



**Republika e Kosovës**  
**Republika Kosovo - Republic of Kosovo**  
*Qeveria – Vlada – Government*  
*Ministria e Drejtësisë - Ministarstvo Pravde - Ministry of Justice*

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**Minister of Justice,**

Pursuant to Article 20 (par. 1) of the Law no. 08/L-063 amending the Laws related to the Rationalization and Establishment of Accountability Lines of Independent Agencies (Official Gazette no. 30, 05.09.2022), in accordance with Article 11, paragraph 1, sub-paragraph 1.5 of Law No. 08/L-117 on the Government of the Republic of Kosovo, Article 8 (sub-paragraph 1.4) of the GoK Regulation NO. 02/2021 on Areas of Administrative Responsibilities of the Office of the Prime Minister and Ministries, as amended by (GRK) Regulation no. 04/2021 and Regulations (GRK) No 03/2011, and Article 38, paragraph 6 of the Rules of Procedure of the Government, no. 09/2011, (Official Gazette no. 15, 12.09.2011),

Hereby issues the following:

**REGULATION MOJ-No.06/2023<sup>1</sup>**  
**ON THE COMPLAINTS PROCEDURE AGAINST DECISIONS ON FREE LEGAL AID**

**CHAPTER I**  
**GENERAL PROVISSIONS**

**Article 1**  
**Purpose**

This regulation shall establish a Complaints Commission, and the procedures for reviewing complaints against the decisions of the Free Legal Aid Agency (hereinafter: Agency).

**Article 2**  
**Scope**

The provisions of this Regulation shall apply to all people involved in the process of review of complaints and people filing complaints against any decision of the Agency.

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<sup>1</sup> Regulation MoJ-no.06/2023 on the complaints procedure against decisions on free legal aid, signed by Minister of Justice, date 06.06.2023

**CHAPTER II**  
**Complaints Commission**

**Article 3**  
**Establishment of Commission**

1. The Commission to review Complaints against any decision of the Agency (hereinafter: the Commission) shall be established by a decision of the Minister of Justice (hereinafter: Minister) and shall consist of three (3) members, as follows:

- 1.1. One (1) representative from the relevant legal Department of the Ministry of Justice;
  - 1.2. One (1) professor from the Faculty of Law;
  - 1.3. One (1) representative of civil society.
2. The composition of the Commission shall reflect gender equality.

**Article 4**  
**Mandate of Commission**

The members of the Commission (Chair and members) shall be appointed for a term of three (3) years, with the possibility of re-appointment for another term.

**Article 5**  
**Chair of Commission**

1. The Chair of the Commission shall exercise the following powers:
- 1.1. Organize and ensure proper performance of the Commission;
  - 1.2. Ensure the implementation of this Regulation and relevant applicable legislation;
  - 1.3. Call and preside the meetings of the Commission.

**Article 6**  
**Committee Members**

1. The Commission members shall be required to exercise their duties and responsibilities in accordance with the mandate of the Commission.
2. The Commission members shall be required to attend the meetings of the Commission.

**Article 7  
Independence**

The Commission members shall be independent in their work and exercise their duties and responsibilities in accordance with the legislation in force.

**Article 8  
Meetings**

1. The Commission shall conduct meetings as appropriately convened.
2. The Chair of the Commission shall notify the Committee members, in writing at least three (3) days in advance of the time and venue of the meeting.
3. The meetings of the Complaints Commission shall be open, except in cases in which the public may be excluded at the request of a party, or when such exclusion of the public is required by applicable legislation.
4. In the case of publicly open meetings, the date, time and venue of the meeting shall be announced by appropriate means to allow for the participation of interested parties.

**Article 9  
Decision making of the Commission**

1. Decisions of the Commission shall be rendered by a majority of member's votes.
2. The Chair and any member of the Commission shall not attend meetings in the consideration of any issue in or related to which a conflict of interest may arise, as stipulated by applicable legislation on the conflict of interest.

**Article 10  
Minutes of Meeting**

1. Minutes shall be kept of each meeting of the Commission, which are approved at the next meeting by the Commission.
2. The minutes shall be kept by the Agency officials.
3. The minutes shall contain a summary of the discussion, the date and venue of the meeting, the participating members, the decisions rendered, as well as the form and result of any vote.

**Article 11  
Duties and Responsibilities of the Commissions**

1. The Commission shall be responsible for the review and decisions on complaints of applicants and beneficiaries of free legal aid, in accordance with the applicable legal provisions.

2. The Commission shall review the admissibility and validity of the parties' complaints, and issue decisions in writing on each reviewed complaint.
3. In its review of complaints, the Commission may require additional information and documentation from the relevant official within the Agency handling the case under review.
3. Upon approval, the minutes shall be signed by the Chair and the minute keeper.
4. The Commission shall annually report to the Minister on its performance.
5. Any administrative-technical work for the Commission shall be performed by the Agency.

### **CHAPTER III COMPLAINTS PROCEDURE**

#### **Article 12 Right to complaint**

1. Each applicant shall be entitled to submit a complaint to the Commission against any decision rejecting free legal aid, including any beneficiary against the decision on legal services.
2. Complaints listed in paragraph 1 of this Article shall be filed with the Commission, through the Agency, within thirty (30) days from the date of receipt of the decision.
3. The Complainant may only file one complaint with the Commission, for the same matter.

#### **Article 13 Filing a complaint**

1. A complaint, including any relevant documentation, may be submitted to the Agency in one of the following ways:
  - 1.1. directly/personally;
  - 1.2. By mail;
  - 1.3. By electronic mail (email)
2. Upon receipt of such complaint, the Agency shall establish a case file recorded by its date of receipt, and assign it a case number.
3. Any complaint may be filed in writing in any of the official languages of the Republic of Kosovo, and shall be signed by the complainant or his/her authorized representative.
4. Any Complainant may authorize a representative by a proxy document in writing.

5. Any filed complaint shall contain the following data:
  - 5.1. first name, last name, address and telephone number of the Complainant;
  - 5.2. data on the issued or missing administrative act which is disputed;
  - 5.3. the reasons for such complaint, the claims and any other document deemed relevant by the complainant.
6. The Commission must be notified by the complainant or his/her authorized representative of any change in his or her representative's address or telephone number.
7. The format and content of the complaint form shall be integral to this Regulation (Appendix 1).
8. The Complaint Form shall be published on the Agency's official website.

**Article 14**  
**Complaint review session**

1. The Commission shall be required to hold a first hearing for the review of the complaint within a reasonable time, but no later than seven (7) days from the time of Complaint submission.
2. In its review of the complaint, the Commission shall be entitled to require the parties to submit relevant documents or information, as well as to verify the situation at the scene of the event.

**Article 15**  
**Attendance of parties in a review session**

1. Any attendance of parties in Commission review hearings shall only be allowed upon the Commission's finding of necessity or relevance as requested by parties.
2. In the cases of paragraph 1 of this Article, the Commission shall authorize one of the Commission members to ensure the conditions for holding such a hearing, in cooperation with the administration of the Agency.
3. An invitation on the hearing to be held shall be sent to the parties at least five (5) days before such hearing, containing the following information:
  - 3.1. Purpose, date, time and venue of such hearing session;
  - 3.2. Note that the Commission has authority to proceed without delay or further notice, regardless of the failure of a party to appear at the time and venue specified, in the event of unjustified absence.
4. The party requesting a postponement of the hearing session must submit a reasoned request in writing to the Commission no later than three (3) days from the moment of receipt of the invitation.
5. Within two (2) days of its receipt of the request, the Commission shall decide whether such request for postponing the session is justified, and record in the minutes.

6. In case of approval by the Commission of the request of a party to postpone the session, it shall promptly inform the procedural parties on the postponement of the session.

7. All parties and attendees of proceedings shall have the right to appear at the hearing in person or by an authorized representative.

8. All parties to the proceedings shall be treated equally, and each party shall be given an opportunity to present evidence and testimony in support of their claims.

### **Article 16 Decisions of Commission**

1. Upon examining the complaint, the Commission shall render a decision by which it may:

1.1. dismiss the complaint as inadmissible;

1.2. Approve the complaint as grounded;

1.3. Reject the complaint as unfounded.

2. Decisions shall be issued by the Commission, and signed by the Chair of the Commission.

3. The Commission shall render decision on such complaint as soon as possible, but no longer than fifteen (15) days from the day of receipt of the complaint.

### **Article 17 Legal remedy**

Against a Commission decision, any dissatisfied parties may file a claim suit in the competent Court.

### **Article 18 Notices to parties**

The decision of the Commission shall be sent to the party filing the complaint, or an authorized representative thereof.

## **CHAPTER IV FINAL PROVISIONS**

### **Article 19 Repeal of existing applicable legislation**

Upon the entry into force of this Regulation, the current provisions on complaints procedures on free legal aid shall cease to apply.

**Article 20**  
**Entry into force**

This Regulation shall enter into force seven (7) days upon its publication in the Official Gazette of the Republic of Kosovo.

**Albulena Haxhiu**

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**Minister of Justice**

\_\_\_/\_\_\_/2023

**Annex no. 1: *Complaint Form***

## COMPLAINT

I \_\_\_\_\_, on \_\_\_\_\_, have applied for free legal aid at \_\_\_\_\_, office in \_\_\_\_\_,

I have received a rejecting decision

I have not received a decision

Therefore, I hereby submit this complaint, with the following reasoning:

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I would (also) file a complaint against unprofessional or unethical services by

Free legal aid officer \_\_\_\_\_

Lawyer, authorized by the Agency \_\_\_\_\_

NGO \_\_\_\_\_

I believe such services were unprofessional or unethical because:

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Signature of the applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Telephone Number \_\_\_\_\_