

LAW No. 03/L-199

ON COURTS

Assembly of Republic of Kosovo,

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

Adopts

LAW ON COURTS

CHAPTER I

GENERAL PROVISIONS

Article 1

The Scope of the Law

This Law regulates the organization, functioning and jurisdiction of the courts in the Republic of Kosovo.

Article 2

Definitions

1. Terms used in this Law shall have the following meanings:

1.1. **Appointment Process** - the comprehensive, Kosovo-wide review of the suitability of all applicants for permanent appointments, until the retirement age determined by Law, as judges and prosecutors in Kosovo, carried out in accordance with UNMIK Administrative Direction 2008/02 and Article 150 of the Constitution.

1.2. **Basic Court** - the court of first instance comprised of seven geographic areas as established by this Law.

1.3. **Branch** - a geographical subdivision of a Basic Court.

1.4. **Court of Appeals** - the court of second instance as established by this Law.

1.5. **Department** - a subcomponent of a court established by this Law for purposes of assigning cases according to subject matter in order to increase the efficiency of the courts.

1.6. **Division** - a subcomponent of the General Department of a court established for purposes of assigning cases according to subject matter in order to increase the efficiency of the court.

1.7. **Kosovo Judicial Council** - the independent institution as foreseen by Article 108 of the Constitution of the Republic of Kosovo.

1.8. **President of the Court** - the judge responsible for the management and operations of a Court as provided by this Law;

1.9. **Supervising Judge** - the judge in charge of a branch of a Basic Court and who is accountable to the President Judge of a Basic Court for the operations of the branch.

1.10. **Judicial Institution** – the independent body, operating in cooperation with the KJPC and institutions which inherit its responsibilities for coordination of needs for professional training of judges and prosecutors of Kosovo, for training of candidates for judges and prosecutors, as well as for other issues in compliance with the Law.

CHAPTER II

BASIC PRINCIPLES

Article 3

Independence and Impartiality of the Courts

1. The Courts established by this Law shall adjudicate in accordance with the Constitution and the Law.
2. Judges during exercising function and taking decisions shall be independent, impartial, uninfluenced in any way by no natural or legal person, including public bodies.

Article 4

The Exercise of Judicial Power

Judicial power in the Republic of Kosovo shall be exercised by the courts established by this Law. The Courts established by this Law are: Basic Courts, the Court of Appeals, and the Supreme Court.

Article 5

Composition of the Judiciary

1. The composition of the judiciary shall reflect the ethnic diversity of the Republic of Kosovo in accordance with the Constitution of Republic of Kosovo and internationally recognized principles of gender equality.
2. The composition of the judiciary shall reflect the ethnic composition of the territorial jurisdiction of each respective court.

Article 6

Court Decisions

1. Court decisions shall be drafted in writing, in compliance with the Law.
2. Court decisions are binding upon all natural and legal persons.

Article 7

Access to the Courts

1. The courts shall treat all persons in an equal manner, without any discrimination based on race, color, gender, language, religion, political or other opinion, national or social origin, relation to any community, property, economic and social condition, sexual orientation, birth, disability or other personal status.
2. All persons shall have equal access to the courts and no one shall be denied due process of Law or equal protection of the Law. Every natural and legal person has the right to a fair trial within a reasonable timeframe.
3. Every person has the right to address the courts to protect and enforce his or her legal rights. Every person has the right to pursue legal remedies against judicial and administrative decisions that infringe on his or her rights or interests, in the manner provided by Law.
4. All court hearings shall be open to the public unless otherwise provided by Law.

5. All courts should function in an expeditious and efficient manner to ensure the prompt resolution of cases.

CHAPTER III ORGANIZATIONAL STRUCTURE AND COMPETENCIES OF THE COURTS

Article 8 Organizational Structure

1. The Court system of the Republic of Kosovo consists of: the Basic Courts, the Court of Appeals and the Supreme Court.
2. Within the territory of a Basic Court, branches shall be established.
3. Within the Court of Appeals and the Basic Courts, Departments and Divisions may be established for more efficient operation of the respective court.

Article 9 The Basic Court

1. The Basic Courts shall be the courts of first instance in the Republic of Kosovo.
2. Seven (7) Basic Courts are established as follows:
 - 2.1. the Basic Court of Pristina with its principal seat in Pristina is established for the territory of the Municipalities of Pristina, Fushë Kosova/Kosovo Polje, Obiliq/Obilić, Lipjan/Lipljan, Podujevë/Podujevo, Gllgovc/Glogovac and Graçanicë/Gračanica;
 - 2.2. the Basic Court of Gjilan with its principal seat in Gjilan is established for the territory of the Municipalities of Gjilan, Kamenicë/Kamenica, Novobërdë/Novo Brdo, Ranillug/Ranilug, Partesh/Parteš, Viti/Vitina, Kllkot/Klokot and Vërboc/Vrbovac;
 - 2.3. the Basic Court of Prizren with its principal seat in Prizren is established for the territory of the Municipalities of Prizren. Dragash/Dragaš Suharekë/Suva Reka and Mamushë/Mamuša;
 - 2.4. the Basic Court of Gjakova with its principal seat in Gjakova is established for the territory of the Municipalities of Gjakovë/Đakovica, Malishevë/Mališevo and Rahovec/Orahovac;
 - 2.5. the Basic Court of Pejë/Peč with its principal seat in Pejë is established for the territory of the Municipalities of Pejë/Peč, Deçan/Dečani, Istog/Istok, Klinë/Klina and Junik;
 - 2.6. the Basic Court of Ferizaj/Uroševac with its principal seat in Ferizaj is established for the territory of the Municipalities of Ferizaj/Uroševac, Kaçanik/Kaçanik, Shtime/Štimlje, Shtërpçë/Štrpce and Hani I Elezit/Đeneral Janković and
 - 2.7. the Basic Court of Mitrovica with its principal seat in Mitrovica is established for the territory of the Municipalities of Mitrovica South and Mitrovica North, Lepsaviq/Lepsavić, Zubin Potok, Zvecan, Skenderaj and Vushtrri/Vučitrn.

Article 10 Branches of the Basic Courts

1. In addition to its principal seat, each Basic Court shall maintain branches of the court as provided in this Law.
2. The Basic Court of Pristina shall have the following branches:
 - 2.1. Podujevë/o Branch for Podujevë/o municipality;

- 2.2. Graçanicë/a Branch for Graçanicë/a municipality;
 - 2.3. Lipjan Branch for Lipjan municipality;
 - 2.4. Gllogoc Branch for Gllogoc municipality.
3. The Basic Court of Gjiilan/Gnjilane shall have the following branches:
 - 3.1. Kamenicë/a Branch for Kamenicë/a municipality and Ranillug/Ranilug municipality;
 - 3.2. Viti Branch for Viti municipality and Klokot-Vrbovac/Klokot-Vrbovac municipality;
 - 3.3. Novobërdë/Novo Brdo Branch for Novobërdë/Novo Brdo municipality.
 4. The Basic Court of Prizren shall have the following branches:
 - 4.1. Dragash Branch for Dragash municipality;
 - 4.2. Suharekë/a Branch for Suharekë/a municipality;
 5. The Basic Court of Mitrovica shall have the following branches:
 - 5.1. Leposavic Branch for Leposavic municipality;
 - 5.2. Vushtri/Vucitrn Branch for Vushtri/Vucitrn municipality;
 - 5.3. Zubin Potok Branch for Zubin Potok municipality;
 - 5.4. Skenderaj Branch for Skenderaj municipality.
 6. The Basic Court of Gjakova shall have the following branches:
 - 6.1. Malishevë/o Branch for Malishevë/o municipality;
 - 6.2. Rahovec Branch for Rahovec municipality.
 7. The Basic Court of Peje shall have the following branches:
 - 7.1. Istog Branch for Istog municipality;
 - 7.2. Klinë/a Branch for Klinë/a municipality; and
 - 7.3. Deçan/Deçan Branch for Deçan/Deçan municipality and Junik municipality.
 8. The Basic Court of Ferizaj shall have the following branches:
 - 8.1. Kacanik Branch for Kacanik municipality and Hani I Elezit/Đeneral Janković municipality; and
 - 8.2. Shtërpcë/Štrpce Branch for Shtërpcë/Štrpce municipality.
 9. Where no Branch has been specified for a municipality, cases from such municipality will fall under the authority of the main seat of the Basic Court.
 10. If there is no branch of the Basic Court in the territory of a municipality, that municipality may, by decision of the Municipal Assembly, request that the Kosovo Judicial Council either establish a branch within its territory or include it under the jurisdiction of the territorially closest Basic Court or branch of the court.
 11. The Kosovo Judicial Council shall develop and promulgate regulations for achieving compliance with this Article consistent with Article 1.3 of Annex IV of the Comprehensive Settlement Proposal.

Article 11
Subject Matter Jurisdiction of the Basic Court

1. The Basic Courts are competent to adjudicate in the first instance all cases, except otherwise foreseen by Law.
2. The Basic Courts are competent to give international legal support and to decide for acceptance of decisions of foreign courts
3. Administrative and commercial cases shall be within the exclusive competence of the Basic Court of Pristina.

Article 12
Internal Organization of the Basic Court

1. The following Departments shall be established within the Basic Courts for the purpose of allocating cases according to subject matter:
 - 1.1. a Department for Commercial Matters operating in the Basic Court of Pristina for the entire territory of the Republic of Kosovo;
 - 1.2. a Department for Administrative Cases operating in the Basic Court of Pristina for the entire territory of the Republic of Kosovo;
 - 1.3. a Department for Serious Crimes operating at the principal seat of each Basic Court;
 - 1.4. a General Department operating in each Basic Court and in each branch of the Basic Court.
 - 1.5. Department for Minors, operating within the Basic Courts.
2. Each Basic Court shall have a President Judge responsible for the management and operations of the Basic Court. Each branch of the Basic Courts shall have one (1) Supervising Judge responsible to the President Judge of the respective Basic Court for the operations of the branch.
3. The President Judge of the Basic Court shall assign all judges, including the Supervising Judge of a branch, to the branches of the respective Basic Court. To the extent possible, in making such assignments to the branches the President Judge of the Basic Court shall take into account the ethnic composition of the territorial jurisdiction of the branch. The President Judge shall consult with the Kosovo Judicial Council in the assignment of Supervising Judges.
4. The President Judge of the Basic Court shall also assign judges to departments to ensure the efficient adjudication of cases, and may temporarily reassign judges among branches and departments as needed to address conflicts, resolve backlogs, or ensure the timely disposition of cases.
5. The assignment of cases in respective departments, within the court, shall be done in compliance with the regulation of Kosovo Judicial Council, according to the competence of departments.

Article 13
The Commercial Matters Department of the Basic Court

1. The Commercial Matters Department of the Basic Court shall be competent for the following matters:
 - 1.1. disputes between domestic and foreign economic persons in their commercial affairs.
 - 1.2. reorganization, bankruptcy and liquidation of economic persons, unless otherwise provided by Law;

1.3. disputes regarding obstruction of possession, with the exception of immovable property, between parties identified in sub-paragraph 1.1 of this paragraph;

1.4. disputes regarding impingement of competition, misuse of monopoly and dominant market position, and monopolistic agreements.

1.5. protection of property rights and intellectual property.

1.6. disputes involving aviation companies for which the Law on aviation companies applies, excluding traveler disputes.

1.7. other matters as provided by Law.

2. All cases before the Commercial Matters Department of the Basic Court shall be heard by one (1) professional judge, unless otherwise provided by Law.

Article 14

The Administrative Matters Department of the Basic Court

1. The Administrative Matters Department of the Basic Court shall adjudicate and decide on administrative conflicts according to complaints against final administrative acts and other issues defined by Law.

2. All cases before the Administrative Matters Department of the Basic Court shall be adjudicated by one (1) professional judge unless otherwise provided by Law.

Article 15

The Serious Crimes Department of the Basic Court

1. The Serious Crimes Department of the Basic Court shall adjudicate the following criminal offenses as provided in the Criminal Code of Kosovo:

1.1. commission of terrorism including but not limited to assistance, facilitation, organization or support to terrorism or terrorist groups;

1.2. criminal offenses against international Law including but not limited to genocide, crimes against humanity, and war crimes;

1.3. endangering civil aviation safety;

1.4. establishing slavery, slavery-like conditions and forced labor;

1.5. smuggling of immigrants;

1.6. trafficking in persons;

1.7. endangering internationally protected;

1.8. hostage taking;

1.9. unlawful appropriation, use, transfer and disposal of nuclear material;

1.10. threats to use or commit theft or robbery of nuclear material;

1.11. aggravated murder;

1.12. kidnapping;

1.13. torture;

- 1.14. election fraud and destruction of voting documents;
- 1.15. rape;
- 1.16. unauthorized production, distribution, or processing of dangerous narcotic drugs and psychotropic substances;
- 1.17. counterfeiting money;
- 1.18. organized crime, including intimidation during criminal proceedings for organized crime;
- 1.19. criminal offenses against official duty including, but not limited to, abuse of official position or authority, misappropriation in office, fraud, accepting bribes, and trading influence and related conduct;
- 1.20. any crime not listed in this Article that falls within the exclusive or subsidiary competence of the Special Prosecution Office for Kosovo under the Law on the Special Prosecution Office of the Republic of Kosovo, No. 03/L-52 (13 March 2008), as may be amended;
- 1.21. any other crime punishable by ten (10) years or more as provided by Law.

2. All cases before the Serious Crimes Department of the Basic Court shall be heard by a trial panel of three (3) professional judges, with one (1) judge designated to preside over the trial panel.

Article 16 **The General Department of the Basic Court**

1. The General Department of the Basic Court shall hear and adjudicate all first instance cases unless within the competence of another Department of the Basic Court.
2. Unless otherwise provided by Law, all cases before the General Department of the Basic Court shall be adjudicated by one (1) professional judge.

Article 17 **The Court of Appeals**

1. The Court of Appeals is established as the second instance court with territorial jurisdiction throughout the Republic of Kosovo.
2. The seat of the Court of Appeals shall be in Pristina.
3. The composition of the Court of Appeals shall reflect the ethnic diversity of the Republic of Kosovo and international principles of gender equality. In accordance with the relevant provisions of the Comprehensive Proposal for the Kosovo Status Settlement and the Constitution of the Republic of Kosovo and to ensure community participation in the judiciary, fifteen percent (15%) of the total seats on the Court of Appeals, but in no case fewer than ten seats, shall be guaranteed to judges from communities that are not in the majority in Kosovo.

Article 18 **Competencies of the Court of Appeals**

1. The Court of Appeals is competent to review:
 - 1.1. all appeals from decisions of the Basic Courts;
 - 1.2. to decide at third instance, upon the appeal that is permitted by Law and for the conflict of jurisdiction between basic courts;
 - 1.3. conflicts of jurisdiction between Basic Courts; and

1.4. other cases as provided by Law.

Article 19
The Adjudication of Cases at the Court of Appeals

1. The Court of Appeals reviews and adjudicates cases in panel of three (3) professional judges, except otherwise provided by Law.
2. Decisions of the Court of Appeals are public documents. The Kosovo Judicial Council shall ensure the publication of decisions of the Court of Appeals. Such decisions, at a minimum, shall be published on the website of the Kosovo Judicial Council, but otherwise subject to regulations of the Kosovo Judicial Council.

Article 20
Internal Organization of the Court of Appeals

1. The Court of Appeals shall be organized with the following Departments:
 - 1.1. General Department;
 - 1.2. Serious Crimes Department;
 - 1.3. Commercial Matters Department;
 - 1.4. Administrative Matters Department;
 - 1.5. Department for Minors.
2. The Court of Appeals shall have a President Judge responsible for the management and operations of the court.
3. Pursuant to regulations established by the Kosovo Judicial Council, the President Judge of the Court of Appeals shall:
 - 3.1 assign judges to departments to ensure the efficient adjudication of cases, and may temporarily reassign judges among Departments as needed to resolve backlogs or ensure the timely disposition of cases;
 - 3.2 designate heads of Departments as necessary to ensure efficient operation of the court; and
 - 3.3 ensure that each case filed in the Court of Appeals is assigned to a panel of three (3) judges, and shall designate the presiding judge of such panel.

Article 21
The Supreme Court

1. The Supreme Court is the highest judicial authority in Kosovo and shall have territorial jurisdiction over the entirety of the Republic of Kosovo.
2. The Supreme Court includes the Appeals Panel of the Kosovo Property Agency and the Special Chamber of the Supreme Court., the judges of which are part of the Supreme.
3. The composition of the Supreme Court shall reflect the ethnic composition of Kosovo population. At least fifteen percent (15%) of the judges of the Supreme Court, but in no case fewer than three (3) judges, shall be from Communities that are not in the majority in Kosovo.
4. The seat of the Supreme Court shall be in Pristina.

5. The Supreme Court shall have a President as provided in Article 103 of the Constitution of the Republic of Kosovo. The President may also fulfill other roles as provided by Law.
6. The Supreme Court shall review and adjudicate cases in panel of three (3) professional judges, except when a larger number of judges is provided by Law.
7. Pursuant to regulations established by the Kosovo Judicial Council, the President shall:
 - 7.1. be responsible for the management and operations of the Supreme Court;
 - 7.2. assign judges as needed to ensure the efficient adjudication of cases; and
 - 7.3. ensure that each case filed in the Supreme Court is assigned to an appropriate panel of judges and shall designate the presiding judge of such panel.

Article 22

Competencies of the Supreme Court

1. The Supreme Court is competent to adjudicate:
 - 1.1. requests for extraordinary legal against final decisions of the courts of Republic of Kosovo, as provided by Law;
 - 1.2. revision against second instance decisions of the courts on contested issues, as provided by Law;
 - 1.3. defines principled attitudes and legal remedies for issues that have importance for unique application of Laws by the courts in the territory of Kosovo;
 - 1.4. Kosovo Property Agency cases as defined by Law;
 - 1.5. in its Special Chamber, Privatization Agency of Kosovo or Kosovo Trust Agency cases as provided by Law; and
 - 1.6. Other matters as provided by Law.

Article 23

General Session of the Supreme Court

1. The Supreme Court may call a General Session of all its judges to issue decisions that promote unique application of the Laws.
2. The Kosovo Judicial Council shall establish regulations necessary for the operation of General Sessions of the Court.

Article 24

Publication of Supreme Court Decisions

Decisions of the Supreme Court are public documents. The Kosovo Judicial Council shall ensure the publication of decisions of the Supreme Court. Such decisions, at a minimum, shall be published on the website of the Kosovo Judicial Council, but otherwise subject to regulations of the Kosovo Judicial Council.

Article 25

Regulations for Internal Organization of the Courts

The Kosovo Judicial Council shall adopt regulations for further internal organization of the courts.

CHAPTER IV
QUALIFICATIONS, RIGHTS AND DUTIES OF JUDGES AND LAY JUDGES

Article 26
Qualifications of Judges

1. Candidates for appointment as a judge under Article 104 of the Constitution of the Republic of Kosovo shall meet the qualifications that are established by the Kosovo Judicial Council through its regulations and procedures, but at a minimum candidates must:

- 1.1. be a citizen of Kosovo;
- 1.2. be at least twenty five (25) years of age;
- 1.3. have a valid university degree in Law recognized by the Laws of Kosovo;
- 1.4. have passed the bar examination;
- 1.5. have passed the examination for judges in compliance with the Law on Judicial Institution;
- 1.6. have high professional reputation and moral integrity;
- 1.7. not have been convicted of a criminal offense, defined by applicable Law;
- 1.8. have at least three (3) years of legal working experience; and
- 1.9. have successfully passed a process of evaluation as established by the Kosovo Judicial Council.

2. In addition to the minimum qualifications set out in paragraph 1 of this Article, the following qualifications are required:

- 2.1. to serve as a judge in the Serious Crimes Department of the Basic Court, the candidate shall have at least three (3) years of experience as a judge in the General Department of the Basic Court and at least six (6) years of experience in the legal field including some experience in criminal Law;
- 2.2. to serve as a judge in the Administrative Matters or Commercial Matters Departments of the Basic Court, the candidate shall have at least six (6) years of experience in the legal field including experience in administrative or commercial Law matters, respectively;
- 2.3. to serve as a judge in the Court of Appeals, the candidate shall have at least ten (10) years of experience as a judge;
- 2.4. to serve as a judge in the Supreme Court, the candidate shall have at least fifteen (15) years of experience as a judge.

3. For purposes of the additional qualifications provided in paragraph 2 of this Article, experience in the legal field shall include experience as a prosecutor, judge, Lawyer, or academic.

Article 27
Additional Qualifications of Judges of the Court of Appeals and the Supreme Court Applicable until January 1, 2020

1. Notwithstanding the provisions in paragraph 2 of Article 26 of this Law, judges appointed to the Court of Appeals or the Supreme Court between January 1, 2013 and January 1, 2015 may have the following substitute qualifications:

- 1.1. For appointment to the Court of Appeals, ten (10) years of legal experience;

- 1.2. For appointment to the Supreme Court, fifteen (15) years of legal experience.
2. All other criteria as provided in Article 26 remain unchanged.
3. Notwithstanding the provisions in paragraph 2 of Article 26 of this Law, judges appointed to the Court of Appeals or the Supreme Court between January 1, 2015 and January 1, 2017 may have the following substitute qualifications:
 - 3.1. For appointment to the Court of Appeals, ten (10) years of legal experience of which three (3) years should be as a judge;
 - 3.2. For appointment to the Supreme Court, fifteen (15) years of legal experience of which five (5) years should be as a judge;
 - 3.3. All other criteria as provided in Article 26 remain unchanged.
4. Notwithstanding the provisions in paragraph 2 of Article 26 of this Law, judges appointed to the Court of Appeals or the Supreme Court between January 1, 2017 and January 1, 2020 may have the following substitute qualification:
 - 4.1. For appointment to the Court of Appeals, ten (10) years of legal experience of which five (5) years should be as a judge;
 - 4.2. For appointment to the Supreme Court, fifteen (15) years of legal experience of which seven (7) years should be as a judge;
 - 4.3. All other criteria as provided in Article 26 remain unchanged.
5. Notwithstanding any provision to the contrary, the mandate of all judges appointed pursuant paragraph 1 of Article 150 of the Constitution of the Republic of Kosovo is until retirement age as determined by Law or unless removed in accordance with Law. The Kosovo Judicial Council may consider the overall experience of such judges in making appropriate transfer and reassignment to the courts established by this Law.

Article 28 **Lay Judges**

1. Lay Judges will serve only where required by Law.
2. To be appointed as a Lay Judge, persons shall fulfill the following qualifications:
 - 2.1. be citizen and resident of Kosovo;
 - 2.2. be at least twenty five (25) years of age;
 - 2.3. have successfully completed training required by Law to serve in such capacity;
 - 2.4. meet criteria as required by relevant regulations established by the Kosovo Judicial Council;
 - 2.5. not have been convicted for criminal offenses, with the exception of minor offenses; and
 - 2.6. have a high moral reputation in society.
3. Lay judges shall be compensated for their services according to a compensation schedule that shall be established by the Kosovo Judicial Council.

Article 29
Salary and Judicial Compensation

1. During their terms of office, judges shall receive the following salaries:

1.1. The President of the Supreme Court shall receive a salary equivalent to that of the Prime Minister of the Republic of Kosovo;

1.2. All other judges of the Supreme Court shall receive a salary equivalent to that of a Minister of the Government;

1.3. The President Judge of the Court of Appeals shall receive a salary equivalent to that of a judge of the Supreme Court;

1.4. All other judges of the Court of Appeals shall receive a salary equivalent to ninety percent (90%) of the compensation of the President Judge of the Court of Appeals;

1.5. The President Judge of a Basic Court shall receive a salary equivalent to the compensation of a judge of the Court of Appeals;

1.6. The Supervising Judge of a Branch of the Basic Court shall receive a salary equivalent to ninety-five percent (95%) of the compensation of the President Judge of a Basic Court;

1.7. Each judge of the Basic Court shall receive a base salary of not less than seventy percent (70%) of the salary of the President Judge of a Basic Court. The Kosovo Judicial Council shall promulgate a schedule for additional compensation that recognizes the unique responsibilities of judges serving in the Serious Crimes, Commercial Matters or Administrative Conflicts Departments; but in no case shall the sum of the base salary and the additional compensation exceed ninety percent (90%) of the salary of the President Judge of a Basic Court.

2. The salary of a judge shall not be reduced during the term of office to which the judge is appointed, except as a disciplinary sanction imposed under the authority of the Kosovo Judicial Council.

3. Judges are entitled to annual leave in twenty (20) days of paid annual leave per year.

Article 30
Protection

Judges have the right to request from the Kosovo Judicial Council special protective measures for themselves and their families, where a threat to their life, or to the life of a family member, derives from or is the result of exercising their judicial responsibilities.

Article 31
Immunity

Judges and lay judges enjoy immunity as provided in the Constitution.

Article 32
Professional Activities

1. Judges may take part in professional organizations that promote judicial independence, enhance judicial education and encourage the effectiveness of the courts.

2. Judges may take part in professional or scientific meetings, lectures and trainings, or other legal projects and may receive compensation for such activities provided that there is no conflict of interest and there is no violation of Law, the judicial code of ethics, or other sub-legal acts.

3. Judges may engage in professional or scientific writing but may not use or disclose the substance of court deliberations or information gathered during the judicial process that was not included in the written decision.

4. Judges who receive remuneration for participation in activities envisioned by this Article shall disclose such remuneration to the Kosovo Judicial Council.

Article 33
Professional collaborators and trainees

Professional collaborators and judicial trainees shall be defined by the regulation of Kosovo Judicial Council.

Article 34
Duties of Judges

1. Judges shall act objectively, impartially and independently.
2. In discharging their duties, judges shall demonstrate availability, respect for the parties and witnesses, and vigilance in maintaining the highest level of competence.
3. During the exercise of judicial functions, judges shall protect the confidentiality of all non-public information.
4. Judges shall not comment to the media on the composition, evidences and decisions of any cases. Judges shall not engage in any ex parte communications with anyone concerning cases.
5. Judges should be engaged in continuing legal education consistent with the regulations promulgated by the Kosovo Judicial Council.

Article 35
Prohibitions on Conduct of Judges

1. Judges shall not perform any duty or service that may or may be perceived to interfere with their independence and impartiality or may otherwise be incompatible with the performance of the duties of a judge or the provisions of the Code of Conduct for Judges.
2. Judges shall not be members of a political party, movement or any other political organization nor participate in any political activity. Judges shall not seek or hold any political office.

CHAPTER V

TRANSITIONAL PROVISIONS

Article 36
Transitional Phases

1. This Law shall be implemented according the following schedule:
 - 1.1. Planning Phase: from January 1, 2011 to December 31, 2011 the Kosovo Judicial Council shall prepare the implementation plan to facilitate the transition from the current court structure to the court structure as established by this Law. The Kosovo Judicial Council shall post on its website the implementation plan by December 1, 2011.
 - 1.2. Implementation Phase: from January 1, 2012 to December 31, 2012, the Kosovo Judicial Council shall carry out its implementation plan.
2. Article 29 shall be implemented from January 1 2011 and judges till the reformation of judicial will realize the salaries as following:

2.1. Judges of District Court will realize the salary equal to the salary of judge of the Court of Appeals;

2.2. Judges of Municipal Court will realize the salary equal to the salary of judge of the Basic Court;

2.3. Judges of the Court for Minor Offences will realize the salary of ninety percent (90%) equal to the salary of judges of Municipal Court.

Article 37

Responsibilities of the Kosovo Judicial Council during the Planning Phase and Implementation Phase

1. During the Planning Phase, the Kosovo Judicial Council shall promulgate regulations referring to both transitional and operational issues necessitated by this Law.

2. During the Planning Phase, the Kosovo Judicial Council shall also develop a detailed implementation plan including but not limited to the following:

2.1. reclassification of case files and case numbering to coincide with the court structure established by this Law;

2.2. transfer of cases to the appropriate court or branch of a court;

2.3. allocation of personnel;

2.4. transfer of physical assets amongst the courts;

2.5. assignment and reassignment of cases to the appropriate departments of the Basic Courts and the judges thereof;

2.6. the transfer of judges to appropriate courts and positions as foreseen by this Law while taking into account and giving due deference to assignments and decisions made during the one-time Appointment Process; and

2.7. all other matters affecting the transition of the courts to the structure established by this Law and for the efficient future functioning of the courts.

3. The Kosovo Judicial Council shall take all necessary steps to organize, plan and fully implement the provisions of this Law and to ensure smooth transition to the new court structure.

Article 38

Transfer and Reassignment of Judges

1. The Kosovo Judicial Council shall transfer and reassign judges to the courts established by this Law taking into account and respecting:

1.1. the appointments, especially the appointments of Court Presidents, made during the Appointment Process as provided by paragraph 1 of Article 150 of the Constitution of the Republic of Kosovo; and

1.2. the integrity, experience, capacity and managerial abilities as assessed during the Appointment Process as provided by paragraph 1 of Article 150 of the Constitution of the Republic of Kosovo;

1.3. transfer can not be done against their will.

Article 39
Completion of pending cases

1. All cases which, on 31 December 2012, are second instance cases of the Supreme Court, District Court or High Court for Minor Offences and have not been concluded with final decisions, shall on 1 January 2013, be treated as cases of the Court of Appeals.
2. All cases which, on 31 December 2012, are first instance cases of the Supreme Court, District Court, District Commercial Court, Municipal Court or the Municipal Courts for Minor Offences and have not been concluded with final decisions, shall on 1 January 2013, be treated as cases of the Basic Court which has the appropriate territorial jurisdiction.

Article 40
Validity of Prior Final Decisions and Right of Appeal

All final decisions of the Supreme Court, District Court, District Commercial Court, Municipal Court, High Court Minor Offenses, issued prior to the transfer of competencies to the courts established by this Law shall remain in full force and effect.

Article 41
Budget

The Government of Kosovo shall provide adequate funds from the Budget of the Republic of Kosovo for the full implementation of this Law.

CHAPTER VI

FINAL PROVISIONS

Article 42
Abrogation of Other Laws

1. Upon the entry into force of this Law, the Law on the Regular Courts of KISP, regulations of UNMIK and Law on Minor Offences are repealed.
2. Upon the entry into force of this Law any reference in any Law, regulation, directive, rule or other act vesting first instance jurisdiction in the Minor Offenses Court, Municipal Court, District Court, Commercial Court, or Supreme Court shall be construed to mean the Basic Court. Any reference in any Law, regulation, directive or rule vesting second instance jurisdiction in the High Minor Offenses Court, District Court, or Supreme Court shall be construed to mean the Court of Appeals.

Article 43
Entry into Force

This Law shall enter into force on January 1, 2011 for Articles 29, 35, 36 38 and 40, while for other Articles it shall begin to be implemented from January 1, 2013.

Law No. 03/L-199
22 July 2010

Promulgated by the Decree No. DL-047-2010, dated 09.08.2010, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu