



**REPUBLIKA E KOSOVËS/ REPUBLIKA KOSOVA/ REPUBLIC OF KOSOVO**  
**KËSHILLI GJYQËSOR I KOSOVËS/SUDSKI SAVET KOSOVA/KOSOVO JUDICIAL COUNCIL**

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**KJC, no. 192 /2012**  
**Date, 8 October, 2012**

**KOSOVO JUDICIAL COUNCIL, (KJC)**, pursuant to article 108 of the Constitution of the Republic of Kosovo and the Law no. 03/L-223 on the Kosovo Judicial Council, at its meeting held on 8<sup>th</sup> October 2012, issues the following:

## **DECISION**

### **ON ADOPTION OF THE CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR KOSOVO JUDICIAL COUNCIL MEMBERS**

- I. The Code of Ethics and Professional Conduct for the KJC Members was adopted.
- II. The KJC Secretariat is obliged to publish the Code of Ethics and Professional Conduct for the KJC members on the KJC website.
- III. The decision shall enter into force on the day of signature.

Enver Peci,

Chair  
Kosovo Judicial Council

Cc:

- *Albert Avdiu, Director, KJC Secretariat*
- *KJC Members*
- *Legal Department of the KJC Secretariat*



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Referring to the Constitution of Kosovo and to the Law on Kosovo Judicial Council;

Having regard to United Nations Basic Principles on the Independence of the Judiciary, endorsed by the United Nations General Assembly in November 1985, as well as Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities<sup>1</sup>

Recognizing the crucial role that the Kosovo Judicial Council plays in ensuring that all persons obtain equal access to justice by ensuring that the judiciary is independent, professional, impartial, and reflects the multiethnic nature of Kosovo and the principles of gender equality;

Recalling internationally recognized human rights standards and principles, and fundamental freedoms which in particular guarantee to everyone the right to equality before the law, the presumption of innocence, and the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;

Recognizing that in accordance with the international instruments applicable *in Kosovo*, members of a Judicial Council are like other citizens entitled to freedom of expression, belief, association and assembly—provided, however, that in exercising such rights, a member of the Judicial Council shall always conduct himself/herself, within and outside of the Council, in such a manner as to preserve the dignity, of his/her office, and the impartiality and independence of the judiciary; and, that the role of the Council in the administration of justice is preserved;

Acknowledging that the principle of separation of powers must be respected in connection with the tasks of the Judicial Council;

Acknowledging that propriety, and the appearance of propriety, are essential to the performance of all of the activities of a members of the Judicial Council, the Kosovo Judicial Council (KJC), adopts:

**THE CODE OF ETHICS AND PROFESSIONAL CONDUCT FOR MEMBERS  
OF THE KOSOVO JUDICIAL COUNCIL**

**Article 1**

**Purpose**

This Code defines the standards of ethics and professional conduct that should be observed by members of the Kosovo Judicial Council. A breach of this Code may constitute grounds for

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<sup>1</sup> *Adopted by the Committee of Ministers on 17 November 2010  
at the 1098th meeting of the Ministers' Deputies*

sanctions as provided for, and in accordance with, the provisions of Law on the Kosovo Judicial Council and applies to all Council members.

## **Article 2**

### **General Principles**

1. A Council member, shall at all times act in a manner that preserves and promotes public confidence in the dignity, integrity, effectiveness, independence, and impartiality of the judiciary and the Council.
2. A Council member shall:
  - a) Observe the highest standards of professional and personal conduct;
  - b) Respect and comply with applicable laws and other secondary sub-legal acts. ;
  - c) Perform the duties of a Council member in an independent, impartial and high professional manner.
  - d) Avoid any conduct and situation that could call into question his/her integrity or impartiality or that of the Council and shall immediately report to the Council Chair any attempt to violate these principles;
  - e) Perform duties according to internationally recognized human rights standards and principles;
  - f) Respect Rule of Law, promote the integrity, independence, impartiality and professionalism of the judiciary and further the interests of the administration of justice; and,
  - g) Promote these principles during the performance of all competencies, duties and his/her responsibilities.
3. The provisions above apply not only to a Council member's professional activities as a Council member, but also to his/her private life and regular performance of his/her professional duties, because a Council member's actions may impair the image of the Council in the wide public opinion thereby affecting the decrease of authority and reputation of the entire institution.
4. A Council member shall not engage in any activity, including activities with a political character that is incompatible with his/her functions.
5. A Council member's position as a member of the Council shall terminate upon conviction of a criminal offence, with the exception of a minor offence as defined by law.
6. A Council member's duty is to act in good faith when carrying out his/her competencies and responsibilities, respecting facts and procedures in accordance with applicable laws or bylaws.
7. Propriety and the appearance of propriety are essential to the performance of all of the activities of a member of the Judicial Council.

8. Members of the judicial institution are, like other citizens, entitled to freedom of expression, belief, association and assembly; provided, however, that in exercising such rights, a member of the Judicial Council shall always conduct himself/herself in such a manner as to preserve the dignity, the impartiality and independence of the judiciary and the Council.
- 9.
10. A Council member shall be active in Council's performance, and shall complete his/her duties and responsibilities, in a responsible manner for the best interest of the judiciary and the Council.
11. A Council member shall respect the principle of collective decision-making and common responsibilities. A Council member shall refrain from publicly criticizing the Council work and its decisions.
12. The specific forms of misconduct described in this Code are not exhaustive. Any misconduct or such an action of a member, even though not expressly contemplated by the provisions contained in this code, or by other applicable codes, laws, or bylaws, may be considered a breach of this Code and may consequently be sanctioned.

### **Article 3**

#### **Specific Ethics Rules and Activities**

1. A Council member shall maintain the highest standards of professionalism, and legal expertise, appropriate to his/her role Council member, and to achieve that purpose attend in professional education and training.
2. Particularly, a Council member shall respect and apply:
  - a) The ethical principles underlying as described in this Code. .
  - b) The rights of parties involved in proceedings before the Council.
  - c) Internationally accepted human rights and freedoms.
  - d) Principles and practices regarding organization of work, management, and human resources in a judicial context.
3. A Council member must be aware of:
  - a) The mechanisms and resources available for performing his/her functions.
  - b) The legal framework and working conditions in which judges and judicial offices conduct their functions.
4. A Council member has in particular a responsibility to avoid any conflict of interest based on family or social relationships, in accordance with applicable legislation on prevention of conflicts of interest.

5. In any event, if a Council member becomes aware of any other conflict of interest, or there are any other circumstances that public opinion may perceive and doubt about his/her impartiality, he/she must discontinue all of his/her activities in the particular proceeding, and immediately inform the President of the Council in writing about the situation. In similar circumstances, when the Council Chair is subject to a conflict of interest, he/she shall immediately inform the Council.
6. In any event, if a Council member hides, respectively does not report a conflict situation or any other circumstance that may give rise to doubt about his/her impartiality, but any of his/her colleagues is aware of such situation, it would be obligatory for this member to report the situation to the Chair of the Council.
7. A Council member respects the principle of division of powers- the independence of judicial, executive, prosecutorial, and legislative authorities, and in no circumstances shall try to interfere and impede or inappropriately affect the independence of these institutions. He/she shall in no circumstance give his/her comments regarding Council or a judicial decision, shall not try to interfere and impede a decision's enforcement. In particular, he/she shall not criticize the Prosecutorial or Judicial Councils except in the course of Council deliberations.
8. A Council member shall promote a functional, professional relationship between judges, and administrative personnel employed in the judicial institution, police and other law enforcement agencies.
9. In his/her relationship with individuals, a Council member shall:
  - a) Carry out his/her functions with dignity and in an independent, professional objective and courteous manner.
  - b) Respect and seek to protect human rights.
  - c) Abstain from discrimination on any ground by avoiding any discriminatory attitude against any person or persons on any ground, including gender, age, marital status, language, mental or physical disability, sexual orientation, political affiliation or conviction, ethnic origin, nationality, religion or belief, race, social origin, birth, or any other status.
  - d) Ensure equality in Council proceedings, taking into account all of the circumstances affecting the proceedings, and the making of a just decision.
10. A Council member:
  - a. Shall not be influenced by third party interest, public opinion or fear of criticism.
  - b. Shall seek to preserve the principle of equality of arms by disclosing information to all parties to Council proceedings, unless otherwise provided by law, especially if the failure to disclose information may have an adverse effect on the fairness of the proceedings.
  - c. Shall keep information received from third parties confidential, unless disclosure is allowed, or required, in the interest of the administration of justice or by law.
  - d. Shall consider the interests of the individuals participating in proceedings in front of the Council.

- e. Shall avoid improper influences in the work of the Council.
  - f. Shall not, and his/her close family members shall not, under any circumstance, accept gifts, favors, privileges, or promises for material or financial help from any person with a direct or indirect interest in proceedings before the Council.
11. The Council member shall not use, or attempt to use, his/her role as a Council member to promote his/her personal interest or the interest related to an organization, person, firm, or business from which he/she would receive directly or indirectly any financial or material benefit.

**Article 4**  
**Activities outside the Work of the Council**

1. In principle, a Council member may carry out activities outside of the Council's mandate, including those activities that are embodiments of his/her rights as a citizen, or represent his/her professional interests, or reflect his/her independence save where such activities may have a negative effect upon the appearance and standing of the member or the Council.
2. A Council member may:
  - a) Speak, write, lecture, teach, and participate in other activities concerning the law, legal system, another field in civil society, the administration of justice, including engagement in these activities through governmental or non-governmental agencies devoted to such interests, unless otherwise restricted by law or regulation.
  - b) Engage in sports, recreational activities, and other social, civic, or charitable activities.
3. A member of the Council shall not:
  - a) Engage in any activity, including activities with a political character that are incompatible with the function of a Council member.
  - b) Hold an office in any political party.
  - c) Engage in any other activity that may compromise the discharge of his/her responsibilities and duties as a Council member.
4. The communication of the Council member with the news media and the public shall be governed by the rules and regulations adopted by the Council, and other applicable laws.
5. A Council member shall not solicit funds for himself/herself, an organization or an agency, or allow his/her name to be used as part of solicitation for funds, or allow the use of the prestige or the institution of the Council to be used for those purposes, except as permitted by the rules and regulations adopted by the Council.

6. A Council member may not use his/her position or information received through that position for any personal gain or for the benefit of any other individual or organization. This limitation of disclosure of information received during his/her mandate as prosecutor, applies even after the termination of his/her mandate.
7. A Council member may not belong to any organization that promotes or supports discrimination, or engage in any kind of activity that is incompatible with his/her functions as a member of the Council.
8. A Council member must provide disclosure to the Kosovo Anti-Corruption Agency about his/her assets in accordance with applicable laws.

**Article 5**  
**Administrative Responsibilities**

1. A Council member shall discharge his/her administrative responsibilities with professionalism and diligence, and shall cooperate with other Council members, and with the administrative bodies of the Council.
2. In particular, a Council member shall:
  - a) Comply with obligations pertaining to his/her supervisory functions as a member of the Council with respect to the staff under his/her control.
  - b) Organize his/her Council activities appropriately, and dedicate necessary time to successfully perform his/her functions as a member of the Council.
  - c) Comply with all rules, regulations, and administrative instructions issued by the Council regarding its activities without compromising the independent decision-making mandate of the institution.
3. With respect to the organization and internal operation of the Council, a Council member shall avoid any undue influences, and otherwise promote the proper operation of Kosovo's justice system.

**Article 6**  
**Interaction with Other Codes of Conduct**

1. In case of a contradiction between any provision of this Code of Conduct and a provision of another professional code of conduct applicable to a member of the Kosovo Judicial Council, this Code shall prevail.
2. This Code shall be amended only by means of a decision issued by KJC.

**Article 7**  
**Entry into force**

This Code shall enter into force the day of adoption by Kosovo Judicial Council.