

LAW NO. 08/L-167**ON STATE PROSECUTOR****Assembly of the Republic of Kosovo;**

Based on Article 65 (1) of the Constitution of the Republic of Kosovo,

Adopts:

LAW ON STATE PROSECUTOR**CHAPTER I
GENERAL PROVISIONS****Article 1
Purpose**

This Law regulates the organization, jurisdiction, functioning, competencies and duties of the State Prosecutor.

**Article 2
Scope**

The provisions of this Law apply to the State Prosecutor.

**Article 3
Definitions**

1. The terms used in this Law shall have the following meaning:

1.1. **State Prosecutor** - the independent institution with authority and responsibility for the criminal prosecution of persons charged of committing any criminal offense or any other act as specified by the Law;

1.2. **Chief State Prosecutor** - is the head of the Office of the State Prosecutor;

1.3. **Chief Prosecutor** – the head of a prosecution office, other than the Chief State Prosecutor;

1.4. **Constitution** – the Constitution of the Republic of Kosovo;

1.5. **Special Prosecutor** – a state prosecutor serving in the Special Prosecution Office as defined in the respective legislation;

1.6. **Council** - the Kosovo Prosecutorial Council;

1.7. **Managerial skills** – understanding systems for managing resources and finances, skills in planning and organizing and willingness to delegate responsibilities, and the ability to put things in a broader context, as well as articulating the long-term plans of the organization;

1.8. **Personal integrity** – intellectual, moral honesty, professional conduct, sense of honesty, trustworthiness and security, behaviour of commitment and compliance with the law and general codes of conduct;

1.9. **CMIS** – The Case Management Information System.

CHAPTER II FUNDAMENTAL PRINCIPLES

Article 4 Independence and Impartiality of State Prosecutor

1. The State Prosecutor is an independent institution that exercises its functions in an impartial manner.
2. The State Prosecutor and each prosecutor ensures equal, objective and unbiased treatment for all persons before the law, without any discrimination, by respecting the fundamental human rights and freedoms determined by the Constitution, legislation into force and international conventions.
3. It shall be unlawful for any natural or legal person to interfere with, obstruct, influence or attempt to interfere with or influence the State Prosecutor in the performance of its prosecutorial functions related to any individual investigation, proceeding or case.

Article 5 Exercise of Prosecutorial Functions

1. In the Republic of Kosovo, prosecutorial functions are exercised only by duly authorized and competent state prosecutors and the Special Prosecutors provided for by the respective Law on the Special Prosecution Office.
2. The prosecutor is duly authorized to initiate a criminal investigation, file an indictment, conduct criminal prosecution, or perform other duties and functions that are in accordance with legislation in force.

Article 6 Multi-ethnic composition and gender equality of the State Prosecutor

The State Prosecutor shall reflect the multi-ethnic composition of the Republic of Kosovo and shall respect the gender equality principles.

Article 7 Efficiency of the State Prosecutor

The State Prosecutor shall exercise its functions in an efficient and effective manner and in accordance with the Constitution, the legislation into force, and internationally recognized principles of non-discrimination, human rights, and fundamental freedoms.

CHAPTER III COMPETENCIES AND RESPONSIBILITIES OF THE PROSECUTORS

Article 8 Competencies and Responsibilities of the Prosecutors

1. Competencies and responsibilities of the prosecutors shall include:
 - 1.1. the exercise of prosecutorial functions in an independent, fair, objective and impartial manner and to ensure that all persons are treated equally before the law;
 - 1.2. application of the highest standards of care during the performance of official functions;

- 1.3. the honorable and professional conduct in personal and professional life and pursuant to the legislation into force and the code of professional ethics;
- 1.4. maintainance the honor and dignity of the State Prosecutor;
- 1.5. protection of the legal rights of victims, witnesses, and defendants;
- 1.6. undertaking the necessary legal actions for the detection of criminal offences and discovery of perpetrators, and the investigation and prosecution of criminal offences in a timely manner;
- 1.7. taking the decisions on the initiation, continuation or termination of criminal proceedings against persons suspected or accused of committing criminal offences;
- 1.8. filing the indictments and representing them before the court;
- 1.9. exercising regular and extraordinary legal remedies against court decisions;
- 1.10. cooperation with police, courts, and other institutions;
- 1.11. undertaking all other actions specified by Law.

Article 9 Prevention Activities

The State Prosecutor shall cooperate with state institutions and other public and private entities in activities directed at the education of society to increase the knowledge for the respective legislation into force and prevention of criminal offences.

Article 10 International Cooperation

1. The Chief State Prosecutor, in cooperation with the Ministry of Justice, shall stipulate the protocols and procedures to promote cooperation with the authorities of other countries relating to the prosecution of crimes through exchange of information and other means, in accordance with the applicable legislation and international agreements between Kosovo and other countries.

2. The Chief State Prosecutor shall cooperate with international authorities and entities.

Article 11 Public Relations

1. The State Prosecutor shall regularly provide information about its activities to the public.

2. Notwithstanding paragraph 1 of this Article, the State Prosecutor shall not provide any information directly or indirectly which would disclose official secrets, would jeopardize a pending investigation or criminal proceeding, be harmful to the integrity, dignity, security, and rights to privacy of any persons, or violate the rights of minors.

Article 12 Case assignment

1. Case assignment for prosecutor is done electronically through the electronic system.

2. In specific cases, case assignment is done manually, as provided by the relevant sub-legal act issued by the Council.

CHAPTER IV ORGANIZATIONAL STRUCTURE, JURISDICTION AND COMPETENCES OF THE STATE PROSECUTOR

Article 13 Competences and Organization of the State Prosecutor

1. The State Prosecutor in the Republic of Kosovo shall be organized and shall function in accordance with this Law and the respective Law on Special Prosecution Office.
2. The State Prosecutor shall be competent for the criminal prosecution of the persons suspected for a criminal offence, exercise of legal remedies from its competence, and perform other duties foreseen by the Law.
3. The legal provisions, by which the subject-matter and territorial jurisdiction of the courts is determined, shall be implemented accordingly to the subject-matter and territorial jurisdiction of the State Prosecutor, before which they perform their powers at such courts, unless otherwise determined by this Law.
4. The State Prosecutor consists of:
 - 4.1. the Office of the Chief State Prosecutor;
 - 4.2. Appellate Prosecution Office, which consists of the General Department, Juvenile Department and the Department for Serious Crimes;
 - 4.3. the Special Prosecution Office, as defined by the relevant law on Special Prosecution Office; and
 - 4.4. Basic Prosecution Offices consisting of the General Department, Juvenile Department and the Serious Crimes Department.
5. Prosecutorial functions in the Chief State Prosecutor's Office are performed by the Chief State Prosecutor and prosecutors in the Office of the Chief State Prosecutor, in accordance with the relevant legislation in force.
6. Prosecutorial functions in the Appellate Prosecution Office and the Basic Prosecution Offices are performed by the Chief Prosecutors and prosecutors of these offices, in accordance with the relevant legislation in force.

Article 14 Office of the Chief State Prosecutor

1. The Office of the Chief State Prosecutor is the highest instance of the State Prosecutor with authority throughout the territory of the Republic of Kosovo as defined by this Law.
2. The seat of the Office of the Chief State Prosecutor is in Prishtina.
3. Within the Office of the Chief State Prosecutor functions the Victims Advocacy and Assistance Office as an independent office for providing services to victims of crime during legal procedures and representing their interests in the criminal justice system.
4. The mandate, structure, operation and organization of the Victims Advocacy and Assistance Office is regulated by sub-legal acts approved by the Council.

Article 15
Appellate Prosecution Office

1. The Appellate Prosecution Office acts and represents cases before the Court of Appeals, and has other powers defined by law.
2. The Appellate Prosecution Office has jurisdiction in the entire territory of the Republic of Kosovo.
3. With the consent of the Chief Prosecutor of the Appellate Prosecution Office, the prosecutor who has acted in the first instance in a particular case may accompany and assist the prosecutor of the Appellate Prosecution Office in the second instance session in defending or opposing the appeal.
4. The seat of the Appellate Prosecution Office is in Prishtina.

Article 16
Special Prosecution Office

1. The Special Prosecution Office is a specialized prosecutorial body, with jurisdiction throughout the territory of the Republic of Kosovo, as defined by the legislation in force.
2. The territorial jurisdiction, scope, subject-matter competence of the Special Prosecution Office, procedural functions and composition of the Special Prosecution Office are defined in the relevant Law on the Special Prosecution Office.

Article 17
Basic Prosecution Office

1. The Basic Prosecution Office shall have jurisdiction over all first instance cases, unless otherwise provided by Law.
2. The Basic Prosecution Office has the territorial jurisdiction defined below:
 - 2.1. Basic Prosecution Office in Prishtina, for the territory of the Basic Court of Prishtina as provided in the respective Law on Courts;
 - 2.2. Basic Prosecution Office in Ferizaj, for the territory of the Basic Court in Ferizaj as provided in the respective Law on Courts;
 - 2.3. Basic Prosecution Office in Gjakova, for the territory of the Basic Court in Gjakova as provided in the respective Law on Courts;
 - 2.4. Basic Prosecution Office in Gjilan, for the territory of the Basic Court in Gjilan as provided in the respective Law on Courts;
 - 2.5. Basic Prosecution Office in Mitrovica, for the territory of the Basic Court in Mitrovica as provided in the respective Law on Courts;
 - 2.6. Basic Prosecution Office in Peja, for the territory of the Basic Court in Peja as provided in the respective Law on Courts;
 - 2.7. Basic Prosecution Office in Prizren, for the territory of the Basic Court in Prizren as provided in the respective Law on Courts.

Article 18
Establishment of Other Offices

1. The Chief State Prosecutor may submit to the Council a request to establish other offices within the prosecutorial system.
2. If the Council approves the establishment of another office, it shall present to the Assembly of Republic of Kosovo a proposal for budgetary supplement.

Article 19
Professional associates and Interns of Prosecution Offices

1. For the performance of their responsibilities, each prosecutor shall have at least one professional associate.
2. The Kosovo Prosecutorial Council with a sub-legal act determines the selection and appointment procedure, criteria, rights and obligations for professional associates and interns.

CHAPTER V
COMPETENCES AND RESPONSIBILITIES OF THE CHIEF PROSECUTOR AND
CHIEF PROSECUTORS, DEPUTY CHIEF PROSECUTOR AND DEPUTY CHIEF STATE
PROSECUTORS AND HEADS OF DEPARTMENTS

Article 20
Competences and Responsibilities of the Chief State Prosecutor

1. The Chief State Prosecutor is the head of the Office of the State Prosecutor and has these competencies and responsibilities:
 - 1.1. is responsible for the management and representation of the State Prosecutor and the structures of the prosecution offices, which constitute the State Prosecution Office;
 - 1.2. is an ex-officio member of the Council;
 - 1.3. makes recommendation to the Council for appointment of the Deputy Chief State Prosecutor, among the prosecutors in the Office of the Chief State Prosecutor;
 - 1.4. may submit to the Council a proposal for dismissal of the Deputy Chief State Prosecutor and the Chief Prosecutor of the relevant prosecution office;
 - 1.5. has exclusive jurisdiction of cases at the third instance before the Supreme Court and for all cases involving extraordinary legal remedies;
 - 1.6. issues in writing mandatory rules, instructions and general decisions for all chief prosecutors and prosecutors in order to implement legality, increase efficiency and unique implementation of practices and legislation;
 - 1.7. oversees the implementation of instructions and other acts defined by legislation in force;
 - 1.8. proposes to the Council for approval the rules on the activity and management of record-keeping in the State Prosecutor;
 - 1.9. may give written guidelines to the Chief Prosecutor of a prosecution office or to any prosecutor of any prosecution office for the specific work, for the purpose of efficient

development of the proceedings or other important reasons, when he considers that there is negligence, professional incompetence or failure to implement legality. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors;

1.10. may request reports or other written information regarding the progress, status or resolution of certain cases. Such request shall be made in writing;

1.11. appraises the work of Chief Prosecutors and Prosecutors in the Office of the Chief State Prosecutor;

1.12. requests the extraordinary appraisal of Chief Prosecutors and prosecutors in the Office of the Chief State Prosecutor;

1.13. performs other tasks as defined by Law.

2. The Chief State Prosecutor may, by a written decision, for the purpose of efficient conduct of the procedure or for other important reasons, take jurisdiction over any case in any prosecution office in the Republic of Kosovo, or re-assign it to another prosecution office.

3. The written decision from paragraph 2 of this Article shall at least justify the negligence, professional incompetence or conflict of interest.

Article 21

Competences and Responsibilities of Chief Prosecutors

1. The Chief Prosecutor has these competencies and responsibilities:

1.1. administers the work and represents the prosecution for which he has been appointed;

1.2. is responsible for the work of the prosecution, and for his work on administrative matters is accountable before the Council whereas for operational matters is accountable before the Chief State Prosecutor;

1.3. recommends to the Council his Deputy Chief Prosecutor;

1.4. may submit to the Council a proposal for dismissal of his Deputy Chief Prosecutor;

1.5. may take over the function of criminal prosecution in a concrete case assigned to a subordinate prosecutor in that prosecutor's office with the prior consent of the Chief State Prosecutor. The taking of the case shall be done with a reasoned decision and appropriately for the circumstances defined in Article 20, paragraph 2 and 3 of this Law;

1.6. may request written reports or information from the subordinate prosecutor;

1.7. may delegate some competencies to his subordinates;

1.8. may give written guidelines to the prosecutors of the prosecution office he leads, in order to enforce legality, increase efficiency and uniquely implement practices and legislation. The guidelines must be reasoned and not infringe the functional and professional independence of prosecutors. If the prosecutor considers the guidelines to be unlawful or contrary to his conscientiousness, he has the right to request the decision of the Chief State Prosecutor. The decision of the Chief State Prosecutor is made in writing and is final.

1.9. appraises the work of the prosecutors of the prosecution office he leads;

1.10. requests the extraordinary performance appraisal of the prosecutors of the prosecution office he leads;

1.11. performs other tasks defined by Law.

2. In addition to the competencies and responsibilities defined in paragraph 1 of this Article, the Chief Prosecutor of the Special Prosecution Office as well as the Chief Prosecutor of the Basic Prosecution in Prishtina proposes to the Council the appointment and dismissal of heads of departments as defined by this Law.

Article 22 **Competencies and responsibilities of the Deputy Chief State Prosecutor and Deputy Chief Prosecutors**

1. In case of absence or termination of the mandate of the Chief State Prosecutor, respectively the Chief Prosecutor of the Prosecution, the Deputy Chief State Prosecutor, respectively the Deputy Chief Prosecutor exercises all the duties and responsibilities of the Chief State Prosecutor, respectively the Chief Prosecutor of the Prosecution defined by the legislation in force.

2. When the Chief State Prosecutor, respectively the Chief Prosecutor of the Prosecution Office is in office, the Deputy Chief State Prosecutor, respectively the Deputy Chief Prosecutor exercises the function of the prosecutor.

Article 23 **Heads of Departments**

1. Heads of Departments are appointed in the General Department, the Juveniles Department and the Serious Crimes Department of the Basic Prosecution in Prishtina, as well as in the departments of the Special Prosecution.

2. The Head of Department from paragraph 1 of this Article has the following competencies and responsibilities:

2.1. is responsible for the internal regulation and functioning of the department;

2.2. upon request, provides advice and recommendations in relation to cases for prosecutors;

2.3. reports to the Chief Prosecutor of the Prosecution Office on the work of the department he leads;

2.4. takes care of the progress of the process of evaluating the work of prosecutors for periods of six (6) months and one (1) year;

2.5. exercises the function of prosecutor according to the relevant legislation in force.

CHAPTER VI **CONDITIONS AND QUALIFICATIONS FOR APPOINTMENT, INITIAL TRAINING AND TERMINATION OF MANDATE OF STATE PROSECUTORS**

Article 24 **General conditions**

1. The candidate for appointment as state prosecutor shall meet the following conditions:

- 1.1. to be a citizen of the Republic of Kosovo;
- 1.2. to have a valid law degree in Kosovo;
- 1.3. to have passed the bar exam accepted according to the applicable law in Kosovo;
- 1.4. to have a high professional reputation and personal integrity;
- 1.5. not have been convicted of a criminal offense, except for criminal offenses committed through negligence;
- 1.6. to have at least three (3) years of professional work experience in the legal field, after the graduation;
- 1.7. to have passed the exam for prosecutor, in accordance with the conditions and procedures set out in a special regulation approved by the Council;
- 1.8. there is not any indictment filed against him, except those filed for criminal offences committed by negligence.

2. For the purposes of this Article, experience in the legal field includes experience in legal matters in local and international institutions and organizations, experience as a notary and private enforcement agent.

Article 25 **Initial training**

1. Upon appointment by the President of Kosovo, appointed prosecutors, with the exception of those with previous experience as prosecutors, shall undergo initial training organized by the Academy of Justice. Initial training should last twelve (12) months, according to the legislation into force.
2. During the initial training, prosecutors may be assigned with cases under the supervision of a mentor.
3. Appointed prosecutors will be evaluated after the results of the initial training, based on the relevant provisions of the law. The initial training period will be extended for those prosecutors who fail to adequately complete the initial training, as determined by the Justice Academy.

Article 26 **Special qualifications**

1. In addition to fulfilling minimum requirements, candidates for appointment as state prosecutor, in order to be appointed or promoted to a certain prosecution office shall have the following qualifications:
 - 1.1. to exercise the function of prosecutor in the Department of Serious Crimes or in the Department of Juveniles in the Basic Prosecution Office, the prosecutor shall have a permanent mandate as a prosecutor and a positive performance appraisal;
 - 1.2. to exercise the function of prosecutor in the Appellate Prosecution Office, the prosecutor shall have at least three (3) years of experience as a prosecutor in the Serious Crimes Department or the Juvenile Department of the Basic Prosecution Office or in the Special Prosecution Office of the Republic of Kosovo and a positive performance appraisal;

1.3. to exercise the function of prosecutor in the Special Prosecution Office of the Republic of Kosovo, the prosecutor shall meet the conditions to work as prosecutor in the Serious Crimes Department, as well as to have a positive performance appraisal. The period of exercising the function of prosecutor in the Special Prosecution Office, determined according to the provisions of this Law, is calculated as the experience of the prosecutor in the Serious Crimes Department in the Basic Prosecution Office;

1.4. to exercise the function of prosecutor in the Office of the Chief State Prosecutor, the prosecutor shall have at least seven (7) years of experience as a prosecutor, of which at least three (3) years in the Appellate Prosecution Office, the Special Prosecution Office or the Serious Crimes Department or Juvenile Department of the Basic Prosecution Offices and a positive performance appraisal.

Article 27

Termination of mandate

1. The mandate of the prosecutor ends in the following ways:

- 1.1. with resignation;
- 1.2. removal from office;
- 1.3. death;
- 1.4. upon reaching retirement age;
- 1.5. unless reappointed for a permanent term.

CHAPTER VII

SELECTION CRITERIA AND MANDATE OF THE CHIEF PROSECUTOR AND CHIEF PROSECUTORS, DEPUTY CHIEF PROSECUTOR AND DEPUTY CHIEF STATE PROSECUTORS AND HEADS OF DEPARTMENTS

Article 28

Criteria for Chief State Prosecutor and Chief Prosecutors

1. The candidate for Chief State Prosecutor and Chief Prosecutor shall meet the following general conditions:

- 1.1. to be a prosecutor with a permanent mandate;
- 1.2. not have been convicted of a criminal offense, except criminal offences committed by negligence;
- 1.3. there is not any indictment filed against him, except those filed for criminal offences committed by negligence.
- 1.4. to have a distinguished or good performance appraisal in the last two (2) regular appraisals;
- 1.5. to demonstrate and prove high integrity and managerial skills;
- 1.6. not have disciplinary measures imposed to him, with the exception of reproach or non-public reprimand in the last five (5) years.

2. In addition to the criteria set forth in paragraph 1 of this Article in order to exercise the function of Chief State Prosecutor and Chief Prosecutor of the Prosecution Office, the candidate shall meet the following special criteria:

2.1. to exercise the function of Chief State Prosecutor, the candidate must be a prosecutor in the Chief State Prosecutor's Office or shall have at least eight (8) years of work experience as a state prosecutor, of which five (5) years as a prosecutor in the Appellate Prosecution Office, Special Prosecution Office, the Serious Crimes Department or the Juvenile Department;

2.2. to exercise the function of Chief Prosecutor of the Appellate Prosecution Office, the candidate must be a prosecutor in the Appellate Prosecution Office or shall have at least seven (7) years of work experience as a state prosecutor, of which three (3) years as a prosecutor in the Serious Crimes Department or the Juvenile Department;

2.3. to exercise the function of Chief Prosecutor of the Special Prosecution Office, the candidate must be a prosecutor in the Special Prosecution Office or shall have at least six (6) years of work experience as a state prosecutor, of which three (3) years as a prosecutor in the Serious Crimes Department or the Juvenile Department;

2.4. to exercise the function of Chief Prosecutor of the Basic Prosecution, the candidate shall have at least five (5) years of work experience as a prosecutor.

3. The period of exercising the function of prosecutor in the Special Prosecution Office, determined according to the provisions of this Law, is calculated as the experience of the prosecutor in the Serious Crimes Department in the Basic Prosecution Office.

Article 29

General criteria for Deputy Chief State Prosecutor and Deputy Chief Prosecutor

1. In order to exercise the function of Deputy Chief State Prosecutor and Deputy Chief Prosecutor, the candidate must meet the following conditions:

1.1. to be a prosecutor with at least four (4) years of work experience in the relevant prosecution office;

1.2. there is not any indictment filed against him, except those filed for criminal offences committed by negligence;

1.3. not have been convicted of a criminal offense, except criminal offences committed by negligence;

1.4. to have a positive performance appraisal in the last three (3) years;

1.5. to demonstrate and prove high integrity and managerial skills;

1.6. not have disciplinary measures imposed to him, with the exception of reproach or non-public reproach in the last five (5) years.

Article 30

General Criteria for Heads of Departments

1. In order to exercise the function of Head of Department, the candidate must meet the following conditions:

1.1. to have at least four (4) years of work experience as a prosecutor;

- 1.2. there is not any indictment filed against him, except those filed for criminal offences committed by negligence;
- 1.3. not have been convicted of a criminal offense, except criminal offences committed by negligence;
- 1.4. to have a positive performance appraisal in the last three (3) years;
- 1.5. to show and demonstrate high integrity and managerial skills;
- 1.6. not have disciplinary measures imposed to him, except for reproach or non-public reprimand in the last five (5) years;
- 1.7. have been assigned for a period of at least two (2) years to that department.

Article 31

Mandate of the Deputy Chief State Prosecutor, Deputy Chief Prosecutor and Head of Department

1. The Deputy Chief State Prosecutor is elected by the Council, upon the proposal of the Chief State Prosecutor for a term of four (4) years, with the possibility of re-election for another term.
2. The Deputy Chief Prosecutor is elected by the Council on the proposal of the relevant Chief Prosecutor for a term of four (4) years, with the possibility of re-election for another term.
3. The heads of the departments defined by this Law are elected by the Council, based on the proposal of the Chief Prosecutor of the Relevant Prosecution Office, for a term of four (4) years, with the possibility of re-election for another term.

Article 32

Termination of mandate

1. The mandate of the Chief State Prosecutor and his Deputy, the Chief Prosecutor and his Deputy and the Head of the department, in addition to being regularly terminated, is also terminated for the following reasons:
 - 1.1. resignation;
 - 1.2. dismissal;
 - 1.3. death;
 - 1.4. reaching retirement age;
 - 1.5. when convicted of a criminal offense, except criminal offences committed by negligence.

CHAPTER VIII

RIGHTS, LIMITATIONS AND IMMUNITY OF THE STATE PROSECUTOR

Article 33

Remuneration of state prosecutors

Salaries and remuneration of state prosecutors shall be regulated according to the relevant legislation into force on salaries in public sector.

Article 34
Leaves of state prosecutors

The leave of state prosecutors shall be regulated in accordance with the relevant Law on Labour.

Article 35
Training of state prosecutors

1. Prosecutors undergo adequate professional training to enable them to exercise their prosecutorial functions effectively, as determined by the Council.
2. The Chief State Prosecutor, together with the Council, reviews training programs for prosecutors and makes necessary improvements to ensure adaptation, efficiency and effectiveness.

Article 36
Protection

The prosecutors have the right to request from the Council special protective measures for themselves and their families when the threat to his or her life, or that of a family member, comes as a result of the exercise of their prosecutorial function or arises from it.

Article 37
Professional activities

1. The prosecutor with the prior approval of the Chief Prosecutor of the Prosecution Office, while the Chief Prosecutors of Prosecution Offices with the prior approval of the Council, have the right to participate in professional organizations or scientific meetings which promote the independence and protection of professional interests of prosecutors.
2. The Prosecutor with the approval of the Chief Prosecutor of the Prosecution Office and the Chief Prosecutors of Prosecution Offices with the approval of the Council participate in activities which are in accordance with the Code of Ethics and professional conduct of prosecutors after their working hours only.
3. In accordance with the provisions of the Code of Ethics and Professional Conduct of Prosecutors, prosecutors may engage in professional and scientific writing, but may not publish the relevant content of prosecutorial files during or after the termination of the prosecutorial function, unless expressly permitted by applicable legislation.
4. Prosecutors and Chief Prosecutors, for the activities provided in this Article, receive a remuneration, which may not exceed the value of twenty-five (25%) percent of the basic salary, and for this remuneration the prosecutors notify the Chief Prosecutor, while the Chief Prosecutors notify the Council.

Article 38
Conduct of prosecutors

1. Prosecutors shall not use their status as prosecutors or the reputation of the prosecution office to advance their personal rights or interests.
2. Prosecutors shall not perform any other duties or services that may interfere with their independence and impartiality or that in any other way may be inconsistent with the exercise of the function of prosecutor.
3. Prosecutors are not members of a political entity, nor can they participate in any kind of political activity. The prosecutor will not run for, hold or exercise any political function.

4. The prosecutor's conduct must be in accordance with the provisions set forth in the relevant Code of Ethics for Prosecutors.

Article 39 Immunity

1. Prosecutors enjoy immunity from the criminal prosecution, civil lawsuits and removal from office for undertaken actions, decisions, or opinions expressed that are within the scope of their responsibilities.

2. Prosecutors do not enjoy immunity and may be removed from office if they have committed intentional violations of the law.

3. When a prosecutor is indicted or arrested, he shall notify the Chief State Prosecutor without delay.

CHAPTER IX TRANSITIONAL AND FINAL PROVISIONS

Article 40 Issuance of sub-legal acts

1. The sub-legal acts defined in this Law shall be issued within six (6) months after the entry into force of this Law.

2. Until the adoption of the sub-legal acts defined by this Law, all sub-legal acts issued by the Council shall continue to be implemented provided that they are not in conflict with the provisions of this Law.

Article 41 Repeal of other laws

1. With the entry into force of this Law, the following laws are repealed:

1.1. Law No. 03/L-225 on the State Prosecutor;

1.2. Law No. 05/L-034 on Amending and Supplementing the Law No.03/L-225 on the State Prosecutor;

1.3. Law No. 06/L-025 on Amending and Supplementing Law No. 03/L-225 on the State Prosecutor, amended and supplemented by the Law No. 05/L-034.

Article 42 Entry into force

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

**Law No. 08/L-167
20 April 2023**

Promulgated by Decree No. DL-102/2023 dated 12.05.2023 President of the Republic of Kosovo Vjosa Osmani-Sadriu