



BULLETIN OF THE OFFICE OF THE CHIEF STATE PROSECUTOR

January 2024

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**In the edition of this Bulletin, the activities
of the OCSP for AUGUST 2024 are
reflected**

Preventing and Combating Illegal Activities of Internet and TV Channels

Prishtina, 9 January 2024

The Acting Chief State Prosecutor, Mr. Besim Kelmendi, hosted today in a meeting representatives of electronic service operators and the Independent Media Council (IMC).

The topic of joint discussions was preventing and combating the actions of illegal operators, who, illegally and through unauthorized intervention are performing – providing illegal Internet and TV Channels services within the territory of the Republic of Kosovo.

The Acting State Prosecutor, Mr. Besim Kelmendi, has expressed his readiness and the institution he represents for prompt and professional handling of cases related to the prevention and combating of this phenomenon, and has requested the support



of all the licensed operators to cooperate with the prosecution to identify all illegal activities, and the operators have pledged to provide such support.

Acting Chief State Prosecutor and Director of KPC Secretariat discuss the advancement of work in the administration of the institution of State Prosecutor

Prishtina, 12 January 2024

The Acting Chief State Prosecutor, Mr. Besim Kelmendi, held an official meeting with the new Director of the Secretariat of the Kosovo Prosecutorial Council, Mr. Sami Istrefi.

Acting Chief Prosecutor Kelmendi and Director Istrefi had substantive and concrete discussions regarding the progress, achievements, challenges and needs of the institution of the State Prosecutor.



In this case, the Director of the KPC Secretariat, Mr. Istrefi informed Acting Chief Prosecutor Kelmendi, with the vision, plan and reforms he intends to undertake within his mandate and responsibilities, in order to consolidate a more professional, efficient and accountable administration which will advance the work of the State Prosecutor's institution in the realization of the constitutional and legal mandate.



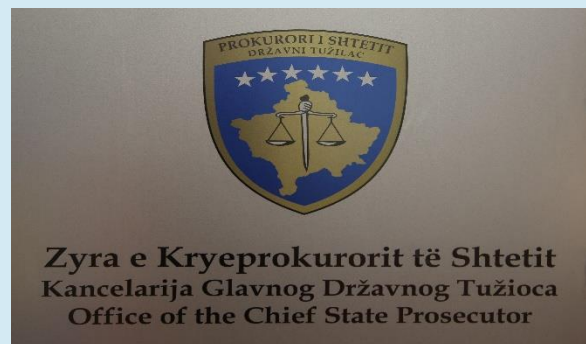
In this regard, the Acting Chief State Prosecutor, Mr. Besim Kelmendi, has offered full support to the Director of the Secretariat of the Kosovo Prosecutorial Council, Mr. Sami Istrefi, in fulfilling his objectives and goals which aim to establish and strengthen the Kosovo Prosecutorial System.

Part of the joint discussions between the Acting Chief State Prosecutor and the Director of the KPC Secretariat was also meeting the needs and conditions of the Office for Protection and Assistance to Victims of Crime, in which case Director Istrefi emphasized that he is making continuous efforts within the legal and budgetary possibilities to meet the requirements and needs of this office.

Notification from the Office of the Chief State Prosecutor

Prishtina, 13 January 2024

On the occasion of visa liberalization and in order to raise citizens' awareness, the Office of the Chief State Prosecutor publishes the



provision of Article 164 of the Criminal Code of the Republic of Kosovo, which concerns the smuggling of migrants, in particular paragraph 10 of this article, which deals with the abuse of the visa liberalization regime for the countries of the European Union or the Schengen Agreement, as follows:

Article 164

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10. Anyone who abuses the visa liberalization regime with EU member states or with

the Schengen Agreement shall be punished as follows:

a person who recruits, incites, organizes, harbors or transfers persons in the Member States of the European Union or in those of the Schengen Agreement for the purpose of realizing and obtaining economic, social or other rights that are contrary to European Union law and to the rules of the Member States of the European Union, to the Schengen Agreement and to international law shall be punished by at least four (4) years of imprisonment;

10.2. if the person acts in contravention of subparagraph 10.1 and/or has been aware that the transfer will result in benefits or any rights under subparagraph 10.1, in contravention of European Union law and the rules of the Member States of the European Union, of the Schengen Agreement and of international law, shall be punished by one (1) to five (5) years of imprisonment;

10.3. if the offense was committed for personal gain, the perpetrator shall be punished for the offense, according to subparagraph 10.1, with imprisonment of at least eight (8) years, while for the offense committed, according to subparagraph 10.2, with at least four (4) years of imprisonment;

10.4. if the offense was committed by a legal person, it will be punished by a fine of up to five hundred thousand euros (500,000);

10.5. the equipment and means of transport used for the commission of this offence shall be confiscated.

10.6. this paragraph begins to apply at the moment when the European Union Council takes a decision on the abolition of the visa regime for citizens of the Republic of Kosovo

Acting Chief State Prosecutor received in a meeting representatives of the Youth Initiative for Human Rights in Kosovo (YIHR)

Prishtina, 16 January 2024

The Acting Chief State Prosecutor, Mr. Besim Kelmendi, hosted in a meeting the representatives of the organization "Youth Initiative for Human Rights in Kosovo (YIHR)".

The topic of joint discussions was cooperation in the field of rule of law, strengthening of human rights, access to justice, holding trainings in order to build professional capacities for legal officials and professional associates of prosecutions, advocating and holding activities aimed at raising citizens' awareness about the role, function and increasing public trust in the State Prosecutor's institution and other important issues in the field of criminal justice.



The Acting Chief State Prosecutor has expressed his readiness to cooperate with

YIHR and all other civil society organizations that help advance the rule of law.

The Acting Chief State Prosecutor and representatives of the U.S. Embassy have visited the Appellate Prosecution Office

Prishtina, 18 January 2024

The Acting Chief State Prosecutor, Mr. Besim Kelmendi, together with the Resident Legal Advisor at the U.S. Embassy in Kosovo, Mr. John C. Hanley and the Senior Legal Officer at OPDAT, Mr. Etrur Maloku, visited the Appellate Prosecution Office of where they were received in a meeting by the Chief Prosecutor Mr. Xhevdet Bislimi and the prosecutors of this prosecution.

The topic of joint discussions was to address the challenges that the Appellate Prosecution Office is facing after the amendments to the Criminal Procedure Code, especially for the powers given to this Prosecution Office regarding the decision on appeals against decisions to dismiss criminal charges and decisions to discontinue investigations.

In this regard, the participants had constructive and substantive discussions regarding the need for standardization and harmonization of practices when issuing decisions by the prosecutors of the Appellate Prosecution Office.



Acting CSP and Executive Assistant of the United States Attorney's Office for the Northern District of Illinois discuss the advancement of the prosecutorial system

Prishtina, 23 January 2024

The Acting Chief State Prosecutor, Mr. Besim Kelmendi, hosted in a meeting the Executive Assistant of the United States Attorney's Office for the Northern District of Illinois, Ms. Meghan Morrissey, who was accompanied by Resident Legal Advisor at the U.S. Embassy in Kosovo, Mr. Erin Cox and Senior Legal Officer at OPDAT, Mr. Etrur Maloku.



During this meeting, Acting Chief State Prosecutor Kelmendi and Ms. Morrissey discussed the management and performance of the prosecutorial system, advantages and disadvantages, as well as challenges and recommendations aimed at advancing the work of this system.

Therefore, Ms. Morrissey will share own experiences with the heads of the prosecutorial system where will hold a training related to leadership skills.

The Acting CSP thanked the Executive Assistant of the United States Attorney's Office for the Northern District of Illinois. Ms. Meghan Morrissey, for her visit to the Office of the Chief State Prosecutor, highly appreciated the continued assistance and support of the United States Embassy given to

the State Prosecutor institution in order to strengthen the rule of law.



Acting Chief State Prosecutor received in a meeting the Director of the Agency for the Protection of Classified Information

Prishtina, 23 January 2024

The Acting Chief State Prosecutor, Mr. Besim Kelmendi, received in an official meeting the Director of the Agency for the Protection of Classified Information, Mr. Emin Hoxhaj.



During this meeting, Acting Chief Prosecutor Kelmendi and Director Hoxhaj discussed issues falling within the competence of both institutions, as well as the possibility of signing a memorandum of cooperation between the State Prosecutor's Institution and the Agency for the Protection of Classified Information.

Acting Chief State Prosecutor and representatives of the General Prosecution Office of Albania discuss the exchange of experiences related to the criminal case management system

Prishtina, 24 January 2024

The Acting Chief State Prosecutor, Mr. Besim Kelmendi, accompanied by the General Director of the Secretariat of the Kosovo Prosecutorial Council, Mr. Sami Istrefi, and Head of the Information Technology Department at the Secretariat of the Kosovo Prosecutorial Council, Mr. Nexhat Haziri hosted in a meeting a delegation of the General Prosecution of the Republic of Albania, headed by the Head of the Appellate Prosecution, Mr. Genti Xholi.

A central topic of the joint discussions was the exchange of professional experiences and practices related to the criminal case management system.



Representatives of the General Prosecution Office had the opportunity during this study visit to see closely the development, functionalization and application of the Case Information Management System (CMIS) by the State Prosecutor's Institution, so that a similar system can be developed and applied in their institution.

In this regard, Acting Chief State Prosecutor Mr. Besim Kelmendi expressed his readiness and the prosecutorial system to cooperate closely with the General Prosecutor's Office of the Republic of Albania in the exchange of experiences and best practices related to the development of the criminal case management system.

The Acting Chief State Prosecutor has held a collegium with the chief prosecutors of all prosecutions in the country

Prishtina, 25 January 2024

The Acting Chief State Prosecutor, Mr. Besim Kelmendi held a collegium with the chief prosecutors of the country's prosecution offices, which was also attended by the prosecutors of the Office of the Chief State Prosecutor and representatives of the United States Embassy in Kosovo.



In this meeting, the work plan of the State Prosecutor for 2024 was discussed.

Acting Chief Prosecutor Kelmendi informed the participants with the objectives contained in this plan and requested that each prosecutor prepare the Work Plan in accordance with this plan.

Also, Acting Chief State Prosecutor Kelmendi asked the chief prosecutors of all prosecutions to be regular in the reports they make on a

weekly basis, including in these reports all the necessary information.

Another topic of joint discussions at this meeting was the implementation of the Law on Interception of Electronic Communications, which regulates the procedures and conditions on Another topic of joint discussions at this meeting was the implementation of the Law on Interception of Electronic Communications, carried out for the purposes of criminal procedure, as well as defines the rules, obligations and procedures for Network Operators and Service Providers regarding the processing of certain data by them.

