



**Republika e Kosovës**  
**Republika Kosova-Republic of Kosovo**

*Qeveria-Vlada-Government*

**Ministria e Drejtësisë - Ministarstvo Pravde - Ministry of Justice**

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**ADMINISTRATIVE INSTRUCTION MOJ - NO. 01/2024  
ON AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE  
INSTRUCTION MoJ – MO. 08/2022 ON THE LEGAL PROTECTION OF  
PERSONS POTENTIALLY ACCUSED OF ALLEGEDCRIMES IN  
TRIALS BEFORE THE SPECIALIST CHAMBERS<sup>1</sup>**

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<sup>1</sup> Administrative Instruction MoJ - No. 01/2024 on amending and supplementing the Administrative Instruction MoJ – No. 08/2022 on the legal protection of persons potentially accused of allegedcrimes in trials before the specialist chambers, signed by the minister of justice on 02.02.2024

**The Minister of Justice,**

Pursuant to Article 3, paragraph 2 of Law no.05/L-054 on Legal Protection and Financial Support of Potentially Accused Persons in Trials before the Specialist Chambers (Official Gazette No.27, 31.08.2015), pursuant to Article 11, paragraph 1, sub-paragraph 1.5 of Law No.08/L-117 on the Government of the Republic of Kosovo, Annex 1 (point 3) of the Regulation GRK - No. 14/2023 on the Areas of Administrative Responsibility of the Office of the Prime Minister And Ministries, as well as Article 38 paragraph 6 of the Rules and Procedure of the Government No. 09/2011 (Official Gazette no. 15, 12.09.2011),

Issues:

**ADMINISTRATIVE INSTRUCTION MOJ - NO. 01/2024 ON AMENDING AND SUPPLEMENTING THE ADMINISTRATIVE INSTRUCTION MOJ – MO. 08/2022 ON THE LEGAL PROTECTION OF PERSONS POTENTIALLY ACCUSED OF ALLEGED CRIMES IN TRIALS BEFORE THE SPECIALIST CHAMBERS**

**Article 1  
Purpose**

This Administrative Instruction is aimed at amending and supplementing the administrative Instruction MOJ - No. 08/2022 on the Legal Protection of Persons Potentially Accused of Alleged Crimes in Trials before the Specialist Chambers (hereinafter: the Basic Administrative Instruction).

**Article 2**

Article 11, paragraphs 2 and 3 of the Basic Administrative Instruction are deleted.

**Article 3**

Annex no. 1 of the Basic Administrative Instruction is amended. The new Annex no. 1 constitutes an integral part of this Administrative Instruction.

**Article 4**  
**Entry into force**

This Administrative Instruction enters into force seven (7) days after publication in the Official Gazette.

**Albulena Haxhiu**

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**Minister of Justice**

**02/02/2024**

## ***Annex no.1: MANNER OF PAYMENT OF COUNSELS***

Manner of payment of lawyers' fees according to the stages of the proceedings are determined based on the practices of the countries where the lawyers come from and the fees determined according to the Administrative Instruction of the Specialist Chambers. These fees are applicable to all lawyers who apply for compensation to the Division for Legal Protection and Financial Support of Potentially Accused Persons in Trials before the Specialist Chambers.

The payment system should contribute to maintaining a balance between the resources and means of the accused (in this case the state of Kosovo) and those of the prosecution.

The payment system allocates resources on the basis of the requirements of the case and not on the basis of subjective requirements, it is a structured system and operates in such a way as to comply with the requirements of budget supervision and audit in the management of public funds without interfering with the confidentiality of the work undertaken by the lawyer or members of the legal team.

In addition, the payment system must offer sufficiently flexible mechanisms to adapt to situations when they arise in a way that prevents the interests of the proper administration of justice.

In every judicial system, there is also the principle of economization, which means that based on the laws and regulations of the Court, only expenses that are reasonably necessary for an efficient legal representation should be covered.

The table below specifies the payment method according to the complexity of the case per month.

**Table no. 1**

<b>Determination of case complexity</b>	<b>Pre-trial stage</b>	<b>Trial stage</b>	<b>Second instance</b>	<b>Third instance</b>
Complexity level 1	up to 30,000.00	up to 50,000.00	up to 20,000.00	up to 20,000.00
Complexity level 2	up to 55,000.00	up to 75,000.00	up to 40,000.00	up to 40,000.00
Complexity level 3	up to 70,000.00	up to 90,000.00	up to 60,000.00	up to 60,000.00
Complexity level 4	up to 95,000.00	up to 110,000.00	up to 80,000.00	up to 80,000.00

The level of complexity includes the criminal offenses provided in Article 13, 14 and Article 15 paragraph 1 of Law No. 05/L-053 on Specialist Chambers and the Specialist Prosecutor's Office and are divided as follows:

**Complexity level 1** – Easy

**Complexity level 2** – Standard

**Complexity level 3** – Difficult

**Complexity level 4** – Very difficult.

The complexity level of the case is determined based on the initiation of the case by the Specialist Prosecutor's Office before the Specialist Chambers, as well as by taking into account the following general factors:

- Number and nature of charges in the indictment;
- The alleged position of the suspect or the accused in the political or military hierarchy;
- Geographical and temporal scope of the case;
- Number and type of witnesses and documents of the case;
- Number of victims or groups of victims expected to participate in the process;
- Complexity of legal and factual arguments of the case;
- Whether the case raises new aspects;

Whereas in the second instance appeal stage and the third instance appeal stage, the following additional factors are also taken into account:

- Length and complexity of the judgment being appealed,
- Whether there is an appeal from the other party;
- Number and nature of expected items of appeal;
- The sentence imposed;
- Scope of expected requests for additional evidence;
- Number and type of documents, in particular new relevant documents.

For criminal offenses related to official procedures and the officials of the Specialist Chambers, the Registry and Specialist Prosecutor’s Office, for which the Specialist Chambers have jurisdiction according to the Article 15 paragraph 2 and Article 16 paragraph 3 of the Law no. 05/1-053 for the Specialist Chambers and the Specialist Prosecutor's Office, the following fees for legal protection apply exclusively:

Pre – trial stage	Trial stage	Second instance	Third instance
Up to 5,000.00€	Up to 5,000.00€	Up to 5,000.00€	Up to 5,000.00€