



Joint Rule of Law Coordination Board (JRCB) Meeting

Tuesday, 12 December 2017

14:00 – 16:00

Kosovo Prosecutorial Council
Conference Room, Third floor

Joint Conclusions

Attendees:

Mr. Blerim Isufaj (Chair, Kosovo Prosecutorial Council, KPC)

Mr. Abelard Tahiri (Minister, Ministry of Justice, MoJ)

Mr. Nehat Idrizi (Chair, Kosovo Judicial Council, KJC)

Ms. Alexandra Papadopoulou (Head of Mission, EULEX)

Ms. Nataliya Apostolova (Head of EU Office/EU Special Representative)

- and their respective advisors

Kosovo Prosecutorial Council (KPC) hosted the JRCB meeting for the first time.

1. Judiciary

JRCB Principals emphasized the importance of the process of the Functional Review of the Rule of Law and the involvement of all relevant actors. Within the framework of this process, the Ministry of Justice will review relevant laws and mechanisms designed to increase efficiency and create better rule of law conditions. The Minister informed the JRCB principals about the work that had been done by MOJ in the process of reviewing



the Criminal Code and Criminal Procedure Code and about the deadline for the first meeting of the functional review steering committee, which will be 10-15 January 2018. EUSR stressed the importance of the changes in laws and the justice reform in the Functional Review of Rule of Law Sector. It was emphasized that the review of Criminal Code and Criminal Procedure Code should be done in the right way to ensure that the final product is aligned with EU Acquis and best European practices. It was promised that the first draft of the Criminal Code would be ready very soon.

The JRCB principals discussed the main findings and recommendations of the Country Report 2016. The main topics discussed were: Implementation of the justice package, timely adoption of the remaining legislation; Strengthening financial resources for the judicial sector and the capacity of judges, prosecutors and support staff to ensure proper functioning of the judicial system and the administration of the courts; Stepping up efforts to reduce the backlog of cases including using alternative dispute resolution tools; and replacing current provisions included in the law of the Judicial and Prosecutorial Councils by adopting the law on the Office of the Disciplinary council. All principals agreed on the importance of the implementation of the 2016 Country Report recommendations and promised to increase efforts towards their full completion.

Concerning Integration of Justice in the North, all principals agreed that it was a great success, although some challenges were mentioned, especially the lack of translators. EUSR and EULEX promised to provide any necessary expertise and support. Kosovo institutions pledged to address the particular issue of translators.

2. European Reform Agenda (ERA) – Component on Good Governance and Rule of Law

EUSR stressed that in the fight against corruption special emphasis has been placed on suspension and removal of Public Officials respectively indicted and convicted for corruption. This will be a sign of the authorities' dedication in the fight against this issue. EUSR considered that reviewing and adopting legislation making mandatory to suspension and/or removal of public officials respectively indicted and convicted for corruption, is a priority that the Kosovo authorities have pledged to accomplish within the European Reform Agenda. She encouraged the inclusion of required legal provisions in the Criminal Code and the Criminal Procedure Code in order to make this possible. Minister Tahiri promised that MOJ will be very cooperative in this regard.

Further, the EUSR expressed concern regarding the amendment of the Law on State Prosecutor, more precisely the MOJ's proposal to remove the following provision:



“Prosecutors who receive remuneration for these activities may not receive a value of more than 25% of the basic salary for participation in activities foreseen in this article and they shall notify the Council regarding this remuneration.” It was stated that the removal of this provision may encourage the prosecutors to engage in additional paid activities which might have a negative impact in the efficiency of the prosecutorial system. MOJ agreed to raise this issue during the second reading of the law.

3. Roadmaps

EULEX Head of Mission released four JRCB Roadmaps drafted by EULEX in close cooperation with local counterparts and JRCB principals. The roadmaps are: Institute for Forensic Medicine, War Crimes, Special Chamber of the Supreme Court, Kosovo Property Agency Appeals Panel

Each roadmap is a technical action plan with concrete steps that Kosovo rule of law institutions need to undertake in order to ensure the sustainability of local institutions' capacities as EULEX gradually phases out.

The Minister of Justice informed the participants of the meeting that special attention was given to the Roadmaps as a tool for tracking the progress noted in these areas of rule of law. More specifically, Minister Tahiri presented the contribution and comments of MOJ on the four areas identified in the Roadmap.

The principals approved and endorsed the roadmaps with a commitment to implement them during 2018 through agreed working groups coordinated by EULEX and relevant stakeholders.

4. Challenges of KJC/KPC

KJC listed the challenges that remain in the large number of cases and their prolongation, perception of the public and transparency and explained the plan of the institution he leads to overcome these challenges.

The challenges that KPC continues to face, despite the progress made to overcome them, were said to be the insufficient budget and low number of staff were the main ones.