Fundamental Rights and Freedoms During a State of Emergency], 0.3%
- Other violations, 5.2%

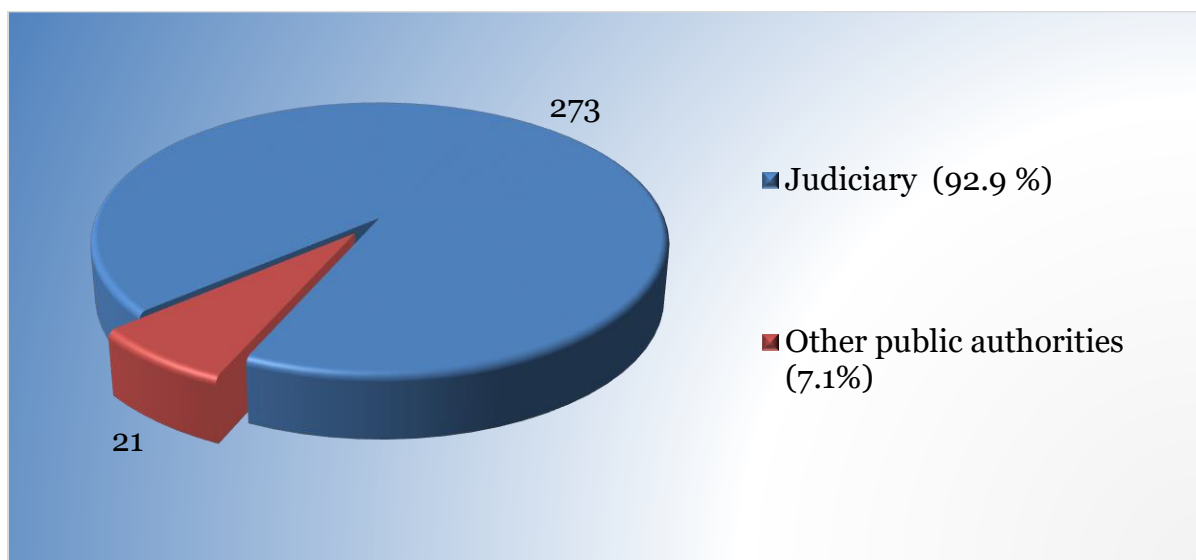
Figure no. 8: Types of alleged violations of articles of the Constitutional Court (1 January - 31 December 2023)



Alleged authors of violations of rights

273 Referrals or 92,9 % of them refer to the courts' decisions;
21 Referrals or 7,1 % of referrals refer to other public authorities.

Figure no. 9: Alleged violators of rights (1 January - 31 December 2023)

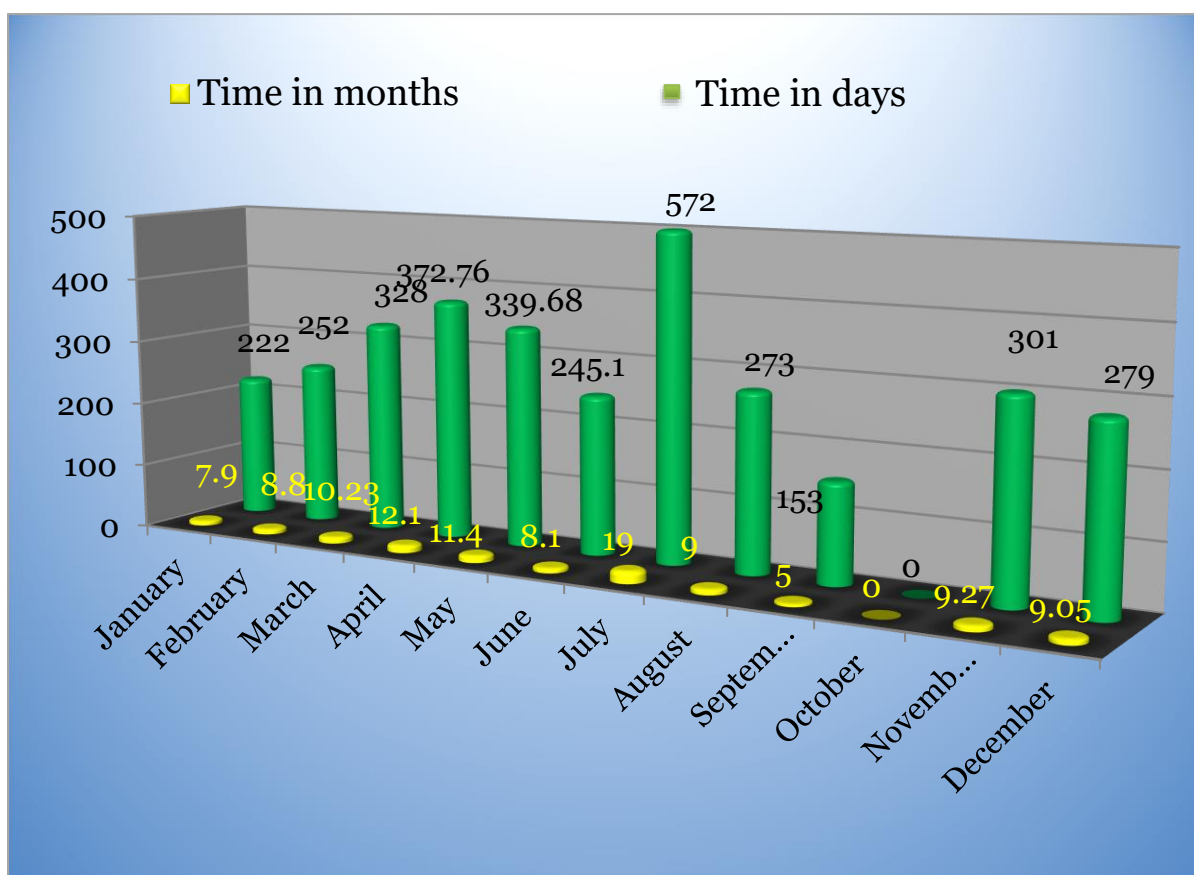


Time limit for resolving referrals

In 2023, the Constitutional Court published 209 decisions.

The following graph reflects the dynamics of the deadline for resolving referrals by months and days, which varies from 5 months to 19 months, or expressed in days from 153 days to 572 days.

Figure no. 10: Time limit for resolving referrals (1 January - 31 December 2023)



Sessions and Review Panels

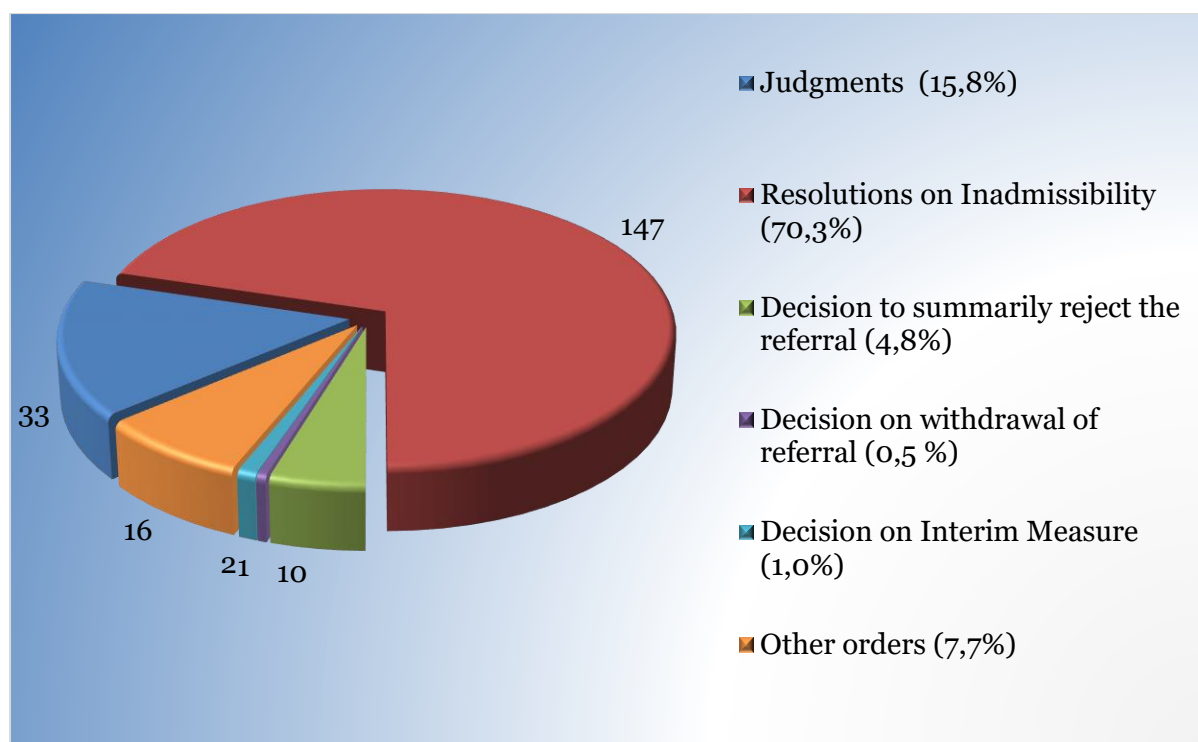
In 2023, the Constitutional Court held 40 plenary sessions, with 227 review panels.

The cases reviewed were resolved by judgments, resolutions on admissibility, decisions on interim measures, decisions on withdrawal of referrals, decisions to summarily reject the referrals and other Orders.

Structure of 209 published decisions during the period in question is as follows:

- 33 Judgments;
- 147 Resolutions on Inadmissibility;
- 10 Summarily rejections of referrals;
- 1 Decision on withdrawal of referral;
- 2 Decisions on Interim Measure;
- 16 Other orders.

Figure no. 11: Structure of the published decisions (1 January - 31 December 2023)



In 2023, the Constitutional Court published 33 judgments:

Judgment in case KI108/22, Applicant: “Metalinvest J.S.C.”, Constitutional review of the Judgment [AC-I- 19-0213] of the Appellate Panel of the Special Chamber of the Supreme Court of the Republic of Kosovo on the Privatization Agency of Kosovo Related Matters, of 16 January 2022;

Judgment in case KI129/21, Applicant: Velerda Sopi, Constitutional review of “actions and inactions” of the Basic Court in Gjilan, the Basic Prosecutor’s Office in Gjilan, the Police Station in Gracanica and the Basic Prosecutor’s Office in Prishtina;

Judgment in case KI185/21, Applicant: “CO COLINA” L.L.C., Request for constitutional review of the Law no. 06/L-155 on the Prohibition of Games of Chance and Judgment of the Supreme Court of the Republic of Kosovo [ARJ. UZVP. no. 83/2021] of 7 September 2021;

Judgment in case KI36/22, Applicant: “MATKOS GROUP” L.L.C., Constitutional review of the Judgment of the Supreme Court of the Republic of Kosovo [ARJ. no. 116/2021] of 28 October 2021;

Judgment in case KIo6/21, Applicant: Dragan Mihajloviq, request for constitutional review of proceedings before the Court of Appeals of the Republic of Kosovo regarding the case Ac. no. 3930/2016;

Judgment in case KI143/22, Applicant: Hidroenergji L.L.C., Constitutional review of the Judgment of the Supreme Court of the Republic of Kosovo [ARJ. UZVP. no. 51/2022] of 19 July 2022;

Judgment in case KO190/19, Applicant: The Supreme Court of the Republic of Kosovo, Constitutional review of Article 8, paragraph 2 of the Law no. 04/L-131 on Pension Schemes Financed by the State in conjunction with Article 5 and 6 of the Administrative Instruction (MLSW) No. 09/2015 on Categorization of Beneficiaries of Contribute Paying Pensions according to Qualification Structure and Duration of Payment of Contributions;

Judgment in case KI214/21, Applicant: Avni Kastrati, Constitutional review of the Judgment of the Supreme Court of the Republic of Kosovo [ARJ. No. 84/2021] of 22 September 2021;

Judgment in cases no. KO100/22 and KO101/22, Applicants KO100/22, Abelard Tahiri and ten (10) other deputies of the Assembly of the Republic of Kosovo and in Case KO 101/22, submitted by: Arben Gashi and ten (10) other deputies of the Assembly of the Republic of Kosovo, Constitutional review of Law no. 08/L-136 on Amending and Supplementing the Law no.06/L-056 on the Kosovo Prosecutorial Council;

Judgment in case KI14/22, Applicant: Shpresa Gërvalla, Constitutional review of the Judgment of the Supreme Court of Kosovo of the Republic of Kosovo Rev. no. 409/2020 of 28 September 2021;

Judgment in case KI67/22, Applicant: Zeqirja Prebreza, Constitutional review of the Judgment of the Court of Appeals of the Republic of Kosovo CA. No. 1343/2021 of 29 December 2021;

Judgment in case KI41/22, Applicant: Shkumbin Qehaja, Constitutional review of the Judgment of the Appellate Panel of the Special Chamber of the Supreme Court of the Republic of Kosovo [AC-I-21-0867-A001] of 10 March 2022;

Judgment in case KI85/22, Applicant: Jadran Kostić, Constitutional review of Decision [2022:19820] of the Basic Court in Ferizaj of 17 May 2022 and Decision PN1 no. 704/2022 of the Court of Appeals of the Republic of Kosovo of 31 May 2022;

Judgment in case KI69/21, Applicant: Partia Rome e Bashkuar e Kosovës (PREBK) and Partia Liberale Egjiptiane (PLE), Constitutional review of the Judgment of the Supreme Court of the Republic of Kosovo [AA.no.29/2021] of 12 March 2021;

Judgment in case KO139/21, Applicant: Fadil Nura and 9 other deputies, Constitutional review of Decision No. 08-V-040 of the Assembly of the Republic of Kosovo of 21 July 2021 on the dismissal of the members of the Railway Regulatory Authority Board;

Judgment in case KI212/21, Applicant: Behar Emini, Constitutional review of Decision Rev. no. 382/2021 of the Supreme Court of the Republic of Kosovo, of 22 September 2021;

Judgment in case KI82/22, Applicant: Valon Loxhaj, Constitutional review of Judgment Rev. no. 103/2022 of the Supreme Court of the Republic of Kosovo, of 30 March 2022

Judgment in case KO159/21 and KO160/21, Applicant: Municipality of Prishtina, Constitutional review of "Report on the review of legality of Municipal act no. 020-558/17 of the Ministry of Local Government Administration of 12 July 2021", Constitutional review of the "Report on the review of legality of Municipal act no. 020-558/10 of the Ministry of Local Government Administration of 8 July 2021"

Judgment in case KO164/21, Applicant: Municipality of Prishtina- Constitutional review of Article 6, paragraph 3, points 3.1 and 3.2 of Administrative Instruction (MEST) no. 151/2020 of the Ministry of Education, Science, Technology and Innovation of 22 December 2020;

Judgment in case KI55/22, Applicant: Sasha Spasiq Constitutional review of Decision [2022:19820], of the Basic Court in Ferizaj of 17 May 2022 and Decision [PN1 no. 704/2022] of the Court of Appeals of Kosovo of 31 May 2022;

Judgment in case KO207/22, Applicant: President of the Assembly of the Republic of Kosovo, e Assessment of the proposed amendment to the Constitution of the Republic of Kosovo proposed by the Government of the Republic of Kosovo and submitted by the President of the Assembly of the Republic of Kosovo on 24 December 2022, by letter no. 08/3198/DO-1347/1;

Judgment in case KI161/21, Applicant: Suzana Zogëjani Sekiraqa, Constitutional review of Judgment [Pml. no. 310/2020] of the Supreme Court of Kosovo of 28 April 2021;

Judgment in case KI129/22, Applicant: Saša Milosavljević, Constitutional review of Decision 2022:19820 of the Basic Court in Ferizaj of 12 August 2022 and Decision Pn1. no. 1109/2022 of the Court of Appeals of Kosovo of 5 September 2022;

Judgment in case KI122/21, Applicant: Lekë Bytyqi, Constitutional review of Decision of the Supreme Court of the Republic of Kosovo [CPP. no. 1/2021], 10 March 2021;

Judgment in case KI206/21, Applicant: Ukë Salihi, Constitutional review of Judgment of the Supreme Court of the Republic of Kosovo [Rev. no. 584/2020] of 22 April 2021;

Judgment in case KO134/21, Applicant: Ramush Haradinaj and nine (9) other deputies of the Assembly of the Republic of Kosovo, Constitutional review of Decision [no. 08-V-036] of the Assembly of the Republic of Kosovo of 8 July 2021;

Judgment in case KO216/22 and KO220/22, Applicants: KO216/22, Isak Shabani and ten (10) other deputies of the Assembly of the Republic of Kosovo; KO220/22, Arben Gashi Arben Gashi and nine (9) other deputies of the Assembly of the Republic of Kosovo;

Judgment in case KI64/23, Applicant: Mejrem Qehaja Rexha, Constitutional review of the court proceedings in the Basic Court in Gjakova regarding the case [C. no. 546/18];

Judgment in case KI21/23, Applicant: “Kelkos Energy” l.l.c. Constitutional review of Judgment [ARJ. UZVP. No. 119/22] of the Supreme Court of Kosovo of 16 December 2022;

Judgment in case KI90/23, Applicant: Shqipdon Fazliu, for constitutional review of Judgment [ARJ. no. 114/2022] of 23 December 2022 of the Supreme Court of the Republic of Kosovo, in conjunction with Decision [AA. no. 650/2022] of 1 September 2022 of the Court of Appeals and Decision [A. no. 1875 /22] of 2 August 2022 of the Basic Court in Pristina;

Judgment in case KO177/23, Applicant: Municipality of Prizren, Constitutional review of Article 5 of Law No. 08/L-224 on Amending and Supplementing Law No. 06/L-005 on Immovable Property Tax;

Judgment in case KO173/22, Applicant: Arben Gashi and nine (9) other deputies of the Assembly of the Republic of Kosovo, Constitutional review of Law no. 08/L-179 on Interim Measures of Essential Products in Special Cases of Destabilization in the Market;

Judgment in case KI74/22, Applicant: Zoran Đokić, Constitutional review of Judgment [Pml. no. 19/2022] of the Supreme Court, of 15 February 2022;

DEPARTMENT OF PROFESSIONAL SUPPORT

DEPARTMENT OF PROFESSIONAL SUPPORT

The Department of Professional Support (DPS) is responsible for providing professional services of translation, editing, proofreading and harmonization of terminology in all documents of the Constitutional Court and in the working languages of the CCK.

The DPS organized, managed and supervised the work of translation (in Albanian, Serbian, English and French and, for the official webpage of the Court), editing and proofreading and simultaneous interpretation (in Albanian, Serbian and in English language). Thus, the DPS processed over 42632.7 pages of letters, various documents, judgments, resolutions, decisions on striking out referrals, preliminary reports and other documents in Albanian, Serbian, English and French language.

The interpreters provided 836:30 hours of simultaneous interpretation in regular meetings, review sessions and administrative sessions, workshops and various conferences in interviews of candidates for the positions announced by the CCK.

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

The DPS facilitated the processing of cases in Albanian, Serbian and English. At the same time, it has contributed to the publication of decisions in Albanian, Serbian, English and French.

DEPARTMENT OF BUDGET AND FINANCE

DEPARTMENT OF BUDGET AND FINANCE

Based on Law No. 08/L-193 on Budget Appropriations for the Budget of the Republic of Kosovo, the approved budget for the Constitutional Court of the Republic of Kosovo for 2023 was **2,179,861.00€**, and according to structure, respectively economic categories, are reflected in the tabular presentation.

Wages and salaries	Goods and services	Utilities	Capital investments	Subsidies and transfers	Grant of Council of Europe	Total
1,395,781.00€	518,000.00€	4,000.00€	110,000.00€	80,080.00€	72,000.00	2,179,861.00€

The approved 2023 budget, allocation and execution for the period January - December

Based on letter DBF-776 of 05 July 2023, the Constitutional Court requested the Ministry of Finance, Labor and Transfers to transfer/reallocate funds from the Court subprogram with code 238, category of capital expenditures, from the project “IT equipment” with code 11132, which were transferred to the same subprogram but in capital code 11135 “Software” in the amount of 15,000.00€ .

Based on the letter SP/1082 of 27/10/2023 “Closing of the fiscal year 2023”, we presented the savings in the Wages and salaries category and in the Capital Investments category.

Based on the decision of the Government No. 16/174 of 22.11.2023, the transfer/reallocation of funds from the capital project “Vehicles” 11136 in the amount of 40,000 euro and the capital project “IT Equipment” 11132 in the amount of 8,662.00 euro was made as a total amount of 48,662 euro to the economic code 130 Goods and services.

Also, the Constitutional Court has submitted the request for additional funds to the category of goods and services (130) based on the Law on budget appropriations for fiscal year 2023 based on Law No. 08/L-193 amended and supplemented by Law No. 08/L-213 and by Law No. 08/L-235, Article 15, paragraph 5 of the law, budget organizations are enabled to request additional funds in the last three months, where by the Government’s decision on savings and appropriations no. 04-179 of 21.12.2023, the amount of 32,000 euro was approved and executed.

Based on Government decision no. 69/2023 of 27.12.2023, the transfer of budget funds within the expenditure category “Wages and salaries” is approved, providing them from Budgetary Organizations where there is a surplus of budget funds within the expenditure category “Wages and salaries” .

In support of Law No. 08/L-193 on Budget Appropriations for the Budget of the Republic of Kosovo, the approved budget for the Constitutional Court of the Republic of Kosovo for the year 2023 with all these changes is presented in the following table:

	Approved budget 2023 (A) €	Allocations January- December (B) €	Executions January- December (C) €	% (C/A) €	% (C/B) €
Wages and salaries	1,223,457.22	1,223,457.22	1,223,457.22	100	100
Goods and services	598,662.00	598,662.00	595,712.34	99.51	99.51
Utilities	4,000.00	4,000.00	3,977.04	99.43	99.43
Subsidies and transfers	80,080.00	80,080.00	79,531.92	99.32	99.32
Capital investments	61,338.00	61,338.00	56,544.40	92.18	92.18
Grant of Council of Europe	72,000.00	72,000.00	69,801.69	96.95	96.95
Total	2,039,537.22	2,039,537.22	2,029,024.61	99.48	99.48

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

In the general budget, the participation of allocation in 2023 was 2,039,537.22€ and indicated in percentage 100% .

	January- September €	October €	November €	December €	Total €	%
Wages and salaries	917,726.37	99,943.28	101,823.49	103,964.08	1,223,457.22	100
Goods and services	386,113.26	55,924.51	68,469.77	88,154.46	598,662.00	100
Utilities	3,100.00	300.00	300.00	300.00	4,000.00	100
Subsidies and transfers	37,337.50	8,662.00	(8,662.00)	24,000.50	61,338.00	100
Capital investments	60,061.00	6,673.00	0.00	13,346.00	80,080.00	100
Grant of Council of Europe	72,000.00	0.00	0.00	0.00	72,000.00	100
Total	1,476,338.13	171,446.35	161,931.26	229,765.04	2,039,537.22	100

Budget execution for period January - December

The execution of the budget based on allocation for 2023 was 2,029,024.61 € indicated in percentage of 99.48%.

Wages and salaries	Goods and services	Utilities	Capital investments	Subsidies and transfers	Grant of Council of Europe	Total
1,223,457.22€	598,662.00€	4,000.00€	61,338.00€	80,080.00€	72,000.00	2,039,537.22€

Budget execution is presented as follows¹:

¹ In the implementation of the budget, the advance for cash in the amount of €1,000.00 is not included, since it is not considered as an expense, execution until the replenishment or equalization of the advance.

	Allocations January – December (A) €	Execution January – December (B) €	Balance (C) €	% (B/A) €
Wages and salaries	1,223,457.22	1,223,457.22	0.00	100
Goods and services	598,662.00	595,712.34	2,949.66	99.51
Utilities	4,000.00	3,977.04	22.96	99.43
Subsidies and transfers	80,080.00	79,531.92	548.08	99.32
Capital investments	61,338.00	56,544.40	4,793.60	92.18
Grant of Council of Europe	72,000.00	69,801.69	2,198.31	96.95
Total	2,039,537.22	2,029,024.61	10,512.61	99.48

Budget execution for wages and salaries

Execution of wages and salaries per month:

Month	Number of staff	Budget	Execution	Balance
January	61	104,517.46	104,517.46	0.00
February	61	101,082.75	101,082.75	0.00
March	61	101,847.63	101,847.63	0.00
April	63	101,808.16	101,808.16	0.00
May	63	104,015.20	104,015.20	0.00
June	63	103,489.85	103,489.85	0.00
July	63	98,547.67	98,547.67	0.00
August	63	101,959.29	101,959.29	0.00
September	63	100,458.36	100,458.36	0.00
October	63	99,943.28	99,943.28	0.00
November	63	101,823.49	101,823.49	0.00
December	63	103,964.08	103,964.08	0.00
Total		1,223,457.22	1,223,457.22	0.00

Budget execution for goods and services

Execution of the budget in the category of goods and services for 2023 allocated per month:

Month	Budget	Allocations	Execution	Balance
January	41,630.32	41,630.32	41,630.32	0.00
February	33,579.76	33,579.76	33,579.76	0.00
March	32,154.62	32,154.62	32,154.62	0.00
April	45,577.29	45,577.29	45,577.29	0.00
May	77,286.58	77,286.58	77,286.58	0.00
June	45,181.49	45,181.49	45,181.49	0.00
July	38,538.05	38,538.05	38,538.05	0.00

August	22,208.66	22,208.66	22,208.66	0.00
September	47,006.83	47,006.83	47,006.83	0.00
October	55,924.51	55,924.51	55,924.51	0.00
November	68,469.89	68,469.89	68,469.77	0.12
December	91,104.00	91,104.00	88,154.46	2,949.54
Total	598,662.00	598,662.00	595,712.34	2,949.66

Budget allocated for capital investments as per project codes

Projects	Project codes	Approved budget €	Execution €	Balance €
IT equipment	11132	16,338.00	12,294.40	4,043.60
Software	11135	45,000.00	44,250.00	750.00
Vehicles	11136	0.00	0.00	0.00
Total:		61,338.00	56,544.40	4,793.60

Budget execution for utilities

Execution of the budget in the category of utilities for 2023 allocated per month:²

Month	Budget	Allocation	Execution	Balance
January	350.00	350.00	226.82	123.18
February	350.00	350.00	225.97	124.03
March	350.00	350.00	235.30	114.70
April	350.00	350.00	225.47	124.53
May	350.00	350.00	245.57	104.43
June	350.00	350.00	237.50	112.50
July	350.00	350.00	259.00	91.00
August	350.00	350.00	236.32	113.68
September	300.00	300.00	235.23	64.77
October	300.00	300.00	0.00	300.00
November	300.00	300.00	501.54	(201.54)
December	300.00	300.00	1,348.32	(1,048.32)
Total	4,000.00	4,000.00	3,977.04	22.96

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

Budget execution for Subsidies and Transfers

Budget execution in the Subsidies and transfers category for 2023 divided by month:

Month	Budget	Allocation	Execution	Balance
January	6,677.00	6,677.00	4,321.32	2,355.68
February	6,673.00	6,673.00	6,638.76	34.24
March	6,673.00	6,673.00	6,637.76	34.24
April	6,673.00	6,673.00	8,956.20	(2,283.20)
May	6,673.00	6,673.00	6,638.76	34.24
June	6,673.00	6,673.00	6,638.76	34.24
July	6,673.00	6,673.00	6,616.56	56.44
August	6,673.00	6,673.00	6,616.56	56.44
September	6,673.00	6,673.00	6,616.56	56.44
October	6,673.00	6,673.00	6,616.56	56.44
November	6,673.00	6,673.00	0.00	0.00
December	6,673.00	6,673.00	13,233.12	112.88
Total	80,080.00	80,080.00	79,531.92	548.08

Budget execution from the Council of Europe Grant

Execution of the budget from the Council of Europe Grant for 2023 divided by month:

Month	Budget	Allocation	Execution	Balance
January	0.00	0.00	0.00	0.00
February	0.00	0.00	0.00	0.00
March	72,000.00	72,000.00	0.00	0.00
April	0.00	0.00	0.00	0.00
May	0.00	0.00	0.00	0.00
June	0.00	0.00	0.00	0.00
July	0.00	0.00	0.00	0.00
August	0.00	0.00	0.00	0.00
September	0.00	0.00	40,801.00	0.00
October	0.00	0.00	0.00	0.00
November	0.00	0.00	0.00	0.00
December	0.00	0.00	29,000.69	0.00
Total	72,000.00	72,000.00	69,801.69	2,198.31

PROCUREMENT UNIT

PROCUREMENT UNIT

In support of the final procurement plan for 2023, the Procurement Unit has initiated and developed a total of thirty three (33) procurement activities and 31 contracts were signed.

Based on the Law on Public Procurement, we have classified the procurement activities by type, value and procedure, presented in the following details:

- 1) Minimum value procedure (up to 1000 euro);
- 2) Price quotation procedure (small value)
- 3) Open procedure (medium value);
- 4) Open framework procedure – (medium value);
- 5) Open framework procedure (high value);
- 6) Procedure negotiated without publication of the Contract Notice.

1) Minimum value procedure

In 2023, a total of 9 (nine) activities with minimum value were initiated and developed and 9 (nine) contracts were signed, as presented below:

1. Supply with Barcode Printer and Barcode Scanner;
2. Tire replacement and assembly, balancing and hoteling (storage) of tires.
3. Bus transport services from Prishtina to Thessaloniki, Greece and vice versa;
4. Re-tendering (quotation) - Supply of a one-year license for the Zoom Communication Online Platform;
5. Re-quotation; Chair fabric covering;
6. Re-tendering, Lot 4, Supply of books to authors;
7. Temporary transportation services for the judicial year;
8. Drafting expertise on the defect caused in the Shkoda Super B vehicle;
9. Supply for the end of the year – (Lot I – handmade).

2) Price quotation procedure (small value)

In 2023, a total of eight (8) price quotation activities and eight (8) contracts were signed, as presented below:

1. Supply with official expendable material;
2. Providing audio and recording services for conferences;
3. Supply of Information Technology equipment “Touch-pad Smartboard and camera for conferences”;
4. Supply of Information Technology equipment;
5. Re-tendering, Supply of licenses Trados Studio 2022;
6. Re-tendering; Lot 1, Services and supply of silver handicrafts;
7. Lot 2. Protocol services and supplies - Decorative plates;
8. Supply of WIFI equipment– Wireless.

3) Open procedure (medium value)

In 2023, a total of 2 (two) activities were initiated and developed - Open procedure and 2 contracts were signed, as presented below:

1. Supply of IT equipment;
2. CDMS and website advancement.

4) Open framework procedure – medium value

In 2023, a total of 7 (seven) activities were initiated and developed - Open framework procedure, medium value and 7 contracts were signed, as presented below:

- 1) Development of the system for human resources management and logistics;
- 2) Insurance of official vehicles TPL, TPL Plus and Full Kasko-EU;
- 3) Lot 1: Shooting services;
- 4) Lot 2: Photography services;
- 5) Air transport services;
- 6) Peugeot 308 and Mercedes C200 maintenance and servicing.
- 7) Maintenance of servers.

5) Open framework procedure (high value)

In 2023, a contract was signed in two Lots for high value service, below we present:

- 1) Lot I - “Written translation services, proofreading and harmonization of texts from Albanian into English, Serbian, and other languages as needed and *vice versa*”.
- 2) Lot II - “Simultaneous interpretation of sessions and official meetings”.

6) Negotiated procedure without publication of the Contract Notice

In 2023, a total of 3 (three) activities were initiated and developed - Medium value negotiated procedure and 3 contracts were signed, as presented below:

- 1) Lot I – “Written translation services, proofreading and harmonization of texts from Albanian into English, Serbian, and other languages as needed and *vice versa* 3-month
- 2) Maintenance and cleaning of the Constitutional Court facility 3-month
- 3) Supply for the end of the year; Re-tendering (Lot II - supply vouchers for the staff of the Constitutional Court) immediate.

In 2023, 9 procedures were canceled, because none of the offers were responsive, for 7 of them contracts were signed with re-tendering, while for two (2) of them even after re-tendering they were canceled and procurement procedures to be developed in 2024, as presented below:

- 1) Maintenance of IT parts has been cancelled on 22.11.2023;
- 2) The advancement of the VIOP and Time Attendance phone system has been canceled on 09.11.2023.

The amount of contracts signed in 2023, including all taxes, was **859,483.40 €**

INFORMATION TECHNOLOGY AND MULTIMEDIA UNIT

INFORMATION TECHNOLOGY, COMMUNICATION AND MULTIMEDIA UNIT

The Information Technology, Communication and Multimedia Unit is responsible for providing professional care services and the general infrastructure of information technology in the Constitutional Court.

In 2023, the ICT and Multimedia Unit has carried out important projects, creating stable and professional systems, with advanced and secure equipment for the purpose of providing services and achieving security in accordance with the Court's work plan and strategic plan of the Constitutional Court.

Accomplished projects

- Project for the advancement of the CDMS system and the website, which was financed by the Council of Europe, this project was carried out according to the dynamics and the envisaged plan by implementing all the points mentioned in the plan, regular meetings with the working group were held, where during this period, several versions were installed and tested with the latest changes according to the requirements from the relevant units that must be developed for the advancement of the systems and the website;
- Data migration and completion of the final version of the human resources and logistics HRMIS system, preparation and installation of the database in SQL server and IIS web-server for the operation of the HRMIS application for all personnel within the Court's network;
- Assembly and configuration of the new Wi-Fi network system covering all areas of the Court, a total of 10 Wi-Fi wireless network distributors have been installed, this network infrastructure has been configured with advanced and secure access, increasing the internal security during access for internal use by staff and visitors;
- Assembly and configuration of 6 Cisco switches (network distributors) in the main network nodes and replacement of old equipment according to the strategic plan, the switches are configured and installed to increase the speed and avoid interruptions in communication within the devices in the court network;
- Two 65 inch smartboard TVs have been installed and configured in the courtroom and training room along with a conference camera system to enable online sessions, conferences and training;
- Opening and publishing the official page on the social platform Facebook and configuring the parameters of the page according to the internal policies of the Court;
- Purchase of equipment, software and the contracting of ICT services, procedures for the purchase of Information Technology equipment, software and other professional services have been initiated and completed, where all projects have been carried out according to the previous plan for 2023, all services of IT, software and equipment are installed and configured according to the internal policies of the Court;
- Purchase and installation of licenses for the Trados Studio 2022 software, the software is configured within the Court's internal network and is in full use by the Court's translators;
- Configuration and approval of internal security policies and application for all users in the Court's domain, silences of attempted attacks have been continuously monitored and

controlled, offering advice to all staff on the care of fraud through fraudulent e-mail addresses;

- Configuration and administration of audio and translation equipment in the courtroom for holding regular sessions according to the requested schedule;
- Configuration and administration of online review sessions, meetings, international conferences and various trainings via the Zoom platform;
- Design and publication of the periodic Bulletin of the case law of the Constitutional Court for quarterly periods, a total of 4 periodic bulletins have been published.

Conducted activities

- Administration and maintenance of servers and technological infrastructure, continuing the full commitment under the care of the professional staff of the ICT Unit. During this period, all servers were administered and maintained in working condition, periodically taking care of physical condition monitoring, security management and control, log control, temperature monitoring in the server room and power supply and UPS for technological infrastructure and accompanying equipment. During this period, several damaged parts in the server room were replaced and these interventions and configurations were successfully carried out, returning the system to full operation. All physical and virtual servers are backed up and managed for security purposes.
- Intervening and controlling the network within the Court and updating new versions of operating systems and Office packages for all devices by carefully approving and installing them by the System Administrator;
- Creating regular copies (back-up) for the CDMS database, taking care of and eliminating errors, as well as ensuring the data storage on the two copies of the servers;
- Taking care and providing services for the smooth running of operating systems and technology and communication equipment for all employees in the Court. It has also been intervened through distance in the provision of IT services for holding online sessions.
- Management and organization of technical tasks within the Unit, providing the necessary support for the best functioning of Information Technology equipment and systems within the Court;
- Configuring and installing the Antivirus console on the Court's servers and applying new Microsoft updates to all computers;
- Participation in committees with working groups for changes and updates of internal legal acts.
- In 2023, a total of 10 procurement processes have been requested to be initiated for the purchase of various IT equipment, maintenance, software and follow-up parts according to the foreseen plan for this year.
- Assembly, installation and configuration of new computers for Judges and registration in the domain of the CCK, data transfer, maintaining the internal devices, upgrading the operating systems to Windows 10 and other application software.
- In 2023, 208 decisions were published on the website in the respective languages that were sent and their categorization based on the filtering list was done;

INTERNAL AUDIT UNIT

INTERNAL AUDIT UNIT

Based on the annual plan for 2023, the IAU has planned a total of four (4) audits and two reports for monitoring the implementation of recommendations.

Reports finalized by IAU in 2023 are:

1. "Management of contracts" in IAU",
2. "Management of logistics " in the DAHR,
3. "Management of Archives" in DCRSA,
4. "Management of expenses", and
5. "Procurement management".

At the beginning of the Ist half of the year and at the beginning of the IInd half of the year, reports on the implementation of the recommendations were monitored and prepared..

The IAU has also submitted within the specified deadline:

- The Strategic Plan of IA for the period 2024-2026, and
- Annual Plan of IA for 2024.

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

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

The management has evaluated the work of the auditors and, in the first possible case, has taken care of the implementation of the recommendations given both by the internal auditor and by the general auditors, and this has influenced the improvement of the quality of the institution's activities and performance.

1. Internal Audit Committee

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

- Administrative Instruction on Establishment and Functioning of the Audit Committee in the Public Sector,
- Statute of IAC;
- Good practices; and
- International auditing standards.

The Internal Audit Committee in 2023 held five (5) meetings and ensured supervision of plans, reports and implementation of recommendations given by the auditors.

COMMUNICATION AND INFORMATION OFFICE

COMMUNICATION AND INFORMATION OFFICE

The Communication and Information Office (CIO) in its area of responsibilities includes: information and communication with the media/public, media monitoring, publication of notifications on the Court's website and on the Court's pages in social networks of announcements regarding visits/activities and sessions/decisions, publication of the Court's Newsletter, publication of the Court Book and other leaflets/information brochures, communication with the parties/citizens, protocol, requests for access to official documents of the Court and protection of personal data, as well as cooperation with the Venice Commission.

In 2023, the Communication and Information Office (CIO) carried out these activities:

I. Media monitoring:

- 145 daily media reports were compiled;
- 49 weekly media reports were compiled;
- Physical and electronic archiving of print media reports (66 articles) and of electronic media (448 articles) regarding the work of the Court.

II. Communication with the media/public:

- "Complaints corner" for citizens has been located at the information reception;
- The Court's pages on social networks "X" and "Facebook" have been opened;
- Submitted responses to 184 questions submitted by the print and electronic media, and to 498 questions/requests by citizens and institutions;
- 34 notifications on the official website and 23 notifications on the Court's pages on the social networks "Facebook" and "X" regarding the visits and activities carried out;
- 39 notifications with summary information on the Court's decisions were published;
- 12 notifications with statistical information on the sessions and decisions of the Court have been published.

III. Publication of leaflets/brochures and other information materials:

- The Annual Media Report for 2022 has been published;
- The 15th and 16th issues of the Court Newsletter have been published;
- The Bulletin of Case Law for 2022 has been published;
- 4 quarterly Bulletins of Case Law have been published;
- The new version of the Annual Work Report for 2022 has been prepared and published;
- Informative material regarding the procedure for submitting referrals and the numerical orientation in the Court's offices has been placed at the Court's reception;
- The video-animation production : "How the Constitutional Court renders its decisions" has been prepared;

- The video-presentation on the occasion of the 14th anniversary of the establishment of the Court was prepared and published .

IV. Protocol activities:

- The protocol tasks related to 40 official visits to the Court were finished, 17 official visits abroad, 11 workshops/conferences organized in the country, 6 workshops/conferences organized abroad and 2 workshops/conferences organized through video-conference;
- 163 letters of exchange with local and international institutional leaders were prepared.

V. Requests for access to official documents:

- In 2023, a total of 25 requests for access to official documents of the Court were received. Of this number, 24 requests for access have been fully approved, while 1 request for access was partly approved.
- 4 quarterly reports on requests for access to official documents of the Court have been approved.
- The Annual Report on Access to Official Court Documents has been submitted to the Information and Privacy Agency in 2023.

VI. Communication with parties/citizens:

In 2023, at the Court's reception were registered and processed:

- 690 citizens;
- 480 institutional representatives.

VII. Cooperation with the Venice Commission:

- The Court's answers to 66 questions submitted through the Venice Commission Forum were sent by 15 constitutional and supreme courts of the member states (a total of 19 requests);
- 3 quarterly reports were submitted, together with the most important decisions of the Court for publication in the Bulletins of the Venice Commission.

OTHER ACTIVITIES OF THE CONSTITUTIONAL COURT

OTHER ACTIVITIES OF THE CONSTITUTIONAL COURT

I. Official travels

30 January - 3 February 2023

A delegation of judges of the Constitutional Court of the Republic of Kosovo, led by the President of the Court, Mrs. Gresa Caka – Nimani, stayed for an official visit in Lisbon, Portugal, on 30 January – 3 February 2023. The visit was realized with the support of the Council of Europe Office in Kosovo, within the project “*Support of the Constitutional Court of Kosovo in the implementation and dissemination of European standards of fundamental human rights and freedoms*”.

During the three-day stay in Portugal, the delegation of the Constitutional Court had meetings with the Constitutional Court, the Supreme Court of Justice, the Supreme Administrative Court and representatives of the Parliament of the Portuguese Republic.

In the Constitutional Court of Portugal, the delegation of the Constitutional Court of Kosovo was welcomed by the President of the Constitutional Court of Portugal, Mr. João Pedro Barrosa Caupers and other judges, who together discussed the jurisdictions of both courts, the characteristics of the Portuguese system in the protection of fundamental human rights and freedoms, with particular focus on the limitations of fundamental rights and freedoms in times of emergencies and the jurisprudence of both courts regarding the Covid-19 pandemic.

The delegation of the Constitutional Court of Kosovo also visited the Supreme Court of Justice of Portugal, where it was welcomed by its President, Mr. Henrique Luís de Brito de Araújo and other judges, with whom they jointly discussed the functions, competencies and composition of this court. On the other hand, during the visit to the Supreme Administrative Court, the Kosovo delegation was welcomed by the President of this court, Mrs. Dulce Manuel da Conceição Neto and other judges, where the subject of the joint discussion was also the jurisdiction, composition and work of this institution. During the visit to the three respective courts, the delegations also agreed on mechanisms for deepening cooperation in the future.

The delegation of judges of the Constitutional Court of Kosovo also met with members of the Parliament of Portugal, where they discussed constitutional justice and its importance in advancing the principle of the rule of law, as well as the importance of deepening the cooperation between justice institutions of both countries.

27 - 28 March 2023

A delegation of the Judges of the Constitutional Court of the Republic of Kosovo, led by the President of the Court, Mrs. Gresa Caka – Nimani, stayed for an official visit at the Court of Justice of the European Union (CJEU), seated in Luxembourg, on 27-28 March 2023.

The delegation of the Constitutional Court was first received in a meeting by the Vice-President of the CJEU, Mr. Lars Bay Larsen and the First Advocate General, Mr. Maciej Szpunar, with whom President Caka-Nimani and other constitutional judges discussed on the functions and competences of this court within the frame of justice structures of the European Union. The President informed them on the jurisdiction, competences and jurisprudence of the Constitutional Court, including the role and importance of the case-law of the CJEU in the decision making of the Constitutional Court.

The joint meeting continued with the participation of the judges of the two courts in the round table on the theme: “The Charter of the Fundamental Rights of the EU”, where among keynote

speakers was also the President of the Constitutional Court of Kosovo, Mrs. Gresa Caka-Nimani. During this round table, it was discussed also about the interaction between the Charter of the Fundamental Rights of the EU and the European Convention on Human Rights, as well as the interaction between the CJEU and the ECtHR regarding this area of jurisdiction.

President Caka-Nimani was received in a meeting by the President of CJEU, Mr. Koen Lenaerts, with whom it was discussed about the possibilities of cooperation between the two courts. In addition, the delegation of the Court attended a public hearing of the Grand Chamber of the CJEU.

The visit of the delegation of the Constitutional Court of Kosovo to the Court of Justice of the European Union was concluded with joint discussions with Presidents of Chambers of the Court of Justice, judges of this court and of the General Court.

10 May 2023

The President of the Constitutional Court of the Republic of Kosovo, Mrs. Gresa Caka – Nimani, stayed for an official visit in Tirana, on Wednesday, 10 May 2023.

The visit of President Caka-Nimani to the Albanian capital was organized by the Supreme Court of the Republic of Albania, with the invitation to participate in the international conference organized to mark the 110th anniversary of the establishment of this court, on the topic: *“Case law of the Supreme Court, from national identity to universal values”*.

During her stay in Tirana, President Caka-Nimani was received in separate meetings by the Vice President of the Supreme Court of the Republic of Albania, Mr. Sokol Sadushi, and by the President of the Constitutional Court of Albania, Mrs. Holta Zaçaj.

The topic of joint discussion in both meetings was the further deepening of good cooperation relations with the respective courts and joint efforts to strengthen the rule of law in both countries.

10 - 13 July 2023

Judge Nexhmi Rexhepi stayed on a several-day to the State Council of France (Conseil d'Etat), seated in Paris, France.

20 - 21 July 2023

Judges Selvete Gërxhaliu-Krasniqi and Remzije Istrefi-Peci participated in the 20th World Law Congress, which was held in New York, USA.

27 October 2023

The President of the Constitutional Court of the Republic of Kosovo, Mrs. Gresa Caka – Nimani, and the President of the Constitutional Court of the Republic of Bulgaria, Mrs. Pavlina Palova, along with the Presidents of the Constitutional Courts of the Republic of Albania, Turkey, North Macedonia and Montenegro, signed today in Sofia, Bulgaria, a Memorandum of Understanding, establishing the Balkan Constitutional Courts Forum.

The Constitutional Court of the Republic of Kosovo becomes for the first time a founding member of an international professional constitutional justice forum with equal rights. In the capacity of Observer Members, the Constitutional Court of Bosnia and Herzegovina, the Constitutional Court of Croatia, the Council of State of Greece and the Constitutional Court of Romania are also part of the Balkan Constitutional Courts Forum, established with the support of the European Court of Human Rights and the European Court of Justice.

11 November 2023

Deputy President of the Constitutional Court of the Republic of Kosovo, Mr. Bajram Ljati, paid an official visit to Sarajevo, upon the invitation of the international non-governmental organizations “Civic Rights Defender” based in Stockholm, and the “AIRE Centre” based in London.

Deputy President Ljati has been invited to participate at the 10th Regional Rule of Law Forum for South East Europe, which is being organized this year on 10-11 November 2023, in the capital city of Bosnia and Herzegovina, on the topic of “*Balancing Data Protection with Transparent Justice: The European Legal Framework*”.

The Regional Rule of Law Forum is one of the most significant events of the year for representatives of the judiciary, human rights lawyers, the legal community and non-governmental organizations in the Western Balkans. Its primary purpose is to promote and implement the European Convention on Human Rights (ECHR), encourage regional cooperation to strengthen the rule of law, and provide assistance in the integration process of the states of the region into the European Union.

27 November 2023

A delegation of the Constitutional Court of the Republic of Kosovo, led by the President of the Court, Mrs. Gresa Caka-Nimani, paid an official visit to Tirana, at the invitation of the Constitutional Court of the Republic of Albania, to attend the ceremony marking the 25th anniversary of the Constitution of the Republic of Albania and the international conference organized on this jubilee anniversary.

President Caka-Nimani was one of the main speakers at the international conference, which was attended by presidents and judges of European constitutional courts, as well as the highest institutional representatives of the Albanian state..

II. Official visits to the Constitutional Court/Other activities

13 January 2023

The President of the Constitutional Court of the Republic of Kosovo, Ms. Gresa Caka – Nimani and the Head of the Council of Europe Office in Prishtina, Mr. Frank Power, signed the Agreement on the Council of Europe grant for the Constitutional Court.

The object of the Grant Agreement is support and financing of a number of projects for the advancement and improvement of the overall capacities of information technology services in the Constitutional Court.

Through these funds provided by the Council of Europe, the reached Agreement will enable the purchasing of advanced hardware and software systems, which will contribute to the facilitation of the process of case management, improvement of the management system of the database and advancing of the functionality of the Constitutional Court’s web-page.

The Agreement has been signed as part of the Council of Europe project: “*Support to the Constitutional Court in Applying and Disseminating European Human Rights Standards*”, initiated in January of last year”.

13 January 2023

The President of the Constitutional Court of the Republic of Kosovo, Mrs. Gresa Caka – Nimani and the dean of the Faculty of Law of the University of Prishtina "Hasan Prishtina", Prof. Dr. Avni Puka, signed in a joint ceremony the Cooperation Agreement between the Constitutional Court and the Faculty of Law of the UP.

The object of the signed agreement, among other things, is the development of joint activities aiming at the deepening and exchanging knowledge in the field of the constitutional law, human rights, constitutional justice and the rule of law, as well as mutual participation in professional seminars and conferences.

Part of the activities foreseen within the Cooperation Agreement are also the periodic lectures of the judges of the Constitutional Court before the students of the Faculty of Law of the UP, the access of law students at the master's and doctoral level to the Library of the Court for academic purposes and research, as well as the engagement of the Faculty Law students as interns at the Constitutional Court.

The Constitutional Court and the Faculty of Law remain committed, jointly and each within their own competences, to support the continuous advancement of new generations of jurists.

19 January 2023

The President of the Constitutional Court of the Republic of Kosovo, Mrs. Gresa Caka – Nimani and Director of the Justice Project of the U.S. Agency for International Development (USAID) in Kosovo, Artan Hadri, signed in a joint ceremony a Memorandum of Understanding between the Constitutional Court and USAID.

The object of the signed agreement, among other things, is the improvement of institutional capacities of the Constitutional Court for providing more qualitative services for citizens seeking protection of their fundamental rights guaranteed by the Constitution and ensuring easier access of the citizens to the premises of the Court.

The activities planned within the frame of the Memorandum also include USAID assistance in organizing roundtables between the Constitutional Court and representatives of the civil society and the media.

The Memorandum of Understanding marks the continuation of USAID's support for the Constitutional Court of Kosovo, as one of the main donors and supporters of various projects realized over the years for the advancement of the Court's professional and infrastructural capacities.

19 - 22 January 2023

The Constitutional Court of the Republic of Kosovo within the project of the Council of Europe in Prishtina "*Improving the Protection of European Human Rights Standards by the Constitutional Court*", held the Orientation Workshop for the new Judge of the Constitutional Court, namely Mr. Enver Peci, on 19 - 22 January 2023, in Budva, Montenegro.

26 January 2023

The Judge of the Constitutional Court, Mrs. Remzije Istrefi-Peci, and Acting Secretary General of the Constitutional Court, Mr. Veton Dula, hosted in a joint meeting a group of international

students of the European Master's Program in Human Rights and Democratization (EMA) from university campuses in Vienna and Venice.

The history of the establishment of the Constitutional Court and the adoption of the Constitution of the Republic of Kosovo, the Court's role and responsibilities, as well the jurisdiction and authorized parties to file referrals were only some of the topics on which Judge Istrefi – Peci discussed in her presentation.

Judge Istrefi – Peci continued by informing the international students about the application of the case-law of the European Court of Human Rights and the constitutional obligation to respect the European Convention on Human Rights in the decision-making process of the Constitutional Court of Kosovo.

Following a presentation by Acting Secretary General on the current structure of the Court and its first composition with international judges and legal advisors, the students expressed their interest to be informed more thoroughly on the nature of the decisions issued by the Court, the most frequent reasons for declaring the submitted referrals inadmissible and the duration of the review of cases.

13 February 2023

A group of 15 teachers of the subject "Civic Education" in the primary schools of the municipalities of Fushë-Kosova, Shtime, Viti, Prizren and Prishtina visited the Constitutional Court of the Republic of Kosovo, within the framework of the training program "*Youth Empowerment – Enhancing Human Rights and Rule of Law Education in Schools*", supported by the EULEX Mission in Kosovo and implemented by the non-governmental organization Youth Initiative for Human Rights – Kosovo (YIHR-KS).

The teachers were received at the meeting by the judge of the Constitutional Court, Mr. Nexhmi Rexhepi, who, among other things, informed them about the jurisdiction of the Constitutional Court and the parties authorized to submit referrals, about the composition of constitutional judges and the process of their election, as well as about the decision-making of the Court and the mechanisms available for monitoring their applicability.

Among the issues about which the teachers expressed their interest in being informed in more detail regarding the work and activity of the Constitutional Court, was the selection procedure of the constitutional judges, their mandate as judges and the way of voting during the handling of cases.

16 February 2023

In the Constitutional Court of the Republic of Kosovo, an informative workshop was held with newly appointed judges and prosecutors, organized within the initial training program by the Academy of Justice of Kosovo.

The new judges and prosecutors were welcomed at the meeting by the President of the Constitutional Court, Mrs. Gresa Caka – Nimani, who during the presentation initially discussed the role and jurisdiction of the Court in the legal system of the Republic of Kosovo, its organizational structure and composition, and the parties authorized to file referrals.

President Caka – Nimani then spoke in more detail about the admissibility criteria and handling of referrals, the relations of the Constitutional Court with the courts of other instances in the country, and the possibilities that regular courts have, through the incidental control mechanism, to refer to the Court for the assessment of the constitutionality of a law, which may have been challenged in a judicial procedure.

During the conversation, the newly appointed judges and prosecutors expressed their interest in being informed in more detail about cases in which the Court can review its case-law, the difference between the control of legality and constitutionality of acts, and various aspects of the procedure for referring referrals through incidental control and the prevailing criteria to decide whether the constitutionality of a law should be referred to the Constitutional Court.

27 February - 18 March 2023

The President of the Constitutional Court of the Republic of Kosovo, Mrs. Gresa Caka-Nimani, within the framework of the project of the Council of Europe in Pristina *“Improving the Protection of European Standards for Human Rights by the Constitutional Court”*, stayed for a working visit to the ECtHR, from 27 February - 18 March 2023, in Strasbourg, France.

9 - 10 March 2023

Within the framework of the Council of Europe project *“Support for the Constitutional Court in the implementation and dissemination of European standards for human rights”*, the IV workshop for Judges and Legal Advisors of the Constitutional Court is held, respectively on the topic: *“Property rights and European Convention on Human Rights”*, on 9 - 10 March 2023, in Ohrid, North Macedonia.

15 - 17 March 2023

The Constitutional Court of the Republic of Kosovo held the workshop on the Action Plan and Risk Register 2023 of the Strategic Plan of the Constitutional Court on 15 - 17 March 2023, in Durrës, Albania.

7 April 2023

In recognition of the Constitution Day of the Republic of Kosovo, approved on 9 April 2008, the Constitutional Court organized the next activity “Open Court Day” on 7 April 2023. The Court was visited by a group of citizens, law students and representatives of the legal community, who, in addition to being informed about the history and work of the Court so far, also visited the Court, the Library and the offices where the officials and constitutional judges work.

19 May 2023

A group of first-year students of the Faculty of Law of the University of Prizren “Ukshin Hoti”, visited the Constitutional Court, on 19 May 2023. The students were welcomed by the President of the Constitutional Court of the Republic of Kosovo, Mrs. Gresa Caka – Nimani and the Judge of the Constitutional Court, Mr. Safet Hoxha.

After welcoming them, President Caka-Nimani informed the future lawyers of the function of the Constitutional Court in relation to other powers in the country and of the important role it has played over the years in establishing and protecting the constitutional order foundations. She further spoke about the Court’s decision-making process and the constant reference made in each of its decisions to the case law of the European Court of Human Rights and the European Convention on Human Rights.

President Caka-Nimani finally urged the students to engage as much as possible in their university studies and the acquisition of professional knowledge, in order to develop and advance the country’s legal structure vis-à-vis future challenges.

In his introduction to the UPZ students, Judge Safet Hoxha made a brief elaboration of the Constitutional Court structure and composition, the process of submitting referrals and their treatment until the judges' decision-making.

9 June 2023

A delegation of judges of the Constitutional Court of the Republic of Kosovo, composed of the Vice President of the Court, Mr. Bajram Ljatifi, and judges: Selvete Gërxhaliu – Krasniqi, Safet Hoxha and Radomir Laban, participated in a joint workshop with the judges of the basic courts of Gjakova, Peja and Prizren, which was organized with the support of the Council of Europe Office in the town of Gjakova.

The topic of the joint discussion between the constitutional judges and the judges of the three basic courts was, among others, the interaction of judicial and constitutional jurisdiction to guarantee the rule of law, and the proper administration of justice in the context of the right to a fair trial guaranteed by Article 31 of the Constitution and Article 6 of the European Convention on Human Rights.

The role of regular courts in the interpretation of the Constitution, the legal basis and the case law of the Constitutional Court in relation to “incidental control”, the divergence of the case law of regular courts and the right to a reasoned court decision, as well adjudication of cases within a reasonable time, were some of the topics the constitutional judges addressed in their presentations.

The workshop held marks a continuation of professional consultative meetings between constitutional judges and regular court judges, intending to improve the administration of justice and strengthen the rule of law in the country.

30 June 2023

Judges of the Constitutional Court of the Republic of Kosovo and judges of the Constitutional Court of the Republic of Albania participated in a joint workshop organized in “Swiss Diamond Hotel” in Prishtina on 30 June 2023.

The constitutional appeal as a substantial right, the trial within a reasonable time and the constitutional review of laws were just some of the topics addressed in the presentations and discussions of the constitutional judges of both countries. At the end of the workshop, the President of the Constitutional Court of Kosovo, Mrs. Gresa Caka – Nimani and the other constitutional judges received in a joint meeting in the Court premises a delegation of judges of the Constitutional Court of Albania, headed by the President of this Court, Ms. Holta Zaçaj.

The progress achieved so far in the area of constitutional justice of both countries, the efforts made to modernize case management electronic systems and unification of case laws, as well as the key challenges in the functioning of both courts and mutual experiences in overcoming them were the topics of the joint discussion.

18 - 19 July 2023

The judges of the Constitutional Court and the Supreme Court of the Republic of Kosovo, as part of organizing joint professional workshops, participated in the next workshop organized with the support of the German Foundation for International Legal Cooperation (IRZ), held in Thessaloniki on 18-19 July 2023.

Following the opening remarks by the President of the Constitutional Court, Mrs. Gresa Caka-Nimani, the President of the Supreme Court, Mr. Fejzullah Rexhepi, and the representatives of IRZ, Mr. Frank Hupfeld, the two-day workshop continued with discussions by the participants on the topics: “*Right of Access to Justice*”, “*Right to Liberty and Security*” –

Detention Cases”, and “*Right to Reasoned Decision*”, where the judges of the Constitutional Court, Mr. Safet Hoxha, Mr. Nexhmi Rexhepi, and Mr. Enver Peci, as well as the judges of the Supreme Court, Mr. Shukri Sylejmani, Mr. Ragip Namani, and Mr. Agim Maliqi, made their presentations.

Implementation of regular court decisions and those of the Constitutional Court of Kosovo, exchange of relevant information with the regular courts regarding cases pending before the Constitutional Court, and the possibilities for deepening mutual cooperation in facilitating administrative judicial procedures for the parties involved were also topics of discussion in the workshop.

The workshop was facilitated by Mr. Winfried Schubert, former judge and former President of the Constitutional Court of the Saxony-Anhalt region, as well as former President of the Higher Regional Court in Naumburg, Germany. With his presentations in each of the panels, he brought the perspective and experience of the regular judiciary and the constitutional judiciary of Germany.

8 - 9 September 2023

The workshop was held for the drafting of the new Action Plan for the Strategic Plan of the Constitutional Court for the years (2024 - 2025), organized with the support of the Office of the Council of Europe in Prishtina.

18 - 21 September 2023

At the invitation of the Constitutional Court of the Republic of Turkey, Mr. Jeton Bytyqi and Mr. Dardan Berisha participated in the “11th Summer School” program on the topic “Judicial Independence as a Safeguard of the Right to a Fair Trial” held on 18 - 21 September 2023, in Ankara.

21 - 23 September 2023

The President of the Constitutional Court of the Republic of Kosovo, Mrs. Gresa Caka-Nimani participated in the international seminar on the topic “*Constitutionality and the Rule of Law*”, organized in London by the Faculty of Law within the University of Notre Dame and the American Federal Society for the Study of Law and Public Policy.

6 October 2023

The Constitutional Court participated in the roundtable discussion together with the representatives of civil society organizations and local media, organized with the support of the United States Agency for International Development (USAID) in Kosovo, which was held on 6 October 2023 in Prishtina.

After the opening remarks of the President of the Constitutional Court, Mrs. Gresa Caka – Nimani, and the Director of Democracy and Governance Office at USAID, Mr. Noel Bauer, the roundtable discussion was followed by the broadcast of a video-presentation regarding the decision-making process of the Constitutional Court, realized with the support of USAID. During the conversation, the representatives of civil society organizations and the media presented their views regarding the cooperation with the Constitutional Court so far in terms of communication, handling of requests for access to official information, as well as correct interpretation, but also misinterpretation of the content of the Court’s decisions in the public.

19 October 2023

In order to improve communication with the public and easier access of citizens and media to the latest information regarding its work and activity, the Constitutional Court of the Republic of Kosovo opened its official website on the social network “Facebook”.

23 - 25 October 2023

The Constitutional Court of the Republic of Kosovo celebrated 14th anniversary of the Judicial Year with a solemn ceremony, held on 23 October 2023 in Prishtina. The ceremony was attended by the highest state leaders, accredited representatives of diplomatic missions and international organizations in the country, as well as delegations of the highest level from: the Constitutional Court of Austria, Constitutional Court of Belgium, Constitutional Court of Bosnia and Herzegovina, Constitutional Court of Bulgaria, Supreme Court of Estonia, Constitutional Council of France, Supreme Court of the Netherlands, Supreme Court of Ireland, Constitutional Court of Croatia, Constitutional Court of Latvia, Constitutional Court of Lithuania, Constitutional Court of North Macedonia, Constitutional Court and Supreme Administrative Court of Portugal, Constitutional Court and Supreme Court of Albania, as well as the Constitutional Court of Turkey. Representatives of the Venice Commission and the European Court of Human Rights participated in the ceremony of the 14th Judicial Year.

In marking the 14th anniversary of the work of the Constitutional Court, on 24 October 2023 was held an International Conference on the topic “*Contribution of the Constitutional Courts to the protection and strengthening of the basic values of democracy, rule of law and fundamental human rights and freedoms*”.

10 November 2023

In the Constitutional Court of the Republic of Kosovo, an informative workshop was held with newly appointed judges, organized within the initial training program by the Academy of Justice of Kosovo.

The new judges were received at the meeting by the judge of the Constitutional Court, Mr. Nexhmi Rexhepi, who during his presentation first discussed the role and competencies that the Court enjoys in the legal system of the Republic of Kosovo, its organizational structure, as well as the parties authorized to submit referrals.

12 November - 12 December 2023

Within the project of the Council of Europe in Prishtina “*Improving the Protection of European Human Rights Standards by the Constitutional Court*”, Judge Enver Peci and Chief of Cabinet Zyra Cela went to the ECtHR for a one-month study visit.

8 December 2023

On the occasion of the “Open Court Day”, organized to mark the International Human Rights Day, the Constitutional Court was visited by dozens of law faculty students and representatives of civil society organizations in Kosovo.

The students from the Faculty of Law of the University of Gjilan “Kadri Zeka”, were received by the Constitutional Court Judges Safet Hoxha and Remzije Istrefi – Peci. During her presentation, Judge Istrefi – Peci spoke about the history of the establishment of the Constitutional Court, organization of its work to date, and the constitutional jurisdiction of the Court. Meanwhile, Judge Hoxha provided a brief elaboration on the importance of respecting fundamental rights and freedoms, and the International Human Rights Day.

Judge Radomir Laban received the second group of visitors, consisting of students from the Legal Clinic of the Free Legal Aid Center of the Kosovo Law Institute (KLI). Judge Radomir informed them about the activities of the Court hitherto, recent cases reviewed by the Court, including the right to life as a consequence of domestic violence, and dissenting and concurring opinions of judges.

The third group of visitors on the “Open Court Day” comprised of students from the Educational Institution for Vocational Education “Hoxhë Kadri Prishtina”, who were received by Deputy President of the Constitutional Court Bajram Ljatifi and Judge Nexhmi Rexhepi. While Deputy President Ljatifi briefed the students on key points related to the history of constitutional law in our country and international human rights, Judge Rexhepi presented the role and function of the Constitutional Court, the mandate of constitutional judges, and the human rights guaranteed by the Constitution of our country.

The “Open Court Day” activity concluded with a visit from students of the Faculty of Law of the University of Mitrovica “Isa Boletini”, who were welcomed by Judge Selvete Gërxhaliu – Krasniqi, who, among other things, informed the future jurists about the Constitutional Court’s rapport with the regular judiciary and incidental control mechanisms, criteria for citizens and authorized parties to submit referrals, and the application of the case-law of the European Court of Human Rights in the decisions of the Constitutional Court.

13 December 2023

The Constitutional Court of the Republic of Kosovo, supported by the German Foundation for International Legal Cooperation (IRZ), organized the joint conference with the Constitutional Court and the Supreme Court of the Republic of Albania, and the Supreme Court of the Republic of Kosovo, on the topic: *“The balance between legality and constitutionality control, limits in jurisdiction and access to justice”*.

This is the second joint conference of this nature organized between the counterpart courts of the Republic of Kosovo and the Republic of Albania. In addition to judges from the Republic of Kosovo and Republic of Albania, one of the main panelists at the Conference was the former judge of the Federal Constitutional Court of Germany, Mrs. Gabriele Britz.

18 - 19 December 2023

The workshop with judges and staff of the Constitutional Court “Standards of the Istanbul Convention and their reference in the judgments of the ECtHR” was held, supported by the Council of Europe Project “Aligning of laws and policies with the Istanbul Convention”. This workshop aimed to strengthen the capacities of judges and staff of the Constitutional Court to implement the standards of the Istanbul Convention and its reference in judgments.

20 December 2023

A delegation of judges of the Constitutional Court of the Republic of Kosovo composed of the President of the Court, Mrs. Gresa Caka-Nimani and the judges: Remzije Istrefi-Peci, Nexhmi Rexhepi and Enver Peci, participated in a joint workshop with the judges of the basic courts of Prishtina, Gjilan, Mitrovica and Ferizaj, which was organized with the support of the Council of Europe Office in Prishtina.

The topic of the joint discussion between the constitutional judges and the judges of the four basic courts was, among others, the interaction of judicial and constitutional jurisdiction to guarantee the rule of law, and the proper administration of justice in the context of the right to a fair trial guaranteed by Article 31 of the Constitution and Article 6 of the European Convention on Human Rights.

The role of regular courts in the interpretation of the Constitution, the legal basis and the case law of the Constitutional Court in relation to incidental control, the divergence of the case law of regular courts and the right to a reasoned court decision, as well adjudication of cases within a reasonable time, were some of the topics the constitutional judges addressed in their presentations.

The workshop held is a continuation of professional consultative meetings between constitutional judges and regular court judges, intending to improve the administration of justice and strengthen the rule of law in the country.

APPENDIX I

APPENDIX I

Summary of accounts of the Constitutional Court for 2023 Statement of Cash Receipts and Payments

Note	2023			2022			2021		
	Treasury single account		Payments from third external parties	Treasury single account		Pagesat nga palë e treta të jashtme	Treasury single account		Payments from third external parties
	KCB	OSR		KCB	OSR		KCB	OSR	
	€	€	€	€	€	€	€	€	€
Receipts									
General Fund Appropriations	1,958,212.5			1,825,629.0			1,958,013		
Own source revenues	5			0					
Special Purpose Fund Appropriations									
Designated Donor Grants	69,801.69								
Fund of Loans									
Other receipts	903.99								
Total receipts	2,028,918.23	-		1,825,629.00	-	-	1,958,013	-	-
Payments									
Operations									
Wages and salaries	2	1,223,457.2		1,209,699			1,296,201		
Goods and services	3	595,605.96		541,634			546,106		
Utilities	4	3,977.04		2,750			2,583		
		<u>1,823,040.2</u>		<u>1,754,083.1</u>			<u>1,844,890.34</u>		
		2		9					
Transfers									
Transfers and subsidies	5	79,531.92		71,546					
Capital expenditures		56,544.40					113,238		
Property building and equipment	6								
Payments from CoE grant	7	69,801.69							
Other payments	8								
Total payments	2,028,918.23	-		1,825,629.19		-	1,958,128.34		-

Report on budget execution

	2023	2022	2021
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		Execution	Final Budget (Appropriations)	Original Budget	Difference	Execution	Execution
		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						
Loans	13						
Other	14						
Total; KCB Receipts Collected		-	-	-	-	-	-
Cash Outflows from Treasury Accounts							
Wages and salaries	2	1,223,457	1,395,781	1,395,781	172,324	1,209,699	1,296,201
Goods and Services	3	595,606	598,662	518,000	3,056	541,634	546,106
Utilities	4	3,977	4,000	4,000	23	2,750	2,583
Transfers and subsidies	5	79,532	80,080	80,080	548	71,546	
Capital Expenditures	6	56,544	61,338	110,000	4,794		113,238
Grant from CoE	7	69,802	72,000	72,000	2,198		
Other	8						
Total payments made through KCB		2,028,918	2,211,861	2,179,861	182,943	1,825,629	1,958,128

General Fund Appropriations for 2023

Economic Classification	2023			2022	2021
	KCB	OSR	Total		
	€	€	€	€	€
Wages and salaries	1,223,457.22		1,223,457.22	1,388,837	1,296,201
Goods and services	598,662		598,662	565,856	546,106
Utilities	4,000		4,000	4,000	2,583
Subsidies and transfers	80,080		80,080	77,580	
Capital investments	61,338		61,338	45,000	113,238
Grants from CoE	72,000		72,000		
	2,039,537.22	-	2,039,537.22	2,081,273	1,958,128

ORGANIZATIONAL CHART



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