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Institucioni i Avokatit të Popullit • Institucija Ombudsmena • Ombudsperson Institution

REPORT WITH RECOMMENDATIONS

A.no. 564/2016

Halili dhe të tjerët

Concerning

**The defendant's rights in the criminal procedure – at the stage of
investigation and the filing of the indictment**

To: Mr Blerim Isufaj, President of Kosovo Prosecutorial Council

Mr Aleksandër Lumezi, Chief State Prosecutor

Mr Nehat Idrizi, Chair of the Kosovo Judicial Council

Mr Besim Morina, Acting Director of Kosovo Judicial Institute

Prishtina, 20 October 2016

Purpose of report

1. The purpose of this report is to draw the attention on the violation of basic rights in the criminal procedure, namely at the stage of investigation upon the filing of the indictment and bringing the issue at the court. To this end, the publication of the notice for the filing of the indictment without preliminary informing the persons accused will be handled in particular.
2. Ombudsperson Institution (OI) received 3 complaints from different persons with initials F.H., D.K. and H.A (hereinafter Complainants) expressing same concern, alleging that their rights have been violated upon the filing of the indictment by the Special Prosecution of the Republic of Kosovo (hereinafter Special Prosecution) within the Serious Crimes Department of the Basic Court in Gjilan, involving 39 persons, who were not informed about this action by the Prosecution, but as a matter of fact, they learned about it only through media, on 16 September 2016. Following the receipt of these complaints, OI initiated a case with the purpose of gathering facts and their analysis in order to establish whether there is violation of legal rights of the parties included in the indictment of the Special Prosecution due to failure to inform them before the notice was made public in the media.
3. Therefore, through this report, Ombudsperson's main purpose is:
 - To draw the attention to the indispensability of protection of human dignity, to implement the presumption of innocence and other rights of persons that may be an object of investigation and of indictment for criminal offences;
 - Argue the violation of rights of parties in the criminal procedure, through correct interpretation of legal provisions guaranteeing these rights, which are obligatory for justice bodies, namely Special Prosecution;
 - Point out violation of legal provisions in the case about which the persons accused complained, and by making a more profound interpretation in light of fundamental human rights, to provide concrete recommendations that such violations are not repeated in the future.

Legal basis

4. Report is based on Article 135, *par.3* of Constitution of the Republic of Kosovo, and Law no. 05/L-019 on Ombudsperson, namely Article 16 (*par.1-4* and 8) and Article 18, *par.1* (sub-*par. 1.1-1.2* and 1.6). In conformity with this, Ombudsperson in response to the complaint filed by the above-mentioned persons, through this report, decided to review

the case of the alleged violation of human rights guaranteed by Constitution, laws and international instruments, and thereby provide respective recommendations.

Summary of facts and initial actions of the Ombudsperson Institution

5. On 23.09.2016, OI received three complaints through the official e-mail address from different complainants, who are claiming that they were informed only through the media on the filing of the indictment against them by Special Prosecution and they consider that their fundamental rights guaranteed by Constitution and laws in force were violated.
6. In their complaints, complainants presented facts that on 16.09.2016 at 14:30, the information on the filing of the indictment by Special Prosecution against 39 accused persons was continuously being broadcasted in the web portals “Telegrafi” and “Express” and later in KTV and ARTA television, among them being the complainant. Despite this, complainants received no official information or confirmation from the Prosecution concerning the indictment filed against them, as was continuously being broadcasted in information media, therefore, they consider that by doing so, they were violated their rights guaranteed by Constitution of the Republic of Kosovo (namely articles 21, 23 and 30) and Criminal Procedure Code of the Republic of Kosovo. According to complainants, in the evening of 16.09.2016, they suffered trauma, when the close family members and other relatives were directly informed about the filing of the indictment through the information media, causing a serious emotional situation. By doing so, namely by the Special Prosecution giving information through media without preliminary informing and notifying them as persons included in the indictment is considered by the complainants as violation of their personal and family dignity, and they were presumed as guilty, which constitutes violation of the principle of presumption of innocence. Complainants considered that consequences caused against them by Special prosecution giving information through media cannot be alleviated by filing a complaint to OI, but because of the reason they trust OI, they ask for this issue to be treated and measures to be taken in order that such violations are not repeated in the future.
7. Following the receipt of complaints, OI initiated a case, and other than actions it took, it also contacted parties, who proved that even after they were informed through media, they did not receive the indictment from Special Prosecution and they have not engaged defence counsels, since they were not informed about the contents of the indictment, published in media (Statements dated 29.09.2016). As a result, according to these evidences it appears that the obligation to inform parties about the indictment by the Special Prosecution was not satisfied even through the defence counsel.
8. OI noted that other than media mentioned by complainants, the notice on the filing of the indictment by Special Prosecution dated 16.09.2016 against 39 persons, including also

complainants was also broadcasted in some other media and in the official website of Special Prosecution of Kosovo (See <http://www.psh-ks.net/sq/lajme/prokuroria-speciale-republikes-se-kosoves-ka-ngritur-aktakuze-kunder-39-personave-per-vepra-penale-qe-nderlidhen-me-krim-te-organizuar-dhe-korrupsion>).

9. Based on communication with complainants, OI was informed in the meantime that they received copies of the indictment on 06.10.2016.
10. In this regard, Ombudsperson noted that there are grounds for assessing violations alleged by complainants, as persons accused in the criminal procedure, and in the report it decided to analyse fundamental rights of persons which are object of investigation and indictment in criminal procedure, as guaranteed by formal – legal provisions concerning the right to information, to be presumed innocent and to be treated with dignity. The analysis in this report will be mainly limited to the alleged violations in the concrete case filed by complainants, namely on the public information on the fact of filing the indictment by Special Prosecution (through media) and failure to inform preliminary persons included in the indictment.

Analysis of the case

I. The right to be informed about the indictment and its contents for the preparation effective defence – legal guarantees for the defendant

11. The right of the defendant person in the criminal procedure to be informed promptly in relation to the indictment and other evidences constitutes one of his fundamental rights. In the concrete case, where complainants are included as well, Special prosecution failed to implement this legal right. The Ombudsperson points out that informing the defendant with the indictment and making evidence available promptly does not constitute only a formal obligation, but in fact it contains guarantees of protecting the dignity of the accused person (informing him directly and clearly on the incitement) and on the other hand is presented as a precondition for preparation of effective defence by the defendant for other phases of procedure.
12. Moreover according to Criminal Procedure Code of the Republic of Kosovo (CPC) in force since 1 January 2013, while it implemented the model with premises of the accusatory type unlike the previous code¹, timely information on the filing of the

¹ As is known, until the new Criminal Procedure Code entered into force (on 1 January 2013), our system used to apply the inquisitory system, where the judge had an active role in gathering evidence and greater functional responsibility for the protection of the rights of the defendant person in the criminal procedure. The new Code accepted the model of accusatory system, when the judge does not have this role, but the burden lies on the State Prosecutor and on the defendant to gather and present evidence, therefore, the prosecutor's obligations and responsibilities for the protection of the rights of parties in the procedure were increased. For more see also Guide to

indictment and the effective preparation of defence take on special values due to the role that parties have now in the criminal procedure. In this regard, the obligation of the State prosecutor is even greater to take care of protection and guarantee the rights of the defendants during the stage of investigation and of the filing of the indictment, while there is no active similar role of the judge in this stage. Due to this reason, the failure by the Special Prosecution to inform the party on the indictment at the time when the indictment was filed, before this fact became public in the media, is considered by Ombudsperson an action in contradiction with the obligations of the State Prosecutor.

13. According to Article 242, *par.1* of CPC, *“The indictment shall be filed in the competent court in as many copies as there are defendants and their defence counsel, plus one (1) copy for the court. A complete file on the investigation shall also be submitted to the court by the state prosecutor”*. The obligation of the State prosecutor derives from this, that when filing the indictment it shall ensure that materials are ready to be provided to the defendant.²

14. In relation to the concrete case, it should be pointed out that CPC in the provision on **“Materials Provided to Defendant upon Indictment”** Article 244, *par.1* (sub-*par. 1.1-1.6*) determines that: *“No later than at the filing of the indictment the state prosecutor shall provide the defence counsel or lead counsel with the following materials or copies thereof which are in his or her possession, control or custody, if these materials have not already been given to the defence counsel during the investigation:*

- *records of statements or confessions, signed or unsigned, by the defendant;*
- *names of witnesses whom the state prosecutor intends to call to testify and any prior statements made by those witnesses;*
- *information identifying any persons whom the state prosecutor knows to have admissible and exculpatory evidence or information about the case and any records of statements, signed or unsigned, by such persons about the case;*
- *results of physical or mental examinations, scientific tests or experiments made in connection with the case;*
- *criminal reports and police reports; and*
- *a summary of, or reference to, tangible evidence obtained in the investigation.*

15. It appears from this that the State prosecutor, in the concrete case Special Prosecution Prosecutor has not implemented this obligation in connection with the defendant (complainant). Furthermore, it should be pointed out that *par. 3* determines that: *“After the filing of the indictment, the state prosecutor shall provide the defence counsel with*

the Criminal Procedure Code of Kosovo, Prishtina 2013 (hereinafter Guide to CPC) p. 31 and onwards. OSCE Report: Review of the implementation of the new Criminal Procedure Code of Kosovo, 26 June 2016 (hereinafter OSCE Report).

² For more see also Guide to CPC, p. 62.

any new materials provided for in paragraph 1 of the present Article within ten (10) days of their receipt". In the concrete case, among others, Ombudsperson observed that Special prosecution has not used this opportunity either, which is determined in CPC, to inform the accused of the indictment filed against them (thus within 10 days, in the meaning of a reasonable time) as it appears from the complainants' statements, that even after this time, they have not received the indictment with respective materials and have no authorised defence counsel (statements dated 29.09.2016). On the other hand, OI was informed that complainants have received the copy of indictment (*Indictment PPS.No.129/2014*) only on 06.10.2016, roughly one month after it was filed (10.09.2016 – date of the filing of the indictment).

16. Ombudsperson observes that despite the legal possibility foreseen that the judge (in the case of the complainants, the presiding trial judge) submits a copy of the indictment for the defendant during the initial review (article 245 of CPC), this may be considered in no case as a substitution of notification by the Prosecutor in the filing and on the contents of the indictment.³ Further, according to the provisions stipulated in *par.2* of Article 245 determines that: *"During the initial hearing, the single trial judge or presiding trial judge shall provide copies of the indictment to the defendant or defendants, if they have not already received copies of the indictments,"* it is observed that the obligation of the judge or the presiding trial judge is of complementary nature. Moreover, Ombudsperson draws the attention that in order to protect the dignity and fundamental rights of the defendant persons, the obligation of the prosecutor to notify the defendant on the filing of the indictment and on its contents is always present before the notice about this action is made public, which has not occurred in the complainants' case.
17. In connection with the complainants' case and other cases, Ombudsperson also observed that failure to be informed on the filing of the indictment and its contents, not only is violation of the dignity of defendant persons from being informed only through media, but logically results also in other consequences for defendants, such as the right for *"negotiation of pleas of guilty"* before the filing of the indictment (see Article 233, *par.1*), or application of other legal possibilities determined in CPC, such as: *"waiver of punishment"* (article 234) and announcing *"cooperative witnesses"* (Articles 235-239).
18. In connection with continuous criminal procedure, Ombudsperson points out that failure to inform on time for the filing of the indictment, evidence and case file, as occurred in the complainants' case, results in weakening the position of defendants for the

³ It should be pointed out that in the case of complainants, the time of 30 days has still not expired for having an initial hearing (according to Article 245 of CPC), but this does in no case justify the denial of the rights of the defendant person during the stage of investigation and before the filing of the indictment (as argued above), especially giving notice to media for the filing of the indictment without informing the persons accused.

preparation of an effective defence, especially for the stage of objecting evidences, on which the indictment or the filing of the requests for objecting the indictment by the defendant is based (article 259 and 250). Ombudsperson observed that absence of notice for filing of the indictment and its contents for the accused persons, and failure to make evidence and other material available, endangers the effective use of these legal possibilities by the defendant, and violates the principle of equality of arms in procedure, as one of the underlying principles of Criminal Procedure in Kosovo. While legislation determined equal position of the plaintiff and the defendant, it is the obligation of the Prosecution and the Court, to take care of these rights, during the entire criminal procedure, including the stage of investigation and filing of the indictment by the Prosecution.

19. Due to the importance of notice and submissions of documents to the parties in procedure, CPC regulated this aspect in its provision in more detail (*see articles 476-484*). In connection with the complainant's case, Ombudsperson in particular recalls the determination in Article 478, *par.2*, which determines that: "*The indictment, the judgment and other decisions in which the prescribed period of time for appeal commences on the date of service shall be personally served on a defendant who does not have defence counsel...*" According to this (*Ex lege*) it appears that the defendant should be sent the notice and documents within a reasonable time, at the manner prescribed by law.⁴
20. Apart from the failure to implement provisions of CPC handled above, on the right of the complainants to be informed about the fact of the filing of the indictment and to be clearly informed on the indictment filed against, this action by the Special prosecution is also in contradiction with provisions and the spirit of Constitution of the Republic of Kosovo (Constitution), European Convention on Human Rights (ECHR), practice of European Court of Human Rights (ECtHR), and international standards in general for the respect of human rights, Ombudsperson recalls, the following:

⁴ For a comparison of this aspect see also the decision of the Criminal Collegium of the Supreme Court of the Republic of Albania (No.5 of basic register, no.5 of decision) dated 10.04.2009, on suspension of the trial of criminal issue no. 1 of 2007, where the court, *inter alia*, concluded that that there are violations of the provisions of the Criminal Procedure Code by the Prosecution, due to the failure to inform and making available to defendants (or their defence counsels) the acts of criminal procedure against them, in the form and manner prescribed by law, before the issue is brought to court. This finding of the court was based concretely on article 327, *par. 2* of the Criminal Procedure Code of the Republic of Albania, which determines that: "...*The prosecutor, after examining that... the defendant or the defence lawyer is familiar with them, decides, as the case may be ... bringing before the court*". For more see the decision in the official website of the Court: <http://www.gjykataelarte.gov.al/>.

In connection with this aspect, Article 30 of Constitution determines that: “Everyone charged with a criminal offense shall enjoy the following minimum rights:

- (1) *to be promptly informed, in a language that she/he understands, of the nature and cause of the accusation against him/her;*
- (2) *to be promptly informed of her/his rights according to law;*
- (3) *to have adequate time, facilities and remedies for the preparation of his/her defence;*
- (4) *to have free assistance of an interpreter if she/he cannot understand or speak the language used in court;*
- (5) *to have assistance of legal counsel of his/her choosing, to freely communicate with counsel and if she/he does not have sufficient means, to be provided free counsel;*
- (6) *to not be forced to testify against oneself or admit one’s guilt.*

In addition, Article 6, par 3 of ECHR determines that everyone charged with a criminal offence has the following minimum rights:

- a. *to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;*
- b. *to have adequate time and facilities for the preparation of his defence;*
- c. *to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;*
- d. *to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.*

21. European Union has constantly paid special attention, also within the secondary legislation, to the determination and advancement of rights of persons involved in criminal procedure, with special emphasis to the right for information on the indictment.⁵
22. In addition, it is to be mentioned that ECtHR in its practice, ever since the beginning was quite rigorous and very careful in relation to the right of informing persons for the indictment and making it clearly available for the defendant, in light of detailed clarification about facts and evidences against him.
23. In connection with the complainants’ case it should be pointed out that ECtHR considered one case as violation of the rights of persons accused, when “*although the indictment was filed, however, the fact that the defendant was not of Italian origin and*

⁵ See (EU) Directives 2012/13 dated 22 May 2012, on the right of information in the criminal procedure (<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32012L0013&from=EN>), (EU) Directive (BE) 2016/343 dated 09 March 2016, on strengthening of certain aspects of presumption of innocence and the right to be present at the court within the criminal procedure (<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32016L0343&from=en>), etc.

had no place of residence in Italy, he notified Italian court authorities in a clear manner, that due to language, he has difficulty in understating their communication and asked to send someone that speaks his mother tongue or they speak one of the official languages of the United Nations...”, failure of Italian authorities to accomplish this requirement was considered by the court that it hampered the defendant to be informed with his indictment, and this was qualified as violation of article 6 par.3(a), of ECHR (See Brozicek vs. Italy 10964/84, 19 December 1989).

24. In addition, in a case of trial for the criminal procedure “ rape”, after the establishment of the grave nature of this criminal offence, the Court, *inter alia*, found that the right of the applicant (defendant) to be informed in detail on the nature and the cause of abuse against him and his right to have adequate time and facilities for the preparation of his defence was violated because “*information contained in the indictment was characterised with lack of clarity such as details on the time and place of its commitment, and it repeatedly contradicted and changed during the trial...*” (*Mattoccia vs. Italy*, 23969/94, 25 July 2000).
25. In one other case (*Sadak and others vs. Turkey*, 29900/96, 29901/96, 29902/96 and 29903/96, 17 July 2001), ECtHR found that: “*Upon requalification of facts, the National Security Court of Ankara should have enabled the defendants the possibility to practise their rights of defence practically and effectively, especially providing them with sufficient time to do so. Case files show that National Security Court, which had the possibility to decide, for example, to postpone hearing for one more time for facts that have been re-qualified have not provided the defendants with the possibility to prepare the defence or the new indictment, about which they were not informed until the last day of the trial, which was clearly too late. In addition, the defence counsel of applicants (defendants) was not present on the day when last hearing session was held ... Given these facts, the Court concluded that the right of applicants (defendants) to be informed in detail on the nature and cause of the indictment against them and their right to have sufficient time and facilities for preparation of their defence was violated*”.⁶
26. It is noted in these cases that in connection with the right to be informed about the indictment and its contents (clearly and in detail) and provision of the possibility to prepare the effective defence against these indictments, the ECtHR practise determined a high standard in conformity with ECHR determinations. Therefore, Ombudsperson draws

⁶ For more on the practice of ECtHR in relation to the right to be informed on the contents of the indictment and the right for the preparation of the defence effectively, see also cases: *Vaudelle vs. France*, 35683/97, 30 January 2001, *Miriaux vs. France* 73529/01, 26 September 2006, *X vs. United Kingdom*, 8231/78, 6 March 1982, etc.

the attention that this standard should be implemented both by Prosecutions and Courts in the Republic of Kosovo, which, in the case of complainants who were not informed on the filing of the indictment against them prior to the notice becoming public in media, Special Prosecution has not even closely accomplished the legal obligation or the requirements of this standard.

II. Obligation for the protection of human dignity and respect of presumption of innocence in the criminal procedure

27. Ombudsperson observes that in the case of the complainants apart from the violation of their rights mentioned above, with publication of the indictment in the media without preliminary notification infringed also their human dignity. As appears from the statements of complainants and facts gathered by OI, notification of the accused on the filing of the indictment came out only through media, and learning about it in this way caused serious concern to persons involved and their families.
28. The obligation for the respect of dignity of each person derives from Constitution, Article 23 determines that *“Human dignity is inviolable and is the basis of all human rights and fundamental freedoms”*. On this basis, Ombudsperson recalls that actions and decisions of all justice bodies should be in the spirit of this determination, as the fundamental principles and interpretation framework of fundamental rights of every individual, including the parties in criminal procedure.
29. Protection of “Human dignity” is the basic principle determined in underlying international documents on the protection of human rights, such as the Universal Declaration of Human Rights of 1948 (article 5), International Covenant on Civil and Political Rights (Article 7), etc.
30. There is no doubt that CPC is also in the spirit of these determinations, moreover, the obligation for the protection of the dignity of the defendant person in criminal procedure is clearly determined in its provisions (see especially articles 83, *par.6*; Article 108, *par.5*; and Article 154, *par3*).
31. Therefore, Ombudsperson insists that the principle of protection of the dignity of persons who are defendants in the criminal procedure should be the basis of all interpretations and procedural actions by Prosecution and Court.
32. Ombudsperson draws the attention that publication of the indictments and especially the disclosure of the identity of suspected persons through media, without great care and without strictly complying with laws in force, constitutes a risk for violation of the dignity of parties in the criminal procedure and principle of presumption of innocence of the defendants.

33. In the case of complainants, the violation of presumption of innocence consists in failure to inform them about the filing of the indictment and failure to make evidences and materials available in the case against them, which in addition to the right for timely information were also hampered the effective preparation of defence in order to object evidences on their guilt.
34. Presumption of innocence as an underlying principle in the criminal procedure is contained in the provisions of the Constitution, article 31, *par. 5* determines that: *“Everyone charged with a criminal offense is presumed innocent until proven guilty according to law”*. While CPC in Article 3, *par.1*, further sets out that: *“Any person suspected or charged with a criminal offence shall be deemed innocent until his or her guilt has been established by a final judgment of the court”*. As such, the principle of presumption derives also from the texts and the spirit of underlying international documents of human rights such as the Universal Declaration of Human Rights (Article 11, *par.1.*) and ECHR (Article 6, *par.2*), which are directly applicable in the Republic of Kosovo (Article 22 of Constitution).
35. As such, presumption of the innocence of defendant in the criminal procedure of Kosovo should not be only implicit, but should be expressed by all actions of justice bodies, especially at the stage of investigation and in the filing of the indictment. Concerning the case of complainants and other cases at this stage of procedure, it is up to the prosecution to take care to protect the identity of the person suspected / accused, and making the indictment and evidences accused with, available, should be always done before the notice about the case is published in the media (or in official website).

Main findings of the Ombudsperson

36. This report treated the aspect of rights of defendant persons in the criminal procedure, concerning the stage of investigation and filing of the indictment. In response to the complaints filed by the parties to OI, these rights have been treated in relation to legal norms in force, namely the right to be informed about the indictment and its contents, before giving notice to the media, the right of accused persons to be presumed innocent and protection of their dignity.
37. Based on analysis of the concrete case in relation to Constitution, laws and international documents, Ombudsperson observed that there is no legal gaps from the viewpoint of regulation of rights of defendant person in criminal procedure (at the stage of investigation and the filing of the indictment), however, the problem lies in the failure of justice bodies to implement legal obligations, both in the case of filing of the indictment by Special Prosecution and publication in the media, without preliminary informing the persons involved in the indictment.

38. In the case of complainants, Ombudsperson concluded that:

- There is violation of fundamental rights of defendant persons in the criminal procedure, to be informed on the indictment immediately after the filing of the indictment, and before this fact is made public in the media.
- By means of this action done by Special Prosecution, the principle of equality of the arms in procedure has been consequently violated, which was also observed above that in the accusatory system determined by CPC, this principle has specific value to the defendant.
- In addition, Ombudsperson observes that giving notice to media about the filing of the indictment without preliminary informing the accused persons is in contradiction with the obligation of the Prosecution for the protection of human dignity and also constitutes a violation of principle recognised for presumption of innocence.
- As a conclusion, Ombudsperson considers it indispensable that these practices are not repeated in the future, in order that the decisions of justice bodies (in this case of Special Prosecution), procedural actions and notification on criminal cases should be in the function to the protection of the rights and dignity of the parties in procedure, and the increase of citizens' trust into the system of criminal justice.

Recommendations of the Ombudsperson

39. Based on the case analysis and findings, and in conformity with Article 135, par. 3 of Constitution of the Republic of Kosovo, and Article 16, par. 4 of Law No. 05/L-019 on Ombudsperson, the Ombudsperson recommends:

- **Kosovo Prosecutorial Council and Chief State Prosecutor**, to undertake measures necessary based on constitutional and legal powers:
 - To instruct and oversee the respect of rights of defendant persons in order to be timely informed about the indictment against them and to enable them to use efficiently the legal right for objecting the indictments.
 - In every case to respect the principle of presumption of innocence and protection of dignity of defendant persons in compliance with CPC, Constitution of the Republic of Kosovo and International Standards (especially ECHR).

- In respecting these principles to notify the public about the stage of investigation. In relation to the cases of the filing of the indictment, persons accused should be always informed before giving the notice to media.
- **Kosovo Judicial Council:**
 - To instruct all Basic Courts in the Republic of Kosovo, in order that judges in pre-trial testimony are additionally careful for the respect of rights of defendant persons at the stage of investigation and the filing of the indictment.
- **Kosovo Judicial Institute:**
 - Should provide additional training within their programme focused on the rights of the defendant person at the stage of investigation and the filing of the indictment, in conformity with highest human rights standards.

In conformity with Article 132, paragraph 3 of Constitution of the Republic of Kosovo (*“Every organ, institution or other authority exercising legitimate power of the Republic of Kosovo is bound to respond to the requests of the Ombudsperson and shall submit all requested documentation and information in conformity with the law”*) and Article 28 of Law no. 05/L-019 on Ombudsperson (*“Authorities to which the Ombudsperson has addressed recommendation, request or proposal for undertaking concrete action, must respond within thirty (30) days. The answer should contain written reasoning regarding actions undertaken about the issue in question”*), will you kindly inform us on actions to be undertaken about this issue.

Sincerely,

Hilmi Jashari

Ombudsperson