



REPUBLIKA E KOSOVËS – PRESIDENTI
REPUBLIC OF KOSOVO – THE PRESIDENT
REPUBLIKA KOSOVA – PREDSIEDNIK

EKIPI PËRGATITOR PËR THEMELIMIN E KOMISIONIT PËR TË VËRTETËN DHE PAJTIMIN
PRIPREMNI TIM ZA OSNIVANJE KOMISIJE ZA ISTINU I POMIRENJE
PREPARATORY TEAM FOR THE ESTABLISHMENT OF THE TRUTH AND RECONCILIATION COMMISSION

**DRAFT NORMATIVE ACT NO. XX/2020 ON THE TRUTH AND
RECONCILIATION COMMISSION**

(VERSION FOR PUBLIC DISCUSSION)¹

¹ The Preparatory Team for the Establishment of the Truth and Reconciliation Commission (Hereinafter: the Team), appointed by the President of the Republic of Kosovo, H.E.Mr. Hashim Thaçi, by Decision No. 61/2018, dated 27.04.2018, has the mandate to draft the normative Act on the establishment of the Truth and Reconciliation Commission and other necessary acts. Depending on the content of the normative Act, it remains to be decided whether the Statute or the Law approved by the Assembly of the Republic of Kosovo is to be decreed by the President.

The Truth and Reconciliation Commissions, are usually created by Law or Presidential Decree. Both ways may have their own advantages and disadvantages, while the local context can automatically predetermine the path that is best or is actually required. This version of the normative Act has been drafted by the Team, following a pre-consultation process, and will be subject to public consultation and during the whole time to elaboration as well. The Team, through the public consultation process, will ensure the involvement of victim and survivor communities, of institutions, various civil society organizations and international mechanisms, in order to collect input with the necessary data for the finalization of this normative Act.

<https://www.president-ksgov.net/en/preparatory-team-for-the-establishment-of-the-truth-and-reconciliation-commission>

COMMENTS: E-mail: besim.m.kajtazi@president-ksgov.net Besim M. Kajtazi - Member of the Preparatory Team for the Establishment of the Truth and Reconciliation Commission.

The Republic of Kosovo,

Accepting the fact that the moment for sustainable peace has come and being aware that reconciliation is a very long and slow process;

Desiring to initiate a process of social recovery through the recognition of the truth, which paves the way for building and maintaining a sustainable peace;

Recalling that the people of Kosovo have suffered the consequences of a violent structural, cultural and interpersonal past;

Acknowledging that victims and survivors of human rights violations have the right to know about the truth, to fair treatment for the sufferings they have endured and to a guarantee of non-recurrence;

Aiming to establish the Truth and Reconciliation Commission (the Commission), which will document and establish facts on the human rights violations which occurred during the recent past, returning the dignity to the victims and survivors, to contribute to the social transformation to overcome the consequences of violations and abuses suffered and to prevent their recurrence; Aiming to establish the Commission with full acting independence, without any political or other influence, which shall act freely, without direct influence or control of any local or international institution or mechanism, regardless of the support they may offer;

Being convinced that the work of the Commission will help the Kosovo society to understand the contested history and, in doing so, to bring closer to the general public the voices and narrations of victims and survivors, as the recognition of the truth favors reconciliation;

Aiming to provide contribution to the building of sustainable and long-term institutional capacities on human rights, democracy and the rule of law, through specific recommendations on institutional and political reform;

Pursuant to the proposal of the Preparatory Team for the Establishment of the Commission, appointed by the President with Decision No. 61/2018, dated 27.04.2018, following a process of comprehensive consultations, clarifying the role, functions and also the limitations of the Commission, in their proposal, which corresponds to the context of the Republic of Kosovo the specific existing opportunities;

Approves:

NORMATIVE ACT XX/2020 ON THE TRUTH AND RECONCILIATION COMMISSION

CHAPTER I - GENERAL PROVISIONS

Article 1

Aim

This normative Act aims to determine the establishment, mandate, organization, functioning, duties and responsibilities of the Truth and Reconciliation Commission.

Article 2

Scope

This normative Act shall be implemented by the Commission, the Secretariat and by all persons involved in the work of the Commission.

Article 3

Definitions

1. The expressions used in this normative Act, shall have the following meaning:

1.1. **Close family member/Relatives** - spouse, children, extramarital children, adopted (foster) children, parents, stepmother, stepfather, stepson, stepdaughter and extramarital spouse;

1.2. **Database** – means the database for preserving, systemizing and analyzing of the collected documentation and the statements taken by the Commission;

1.3. **Witness** - means a person who testifies, or has testified for the purposes of this normative Act;

1.4. **Director** – Director of the Secretariat;

1.5. **Civilian invalid of war** - the person, whose body has suffered damage as a result of wounds from weapons, illnesses acquired in prisons or camps during the war, explosive remnants left after the end of the war for the period under review;

1.6. **Commissioner/s** - when the context does not imply otherwise, it includes the Head Commissioner, the Deputy Head Commissioners and Commissioners;

1.7. **Commission** – The Truth and Reconciliation Commission;

1.8. **Assembly Committee on Human Rights** – means the Assembly's Functional Committee on Human Rights, Gender Equality, Missing Persons and Petitions, or the Subsequent Committee dealing with the review of all responsibilities, reviews all issues related to human rights;

1.9. **Victim community** - consists of of categories of victims of gross human rights violations and the violation of the international humanitarian law during the period under review and which the Commission recognizes as such;

1.10. **Conflict** – means also the period of hostilities as well as the period when actions that have resulted with the commission of gross human rights violations were undertaken during the period under review by the Commission;

1.11. **Perpetrator** - a person who has been found responsible by the Commission of a serious human rights violation or the violation of the international humanitarian law or the person who has been lawfully convicted as a perpetrator, accomplice or participant in a serious human rights violation;

1.12. **Assembly** – The Assembly of the Republic of Kosovo;

1.13. **War** - means the state of armed conflict between different states or different groups within a country;

1.14. **The period under review by the Commission** – means the period as determined by Article 17 of this normative act;

1.15. **Missing person** - the person whose whereabouts are unknown to his/her family and seeker and who, on the basis of reliable information, has disappeared as a consequence of the hostilities, conflict and war in Kosovo;

1.16. **Person** - when not otherwise stated, means legal persons and natural persons;

1.17. **Civilians** - are all persons who were never armed and engaged in structures or had no role as accomplices or participants in the commission of war crimes or other offenses that constitute serious human rights violations and the violation of the international humanitarian law, during the period under review by the Commission;

1.18. **Staff of the Secretariat** - where the context does not imply otherwise, it includes the Director of the Secretariat and all employees and others engaged in one form or another in the work of the Secretariat;

1.19. **President** – The President of the Republic of Kosovo;

1.20. **Government** – The Government of the Republic of Kosovo;

1.21. **Central Register on Missing Persons** - means the main database collected in relation to the process of searching, finding, identifying missing persons and other rights for the person or his/her family members;

1.22. **Reparation** – means dignifying the victims by measures that may help to contribute to the recognition of their sufferings, to compensate their social, moral and material losses and to restore their rights;

1.23. **The Socialist Federal Republic of Yugoslavia (SFRY)**, the state which was consisted of six socialist republics, Bosnia and Herzegovina, Montenegro, Croatia, Macedonia, Slovenia, Serbia and two autonomous regions; Kosovo and Vojvodina; and which de facto had existed since 29.11.1943, until its destruction, in the meantime changing name several times;

1.24. **Secretariat** – Executive Secretariat of the Commission;

1.25. **Gross Violations of Human Rights** include:

- i. the killing, abduction, enforced disappearance, torture, rape and sexual abuse, forced displacement or deportation, enslavement, hostage taking, unlawful deprivation of liberty or severe ill-treatment of any person; or the use of any person as a human shield;
- or

ii. the persecution, discrimination or ill-treatment of a person or an identifiable group on political, racial, national, ethnic, cultural, religious or gender or other grounds recognized as impermissible under international law; or

iii. the theft or unlawful seizure or confiscation of land or property and the unlawful destruction of property, including religious, cultural, historical objects when committed in conjunction with any act listed above in paragraphs (i) or (ii); or

iv. any act or omission that constitutes a cover-up or an act or omission intended to prevent or obstruct the proper administration of justice in relation to any of the acts referred to in paragraphs (i) to (iii);

v. any attempt, conspiracy, incitement, instigation, command or procurement to commit an act or acts referred to in paragraphs (i) to (iv);

vi. any violation of international human rights laws, standards or instruments applicable to Kosovo or the territory constituting Kosovo;

vii. any violation of international criminal law, international humanitarian law and customary international law, including the crime of genocide, crimes against humanity and war crimes.

1.26. Soldiers in armed conflicts - are considered members of the state armed forces and members of other organized armed groups, who are recognizable as such and act under responsible command while conducting military operations, and are subject to the provisions of the International Humanitarian Law as set out in Supplementary Protocol II under the four Geneva Conventions;

1.27. Victim - means any person who, individually or together with one or more persons, suffered harm in the form of physical or mental injury, emotional suffering, economic or pecuniary loss or a substantial impairment of other human rights as a result of a serious violation of human rights; and includes close family members, relatives or dependants of victims, during the period under review by the Commission.

CHAPTER II – ESTABLISHMENT, STATUS, VALUES AND PRINCIPLES OF THE COMMISSION

Article 4

Establishment and Status of the Commission

1. The Commission is an independent institution, established by this normative Act and has legal subjectivity.

2. The Commission is a public juridical person with rights, duties and responsibilities defined by this normative Act, with the internal acts of the Commission and with the relevant legislation in force.

3. The establishing Institution shall provide conditions for the work and functioning of the Commission.

Article 5

Headquarter and emblem of the Commission

1. The Headquarter of the Commission is in Prishtina.
2. The Commission may, as appropriate, establish branches in accordance with this normative Act and its internal act, and in response to the objectives and nature of the work of the Commission.
3. The Commission shall decide on its visual identity including the emblem and the seal.

Article 6

Composition of the Commission

1. The Commission consists of nine (9) Commissioners.
2. The Commission shall be chaired by the Head Commissioner and two Deputy Head Commissioners. At least one of the deputies must be from other non-majority communities in Kosovo.
3. The composition of the Commission members reflects the multi-ethnic and gender character of Kosovo, and a minimum of:
 - 3.1. thirty percent (30%) of the Commissioners should be from the opposite gender;
 - 3.2. two (2) Commissioners to be appointed from the ranks of non-Albanian communities;
 - 3.3. two (2) Commissioners should have professional qualifications in the field of transitional justice and/or human rights protection.

Article 7

Criteria for the selection of the commissioners

1. The general criteria for the selection of commissioners are:
 - 1.1. to be a citizen of the Republic of Kosovo;
 - 1.2. to have full ability to act;
 - 1.3. to master one of the official languages, in accordance with the Law on Languages;
 - 1.4. not to be convicted with a final decision for committing a criminal offense intentionally;
 - 1.5. to be a person with high knowledge in the field of human rights and in the promotion of human rights or of service in public life;
 - 1.6. to be a person with high human, moral, professional authority and credibility, tolerant and constructive, impartial and competent to deal with the duties and responsibilities defined by this normative Act;

1.7. to be a person who has not had and does not have an party-political role, beyond mere membership, at any time; and

1.8. to successfully pass the admission procedures, according to this normative Act.

2. The Commission members shall be selected through a transparent process according to the standards defined by this normative Act and in accordance with the highest standards of professional ethics, as well as by ensuring a comprehensive representation.

Article 8

Composition and selection of the Selection Panel

1. The Head of the establishing Institution shall appoint a Selection Panel responsible for the selection of commissioners.

2. The Selection Panel shall consist of nine (9) members, as follows:

2.1. The Ombudsperson;

2.2. The Chairman of the Judicial Council;

2.3. The President of the Academy of Sciences;

2.4. Three members from civil society and

2.5. Three members from the ranks of war-related associations representing the victims.

3. The members of the Selection Panel, from among civil society and war-related associations, shall be selected through a transparent and consultative process.

4. The administration of the establishing Institution/the Team Secretariat provides the Head of the establishing Institution with a list of candidates of the Selection Panel.

5. The Head of the establishing Institution issues a decision on the appointment of the Selection Panel and appoints one of the members of the Selection Panel as its Chairperson.

6. The administration of the establishing Institution/the Team Secretariat announces the selection of the Selection Committee and provides the conditions for its work.

7. Following the process of announcing the selection of the Selection Panel, the Chairperson shall schedule the constituent meeting.

Article 9

Selection of candidates for the Commission

1. The Commissioners are selected through a consultative, competitive and transparent process.

2. The nomination and selection procedures of the Commission members shall be implemented by the Selection Panel.
3. The received candidacies shall be reviewed by the Selection Panel.
4. The administration of the establishing Institution/the Team Secretariat, after the approval of the vacancy by the Selection Panel, which describes the duties and responsibilities of the Commission, in accordance with the conditions and criteria set out in this normative Act, shall do the public announcement of the competition and invites for applications from qualified persons on the basis of this normative Act for appointment as commissioners.
5. The vacancy must be open for thirty (30) days and be advertised in at least two newspapers, on public television and in the official languages.
6. The Head of the establishing Institution shall ensure that candidates are verified by the relevant institutions.
7. The Selection Panel may request information on the candidate from state bodies and public institutions, while they shall be obliged to respond promptly at the request of the Selection Panel for access to information.
8. The Selection Panel shall only invite candidates who meet the conditions set out in this normative Act and who go through the vetting process to be interviewed.
9. Within eight (8) days, from the day the verifications are received, the Selection Panel shall publish, on the website of the establishing Institution and in at least two newspapers, on public television and in the official languages, the names of all the candidates, whose candidacies will be taken into consideration. At the same time, the Selection Panel shall publish the applications and CVs of all candidates (removing contact details and other sensitive information), whose candidacies will be considered, on the establishing Institution's website, and invites the public that at least within fifteen (15) days to give comments about the candidates.
10. The interviewing of the candidates shall be done publicly and the electronic media shall be invited to transmit and/or to show the interviews live.
11. The Selection Committee takes decisions by consensus and in the case when the consensus cannot be reached, there will be decided by a majority of five (5) members. The ranking of the candidates is done by grading.
12. The Selection Panel, after the interview, recommends to the Head of the establishing Institution no more than fifteen (15) qualified persons to be appointed as commissioners, based on their competencies, professional training, integrity and commitment to the scope of the Commission, and to do so, the Selection Panel shall rank and comment on each of the fifteen finalists.

13. The Head of the establishing Institution may refuse only persons on the shortlist provided by the Selection Panel, when such persons obviously do not meet the criteria set out in this normative Act. In such cases, a written justification for the reasons of the refusal shall be given.

14. When the Head of the establishing Institution rejects most of the shortlisted candidates, he/she shall consult the Selection Panel and shall call for the submission of additional candidate names or the repetition of the vacancy for completing the Commission members.

15. The Head of the establishing Institution shall, within at least of thirty (30) days from the receipt of the final proposals by the Selection Panel, select nine persons to be appointed as Commissioners and from among these nine members shall select the Head Commissioner and two Deputy Head Commissioners.

16. The Head of the establishing Institution may also nominate persons for the Commissioner's Reserve List, who shall replace the Commissioners in the event of termination of the Commissioner's mandate, as set forth in this normative Act.

Article 10

Constitutive meeting

1. The Head Commissioner shall convene the constitutive meeting at the headquarters of the Commission at the latest within thirty (30) days from the date of appointment of the members of the Commission.

2. The Commission shall be deemed to be constituted if at least two thirds (2/3) of the members of the Commission are present at the first meeting.

Article 11

Oath

1. The commissioners shall take office after swearing the oath before the Head of the establishing Institution.

2. The oath is as follows:

*"I solemnly swear that during the performance of the duty as a member of the Truth and Reconciliation Commission I shall remain faithful to the Constitution of the Republic of Kosovo and shall perform the function of the Commission member in accordance with the Normative Act, with honour, dedication, responsibly, impartially and independently, trying to justify the given faith and to contribute to the achievement of the Commission's goals while respecting the rules of professional ethics.
I swear!"*

3. The commissioners shall sign the text of the oath and the Declaration under Oath, in accordance with the Rules of Procedure of the Commission.

4. The Oath of the Commissioners shall be effected by a public ceremony in front of the Head of the establishing Institution, unless the Head of the establishing Institution decides otherwise.

Article 12

Work values and principles of the Commission

1. The Commissioners and the Secretariat staff, in their work, are guided by these values and principles:

- 1.1. respect for human dignity;
- 1.2. equality and respect for human rights and freedoms, including respect for gender equality and the rights of communities;
- 1.3. independence and impartiality towards the interests that do not represent the Kosovar society as a whole;
- 1.4. commitment to the truth, methodical inquiry and procedural fairness;
- 1.5. accountability, responsibility, responsiveness, approach and being open to all citizens of the Republic of Kosovo and interested parties;
- 1.6. integrity, determination and adherence to the highest professional and ethical standards.

2. The Commissioners and the staff of the Secretariat shall, in their work, be fully committed, objective and impartial and shall be required to show respect for one another and to cooperate constructively.

Article 13

The handling of victims and survivors

1. The handling of victims and survivors by the Commissioners and the Secretariat staff should be in accordance with the following principles:

- 1.1. Victims and survivors should be treated with respect and dignity and should not be discriminated against on the basis of nationality or affiliation with any community, social or national origin, race, ethnicity, color, birth, origin, sex, gender, gender identity, sexual orientation, language, citizenship, religion and belief, political affiliation, political opinion or other opinions, social or personal status, age, family or marital status, property status, health status, disability, genetic inheritance or any other basis;
- 1.2. procedures for treating victims and survivors must be prompt, fair, accessible and free of any financial costs;
- 1.3. victims and survivors must be informed through media or other suitable forms of their rights, including information about:
 - 1.3.1. the role of the Commission and the scope of its activities;
 - 1.3.2. the right of victims and survivors to have their views and submissions presented and considered at appropriate stages of the Commission's operations;

1.4. appropriate measures must be taken to reduce the concerns of victims and survivors, in particular victims of sexual abuse and members of their families and witnesses, in order to:

- 1.4.1. protect their privacy,
- 1.4.2. ensure their safety, and
- 1.4.3. protect from threats.

1.5. appropriate measures must be taken to allow victims and survivors to communicate in the language of their choice.

Article 14

Gender focusing

1. The Commission shall ensure that gender-based violations are adequately addressed, at all stages, for all measures, actions and decisions related to the work of the Commission.
2. Each Commission body shall consider and address the gendered impacts of their activities.
3. The Commissioners and the Secretariat staff shall, during the preparatory period and thereafter, periodically have gender sensitivity trainings.

Article 15

Independence of the Commission

1. The Commission operates independently.
2. The Commission shall enjoy complete and unimpeded autonomy in making decisions concerning its activity and finances, provided that such decisions are not contrary to this normative Act and the relevant legislation in force, adhering to the principle of efficiency, effectiveness and economization.
3. Commissioners are appointed and act in their personal capacity and represent no other interest than the interest of the Commission.
4. No person, institution, entity or body, including government entities, may interfere with the functioning of the Commission.
5. The Commissioners, as well as the staff of the Secretariat, shall not receive any instructions, concerning the activities of the Commission, from any person or entity outside the Commission, and must exercise their powers without fear, favors or prejudices.
6. State authorities should assist and protect the Commission in ensuring its independence, impartiality and dignity.

Article 16

Operating period of the Commission

1. The operating period of the Commission is three (3) years.
2. The Commission's operating period does not include the preparation period, which commences from the constitutive meeting and continues, at the latest six (6) months after the constitutive meeting.
3. Upon completion of preparations, the Commission shall make the date of the commencement and completion of its work public.
4. The activity and work of the Commission, at the request of the Commission, may be extended to a maximum of six (6) months, if the establishing Institution, considers it necessary to achieve the determined objective set out in this normative Act.

Article 17

Period under review by the Commission

1. The period under review by the Commission shall include the time interval from: March 23, 1989 until February 17, 2008.
2. The period under review, pursuant to paragraph one (1) of this Article, shall not limit the Commission to investigate the political and social circumstances, which have originated in other time periods, which have had effect on hostilities, the outbreak of wars or other forms of armed conflict, and the commission of war crimes and other gross human rights violations, the violation of the international humanitarian law, during the period under review by the Commission.

Article 18

Support in the work of the Commission

1. The support to the work of the Commission is provided by the Secretariat.
2. The Secretariat shall have duties and responsibilities set out in this normative Act, the internal acts of the Commission and the relevant legislation in force.

CHAPTER III – THE AIMS, ACTIVITY, DUTIES AND COMPETENCIES OF THE COMMISSION

Article 19

Aims of the Commission

1. The Commission aims to:
 - 1.1. create an accurate register of gross human rights violations, the violation of the international humanitarian law, caused to Kosovo citizens, in the territory of Kosovo and former SFRY, during the period under review by the Commission, including the causes, precedents, circumstances, contexts, nature and extent of such violations, including but not limited only to:
 - 1.1.1 the uncovering of the truth behind such violations, the discarding of falsehoods and the debunking of myths and rumors;

- 1.1.2 enabling victims of human rights violations to provide their perspectives;
- 1.1.3 enabling persons to provide their perspectives and motives for such violations responsible for the commission of human rights violations.
- 1.2. help restore the dignity of victims and survivors and to build a culture of solidarity with victims and survivors, including but not limited only to:
 - 1.2.1. the creation of a safe environment for victims to come forward to speak of their experiences;
 - 1.2.2. the acknowledgment of the wrongs and suffering endured by victims;
 - 1.2.3. devoting specific attention to gender based human rights violations and abuse of children through investigating such violations and the causes thereof;
- 1.3. contribute to preventing the recurrence of serious human rights violations by:
 - 1.3.1. promoting peace, state building, respect for rule of law and by helping to create conditions for sustainable peace and social reconciliation in Kosovo;
 - 1.3.2. restoring trust between individuals and the Kosovar society as a whole;
 - 1.3.3. giving recommendations that address the causes of conflict and measures to redress the sufferings and injustices caused to victims and survivors;
 - 1.3.4. public education and awareness raising of the findings of the Commission.
- 1.4. contribute to the realization of human rights and other rights of victims and survivors; and
- 1.5. contribute to the clearing up of the fate of the missing.

Article 20

Activity of the Commission

- 1. The activity of the Commission is a special interest activity for the society of Kosovo.
- 2. The special public interest of the Commission is expressed in the exercise of its activity in documenting war crimes, crimes against humanity and gross human rights violations in:
 - 2.1. the territory of Kosovo and
 - 2.2. for Kosovo citizens in the territory of the former SFRY.

Article 21

Duties of the Commission

1. It is the duty and responsibility of the Commission to investigate and document human losses, missing persons, gross human rights violations, the violation of the international humanitarian law and economic damages and the categories of such damages, within the period under review by the Commission.

2. The additional duties of the Commission, which are subject to its primary objective, as defined in paragraph one (1) of this Article, are to:

2.1. explore the political and social circumstances that have crucially had effect on hostilities, the outbreak of wars or other forms of armed conflict, as well as the commission of war crimes, crimes against humanity and other serious human rights violations;

2.2. explore the role of the key actors in the conflict;

2.3. take statements, to collect data on cases of war crimes, crimes against humanity and other gross violations of human rights, to provide detailed description on them, and to reflect the violation of rights and their consequences;

2.4. investigate selected incidents and practices that define the nature and character of the violations;

2.5. launch special investigations on the committal of gender-based violations and the abuse of children and the youth;

2.6. collect data on places of detention linked to the war or other forms of armed conflict, of persons who were illegally imprisoned, subjected to torture and inhumane behaviour, and to compile a comprehensive registration, with the protection of their identity whenever necessary;

2.7. advance reconciliation and social recovery between individuals and communities;

2.8. facilitate submissions in any format from citizens, stakeholders and experts on matters relevant to Commission's mandate and in particular on measures to guarantee non-recurrence;

2.9. recommend measures, policies and legislation that address the causes of conflict, contribute to social transformation and serve to prevent the repetition of gross human rights violations;

2.10. submit an annual report to the establishing Institution, by 31 March of the following year, including also the full details of the undertaken activities, the financial activities, and the objectives for the coming year. The annual report shall be made public at the same time it is handed to the establishing Institution;

2.11. draft, publish and present the final report, including the mechanisms of how the findings from this report can reach to as many people as possible in the territory of Kosovo and to find opportunities for this report to be in available also in countries that have emerged from the former SFRY, and other countries.

Article 22

Powers of the Commission

1. Without prejudice to the powers and functions set forth elsewhere in this Normative Act, the Commission shall have the power to:

1.1. establish or lead sub-committees to exercise, perform or implement any of the powers, duties and functions assigned to it by the Commission;

1.2. establish specific units and adopt specific mechanisms and procedures to address specific issues;

1.3. carry out any research, hold a hearing or refer to any specific matter that he or she may consider necessary;

1.4. review the decisions of any sub-committee, unit or body of the Commission with respect to:

1.4.1. the exercise of its powers,

1.4.2. the fulfillment of functions and performance of duties, and

1.4.3. the working procedures to be followed.

1.5. lead the submission and receipt of reports and interim reports by any committee, sub-committee or unit;

1.6. delegate to its service, from any state department, at its request;

1.7. consult and cooperate with the relevant Ministry so as to obtain, through diplomatic channels, permission from the relevant authority of any foreign state, to obtain evidence or to gather information in or from that state;

1.8. conclude cooperation agreements with any person, including any state department, related to which the Commission shall be authorized to use any of the facilities, equipment or personnel belonging to or under the control or employment of any person or such department;

1.9. evaluate and keep track of findings and recommendations of prior research on any matter that is within the Commission's mandate and, when the Commission evaluates that such findings and recommendations are accurate and appropriate, to adopt such findings and recommendations;

1.10. hold meetings anywhere inside or outside the head office.

Article 23

Duties of the Commissioners

1. The Commissioners:

1.1. are obliged to carry out the duties and responsibilities impartially, in accordance with the mandate of the Commission;

1.2. are ought to participate in the work and decision-making process of the Commission, and to perform the assigned tasks in accordance with the relevant legislation in force;

1.3. must work full time and may not perform any other public or professional duty or other paid work when he/she is a commissioner and may not perform any unpaid work that would be contrary to his/her position as a commissioner;

1.4. may engage in teaching in higher education institutions, scientific, cultural, academic activities and other activities which do not conflict with their functions in the Commission and with the legislation in force;

1.5. are ought to preserve the authority and image of the Commission;

1.6. have no right to be a member of a political party or to participate in the political activities of parties during their mandate in the Commission;

1.7. have to put the interests of the Republic of Kosovo and the Commission above their own interests or the interests of any group.

Article 24

Head Commissioner

1. The Head Commissioner shall have these competencies:

1.1. Heads, represents, and is responsible for the activity of the Commission;

1.2. Organizes and takes care of the overall performance of the Commission;

1.3. Calls and chairs the meetings of the Commission;

1.4. Gives authorizations for the performance of duties, appoints working bodies, calls and chairs the meetings of the Commission, and signs the decisions and other acts of the Commission, in accordance with the decisions and policies of the Commission;

1.5. Carries out and undertakes actions for the benefit of the work of the Commission;

1.6. Represents the Commission in contact with the public, within the state and abroad, or authorizes one of the Deputy Head Commissioners or the Commission members for this representation;

1.7. In coordination with the members of the Commission, he/she prepares the work plan and the draft budget, subject to approval by the Commission;

1.8. In cooperation with the members of the Commission, he/she determines the tasks and duties for the Commission members;

1.9. Keeps the Commission members informed about the work and activities of the Commission and every Commission member has the right that through the Head Commissioner to request any information on the activities of the Commission;

1.10. Together with the Commission, he/she ensures the implementation of this normative Act and the relevant legislation in force;

1.11. Performs other duties entrusted by the Commission.

2. The Head Commissioner is required to work in a consensual and collaborative manner with the members of the Commission.

3. Any decision taken by the Head Commissioner between meetings of the Commission is subject to approval by the Commission and may be overturned.

Article 25

Deputy Head Commissioners

1. The Deputy Head Commissioner replaces the Head Commissioner in his absence and assists the Head Commissioner in the performance of his duties and responsibilities.

2. The Deputy Head Commissioner shall also perform the duties and responsibilities set forth in the Rules of Procedure of the Commission.

Article 26

Termination of the mandate of a Commissioner

1. A Commissioner shall cease to hold office after the termination of the mandate of the Commission, and in the cases of:

1.1. Resignation in writing;

1.2. Passing a sentence by a final verdict for committing an intentional offense;

1.3. Dismissal; and

1.4. Death.

2. In the cases provided for in sub-paragraphs 1.1, 1.2 and 1.4 of this Article, the Commission sends the proposal to the Head of the establishing Institution for dismissal. The Head of the establishing Institution shall, within seven (7) days of receiving the proposal, issue a decision to dismiss the Commissioner.

3. The Head of the establishing Institution may dismiss a Commissioner for the following reasons:

3.1. for violating the provisions of this Normative Act;

3.2. when performing an activity that creates a conflict of interest and despite the warning by the competent body he/she does not eliminate the conflict of interest according to the relevant law;

3.3. in cases when performing duties in incompatibility or misconduct or misbehavior in relation to his/her function;

3.4. continued incapacity or inability to perform his or her official duties, due to poor mental and physical conditions;

3.5. is unjustifiably absent at work for more than five (5) days for reasons not provided by law;

3.6. for failing to disclose any matter that would have materially influenced a decision not to appoint him or her;

3.7. is biased, incompetent or not fit to hold office, provided that such apprehension must be reasonably held and based upon rational grounds.

4. The Commission shall submit the proposal for dismissal of the commissioner, together with all the evidence collected, to the commissioners and the establishing Institution. The Head of the establishing Institution in this case shall:

4.1. appoint an inquiry panel, which shall consist of a chairperson and two other members. The chairperson shall be a retired judge, a prosecutor and a legal expert;

4.2. the inquiry panel shall, within 30 days of its appointment, investigate the matter and, applying procedural fairness, decide whether the commissioner should be removed from office or not and communicate its decision to the Head of the establishing Institution and the Commission;

4.3. when the dismissal of a commissioner has been referred to the establishing Institution in terms of this section the Head of the establishing Institution may, on his own initiative or on the request of the Commission, suspend the commissioner from the Commission pending the decision of the inquiry panel, provided that the suspension may at any time be revoked by the Head of the establishing Institution, on good cause shown, pending the inquiry's decision.

5. The Head of the establishing Institution may fill any vacancy by appointing a person for the unexpired portion of the term of office of his or her predecessor or may allow the seat vacated as a result of a resignation, dismissal from office or death to remain vacant provided that the minimum number of commissioners must always be an odd number and not fall below seven.

6. Where the Head of the establishing Institution decides to fill a vacancy, he/she shall elect a new member of the Commission from the reserve list and if none of these persons is available, then the selection procedure as set out in this normative Act shall be conducted.

CHAPTER IV – WORKING PROCESS OF THE COMMISSION

Article 27

Preparatory period

1. The preparation period includes, but is not limited to:

1.1. The approval of the work plan;

- 1.2. The approval of the Commission's Rules of Procedure and other necessary acts;
- 1.3. The drafting of an employment and engagement plan of the Secretariat staff;
- 1.4. The training of the staff of the Secretariat;
- 1.5. The review of specific plans for possible public hearings;
- 1.6. Budget preparation and securing of the funds from local and international sources;
- 1.7. The designing and installation of an effective database for storage, systematization and pulling out data related to issues which may be reported to the Commission;
- 1.8. The elaboration of a public campaign;
- 1.9. The collection of existing documentation from local and international institutions, local and international NGOs, and other sources.

Article 28

Rules of Conduct

1. The Commissioners and staff of the Secretariat must:
 - 1.1. be impartial and act fairly and without prejudice to the performance of their functions;
 - 1.2. act with integrity and will not act in contradiction to their position or expose themselves to any situation involving the risk of a conflict between their official responsibilities and private or other interests;
 - 1.3. be diligent, effective and efficient in the performance of their functions;
 - 1.4. not disseminate any information obtained during the work and scope of their work with the Commission to any person other than in the performance of their functions with the Commission;
 - 1.5. not use their position or any information entrusted to them to enrich themselves or to gain unjustly from any other person;
 - 1.6. respect the fact that the data and materials generated and collected by the Commission belong to the Commission, are part of the national heritage of Kosovo and belong to the people of Kosovo and may not be removed by the Commission unless such removal is for any authorized purpose pursuant to this Act.
2. To the extent that any personnel are seconded from any state organ or other entity to the Commission such personnel will be accountable and report solely and only to the Commission.
3. If at any stage during the development of the proceedings at any meeting of the Commission, committee or body of the Commission, it is verified that a Commissioner or staff

of the Secretariat may cause a conflict of interest in the performance of his or her functions, the person shall immediately and fully disclose the nature of his or her interest so as to enable the commissioners to decide whether or not he or she should be excluded from attending the meeting because of a conflict of interest, and in this case:

3.1. Such disclosure and the decision taken by the remaining commissioners, and, or Secretariat personnel, shall be recorded in the minutes of the meeting;

3.2. If a Commissioner or Secretariat staff does not report any conflict of interest and is present at a meeting of the Commission, Subcommittee or other Commission body or in any way attends the meeting, such meeting on the relevant matter, as soon as it is understood for that non-disclosure, shall be reviewed and amended or cancelled by the Commission, sub-committee or body, without the participation of the person concerned.

4. The Commissioners and staff of the Secretariat shall not participate :

4.1. in any case proceedings where they have a personal interest;

4.2. if they have been consulted or have any connection with the party;

4.3. if they have been involved in any legal proceedings related to the case other than the proceedings of the Secretariat and the Commission, or if there are other circumstances which may affect their impartiality.

Article 29

Protection of data

The Commission shall ensure that any guarantee of confidentiality cannot be violated by any external body.

2. No commissioner or member of the Secretariat, on a full time employment or contractual basis, except in the exercise of his or her powers, in the performance of his duties or when required by the court, or by law, shall make public any information received by him / her, during the period they are employed by the Commission and the period after that.

3. The personal data, private life and identity of victims, survivors and witnesses shall be protected by the responsible authorities. The registration, maintenance and use of personal data of such persons shall be done in accordance with the conditions set forth in the Law on Protection of Personal Data, the Criminal Code, the Criminal Procedure Code, this normative act and the relevant legislation in force.

4. No person who is not authorized by the Commission shall have access to any information which is classified according to the relevant legislation in force.

5. The Commission shall ensure that duplicates of the relevant material are also stored elsewhere.

6. Registration, maintenance and utilisation of the classified information is undertaken in compliance with the conditions prescribed by the Law on classification of information and security clearance.

7. Each Commissioner and each staff member of the Secretariat shall sign a Statement under Oath confirming the obligation to maintain and protect the classified information and data that will come to their knowledge in the performance of their duties.

Article 30

Quorum and decision making

1. The quorum for the work of the Commission is met when at least five (5) members of the Commission are present.
2. The Commission shall endeavour to reach all decisions of the Commission unanimously, but where consensus is impossible to be reached, at least five (5) members shall agree on the decision.
3. The Rules of Procedure of the Commission and the Final Report of the Commission shall be adopted by consensus, but where consensus is not possible, it shall be adopted by a two thirds (2/3) vote of the members of the Commission.

Article 31

Use of languages

1. In the work of the Commission, the official languages of the Republic of Kosovo shall be of equal use.
2. In communication with the Commission, each party has the right to use his or her own language.
3. At public hearings, participants may speak in their own language and that translation will be provided whenever necessary.

Article 32

Commissions' reporting

1. The Commission shall report on its work to the Head of the Founding Institution in a regular and extraordinary manner.
2. The Commission, respects all legal and regulatory reporting obligations for the efficient and effective management of all its revenues, expenses, assets and liabilities.
3. Regular annual reporting shall be done by March 31st of the following year.
4. Extraordinary reporting shall be made at the request of the head of the founding institution or according to the assessments of the Commission.

CHAPTER V – ACTIVITIES OF THE COMMISSION

Article 33

Commission's communication with the public

1. The Commission is obligated to:

- 1.1. present and explain to the public its work and activities;
 - 1.2. ensure that its mission and its aims are understood by citizens;
 - 1.3. keep the public and the media informed on regularly and on timely basis on planned developments and events, and
 - 1.4. respond to requests for information in a timely and appropriate manner.
2. The Commission shall establish a relevant communication unit to support its field activities.

Article 34

Support for victims and survivors in the Commission's work process

1. The Commission shall establish a unit to:
 - 1.1. reach out and identify victims and the victim community, and to provide victims with opportunities to express, publicly or privately, their version of violations or harm experienced and to express their needs;
 - 1.2. assess the needs of victims and victims' communities and recommend to the Commission urgent interim measures, appropriate measures for reparation to individual victims or victims' categories, and other measures aimed at rehabilitating and restoring human and civil dignity of the individual victims or victims' communities.
 - 1.3. provide, where necessary, legal, psycho-social, medical and logistical support to victims and survivors during the period they are involved in the Commission's activities;
 - 1.4. consider and address issues referred to it by the Commission, sub-commission, other body or any other person, organization or association;
 - 1.5. prepare and submit to the Commission a report on its activities.
2. The unit set forth in paragraph one (1) of this Article shall ensure that even commissioners and members of the Secretariat who may also suffer trauma effects after hearing the confessions for many months, are to be offered psycho-social support sessions and services.

Article 35

Support for victims of gender-based violations

1. The Commission shall designate an appropriate unit to:
 - 1.1. recommend protocols for making statements, collecting and analysing specific data on gender and sex and for conducting of interviews and hearings to ensure that gender issues are fully addressed;

- 1.2. monitor gender practices within the Commission and advise on best practices and principles.
2. The Unit shall, in accordance with paragraph 1 of this Article, in coordination with the Commission's investigators, investigate:
 - 2.1. gender-based human rights violations, as occurred during the period which the Commission has under review. ;
 - 2.2. the use of gender-based violence, and
 - 2.3 the use of sex crimes as a weapon of war to serve the objectives of such entities.
3. The Unit, pursuant to paragraph 1 of this Article, together with the Victim Support Unit, shall:
 - 3.1. find and identify victims of gender-based violations and enable such victims closed or open session to tell their version of the abuses or harm suffered and to express their needs;
 - 3.2. hold specific open or closed hearings on:
 - 3.2.1. the gender nature and context of violence and marginalization;
 - 3.2.2. the causes of such violence and marginalization;
 - 3.2.3. proposal to address the issues highlighted.
 - 4.3 Assess the needs of victims of gender-based violations and marginalization and make recommendations to the Commission, which may include urgent interim measures as well as appropriate measures needed to address violations and marginalization, including policies that should be adopted or measures to be taken to restore the dignity of such victims;
 - 4.4 Take into account the measures referred to by:
 - 4.4.1 the Commission or anybody established by the Commission;
 - 4.4.2 any other body established by the legislation in force, and
 - 4.4.3 any person, organization or association.

Article 36
Obtaining of statements

1. The Commission shall obtain statements on war crimes and serious human rights violations, and any other matters relevant to its mandate and within its competence, from victims, witnesses, representatives of institutions, and perpetrators.
2. Victims, witnesses, representatives of institutions, and perpetrators make statements on a voluntary basis.
3. Commission ensures that evidence is obtained nationally in a representative manner.

4. the Commission shall, where appropriate, provide psycho-social assistance, before, during and after the declaration is made.
5. The Commission shall obtain declarations at any designated place, including but not limited to at:
 - 5.1. the domicile or residence of the declarant;
 - 5.2. Commission offices, community centers or any other suitable premises;
 - 5.3. in diplomatic missions of the Republic of Kosovo;
 - 5.4. in the territory of third States, if this is not contrary to the legal provisions of those States, and in cases where victims, witnesses and other persons cannot make statements in the diplomatic missions of the Republic of Kosovo or after consultations with the relevant Minister through diplomatic channels, and when permission has been obtained from the relevant authority of the foreign country to receive evidence or collect information in or from that country.

Article 37

Collection of documentation and other sources

1. The Commission collects relevant source materials, written and electronic, such as:
 - 1.1. Local or foreign written or electronic sources (including but not limited to the documentation of the Government, Assembly, Presidency, Kosovo Security Force, State Prosecution Kosovo Police, Kosovo Intelligence Agency and other security institutions, municipalities, public and private enterprises, non-governmental organizations;
 - 1.2. Judicial verdicts, transcripts, court letters of the International Criminal Tribunal for former Yugoslavia and of other courts which execute procedures for war crimes committed on the territory of the former Yugoslavia based on competencies;
 - 1.3. Archived cases;
 - 1.4. Written and electronic media sources;
 - 1.5. Written opinions of the experts and representatives of the institutions, and organisations, prepared upon an invitation from the Commission or on authors' self-initiative.
2. State bodies, other legal entities and citizens, are obligated to upon a request by the Commission, to in due time submit all the documents and other sources, which may be important in realisations of the aim of the Commission. Upon the presentation of the invitation for the submission of the documentation, the Commission aims to as exactly as possible clarify the type of information which must be contained in the requested document.

3. The provisions of the legislation in force concerning access to official documents and legislation concerning the classification of information and security verification shall apply to the work of the Commission.

4. For the purposes of work, for persons who in any form may have access to classified information, the security of such persons shall be verified in accordance with the legislation in force..

Article 38

Research and field visits

1. The Commission shall visit localities of interest for the verification of facts on violation of international humanitarian law and other massive human rights violations,

2. The Commission may conclude a Memorandum of Understanding with the competent state authorities for its visits to the aforementioned locations.

Article 39

Public hearing of the victims and other individuals

1. Making statements at a public hearing is voluntary.

2. Commission organizes public hearings at which the victims speak about their sufferings or the sufferings of their relatives.

3. Public hearings may also include perpetrators of acts with the character of violations of the international humanitarian law or other massive human rights violations, witnesses and persons assisting victims.

4. Before, during and after public hearings, the Commission may apply measures for the protection of identity, as well as special measures for the protection of psycho-physical integrity, as well as measures of psycho-social assistance.

5. Radio Television of Kosovo (RTK) broadcasts public hearings. The manner of broadcasting shall be in accordance with the agreement between the Commission and RTK. Commercial electronic media have the right to broadcast public hearings, under the same conditions and under the rules applicable to RTK.

6. Public hearings may be held in different localities.

7. Public hearings shall also be transmitted and stored on the Commission's website.

Article 40

Holding of themed and other hearings

1. Commission may hold themed session for the work of the governmental institutions, political organisations, cultural and scientific entities, religious communities and media, on their role before or after the war, which are related to perpetration of the war crimes and other grave violations of the human rights.

2. Hearings may also be held on specific events, incidents, and investigations as well as to highlight various practices and issues that arose during the period of animosity or during the time of war.

3. Live broadcasts of these hearings may be done on the same basis as set out in Article 39 (5) of this Act.

Article 41

Open and Closed Hearings

1. Subject to the provisions of this Act, the hearings of the Commission shall be public.

2. Hearings may be closed or limited in cases when the Commission is satisfied that:

2.1. it would be in the interest of the work of the Commission and of justice; or

2.2. there is suspicion that holding of an open session may cause harm to the person testifying in front of the Commission;

2.3. A formal application made by parties for a closed or limited publicity session exists.

3. The Commission may at any time review its decision with regard to the question whether or not the proceedings shall be held behind closed doors.

4. When the Commission under paragraph (2.2) on any grounds referred to in that subsection directs that the public or any category thereof shall not be present at any proceedings or part thereof, Commission:

4.1. ensures that no information relating to the proceedings, or any part thereof held behind closed doors, shall not be made public in any manner;

4.2. ensures that no person may, in any manner, make public any information which may reveal the identity of any witness in the proceedings;

4.3. give such directions in respect of the record of proceedings as may be necessary to protect the identity of any witness; provided that the Commission may authorize the publication of so much information as it considers would be just and equitable.

5. The criteria for persons testifying at a public hearing shall be objective, just, public and shall reflect the aims set out in this Act.

6. All persons who appear at public hearings shall be previously informed by the Commission with the hearing procedures and any corresponding rights or obligations.

7. Communications between spouses, between lawyer and client, between medical professional and patient, and between religious clergy and the believer, shall be regarded as privileged and immune from disclosure; provided that such communications shall be admissible at a public hearing by consent of the person concerned, or where the person concerned voluntarily revealed

the content of the communication to a third party who subsequently gives evidence of that disclosure.

8. Persons who testify at public hearings of the Commission shall receive appropriate medical, psychological, or emotional support services to help them testify effectively; and the Commission shall follow up with victims after their public testimony to ensure that their well-being was not compromised as a result of testifying.

Article 42

Powers in relation to investigations and hearings

1. The Commission has the following powers in relation to the conduct and investigations and hearings:

1.1. The gathering of any information it considers relevant, including oral testimony, statements, reports, records, documents or any information from any source, including governmental authorities by any legal means it deems appropriate, through a written notification;

1.2. call upon any person who is in possession of or has the custody of or control over any document, object or other thing which in the opinion of the Commission is relevant to the subject matter of the investigation or hearing to produce such document or other thing to the Commission which in the opinion of the Commission is relevant to the subject matter of the investigation or hearing to produce such a document or thing to the Commission;

1.3. call upon any person to appear before the Commission and to give evidence or to answer questions in closed or open sessions relevant to the subject matter of the investigation or the hearing.

1.4. A notice signed by a commissioner, as prescribed by paragraph 1.1 shall specify the time when and the place where the person to whom it is directed shall appear, and, shall specify the reason why the article is to be produced or the evidence is to be given and shall specify the consequences of non-compliance;

2. The Commission shall reimburse the reasonable expenses of persons required to appear before the Commission or to produce an article before the Commission;

3. If the Commission considers that the production of any article in the possession or custody or under the control of the State or any of State bodies, may adversely affect any intended or pending judicial proceedings or the conduct of any investigation carried out with a view to the institution of judicial proceedings, the Commission shall take any steps it deems necessary to prevent any delay in or disruption of such investigation or proceedings.

4. Commission may require any person who in compliance with a requirement in terms of this section appears before it, to take the oath or to make an affirmation, as per details specified in the Rules and Regulations of the Commission.

5. No person other than a commissioner, Secretariat staff or any person required to produce any article or to give evidence shall be entitled or be permitted to attend any investigation conducted in terms of this section, and the Commission may, having due regard to the principles of openness and transparency, declare that any article produced or information furnished at such investigation shall not be made public until the Commission determines otherwise or, in the absence of such a determination, until the article is produced or the information is furnished at a hearing in terms of this Act, or at any proceedings in any court of law.

6. Commission, in fulfilment of its mandate, may visit and must have access to every institution, land or building.

7. The Kosovo Police shall, on request being made by the Commission, provide the Commission with such service and assistance as may be required.

8. The relevant Commission Unit, in connection with investigations and hearings, shall provide the expertise and facilities necessary to assist the Commission, in accordance with the standards and legislation in force.

Article 43

Rights of implicated persons appearing before the Commission

1. If during any investigation by or any hearing session before the Commission, any person is implicated in a manner which may be to his or her detriment or when the Commission contemplates a finding or recommendation which may be to the detriment of a person who has been so implicated, the Commission shall afford him or her an opportunity to:

1.1. submit representation to the Commission within a specified and reasonable period of time with regard to the matter under consideration, and

1.2. appear at a hearing of the Commission, and to be legally represented, to testify, to offer evidence and submit any article or object to be taken into consideration in accordance with the procedures set out in this Act and the respective legislation in force.

2. When an implicated person provides credible contradictory or exculpatory information to the Commission, the Commission shall take reasonable steps to investigate such information before making a finding.

3. A failure by a person implicated to submit representations to the Commission in terms of paragraph 1.1 of this article shall not be a bar to the Commission to make an adverse finding against him or her where the Commission has taken reasonable steps to inform such a person and provide him or her with a reasonable opportunity to make representations.

4. Any person questioned by an investigation unit and any person who has responded or called upon to appear before the Commission is entitled to appoint a legal representative. The person is previously informed of his /her right to be represented by a legal representative. The appointment of a legal representative shall not excuse a person from appearing before the Commission in person.

5. The Commission may, to expedite proceedings, place reasonable limitations with regard to the time allowed in respect of the leading and cross-examination of witnesses or any address to the Commission and may issue binding practice directions in this regard.

6. The Commission may appoint a legal representative, to appear on behalf of the person concerned if it is satisfied that the person is not financially capable of appointing a legal representative himself or herself, and if it is of the opinion that it is in the interests of justice that the person be represented by a legal representative.

Article 44

Witness Protection

1. The Commission may, in consultation with the relevant state authority and in compliance with the laws in force, ensures to issue regulations providing for a witness protection programme.

2. Until such time as the witness protection programme has been established the Commission may prescribe interim measures to be followed in order to provide for the protection and the safety of a witness.

CHAPTER VI - COOPERATION WITH THE COMMISSION

Article 45

Commission's cooperation with local and international institutions

1. For the accomplishment of its function, the Commission cooperates with:

1.1. academic and scientific institutions of higher education, scientific institutes, economic entities, state agencies and scientific researchers in the various fields of sciences and arts;

1.2. local and international institutions

1.3. with local and international organisations and associations which operate in the field protection of rights of missing people and their family members as well as with the protection of the rights of the other war categories.

2. Commission co-ordinates its activities with local and international institutions and other actors, in relation to the building of a monument / memorial or other initiatives which relate to the honouring of the missing people and victims of the time period under review.

Article 46

Cooperation with NGO's and international actors

1. The Commission, through memorandums of understanding, obtains the support and help of the international actors and Non-Governmental Organizations (NGO's), which includes but is not limited at:

1.1. Offering of the expertise in particular fields;

1.2. Securing of comparative information;

- 1.3. Securing access to its notes, of previously collected evidence and help in cartographic presentation of geographic regions, in order for the Commission to concentrate its investigations in a more exact manner and obtain the statements;
- 1.4. Organisation of trainings;
- 1.5. recognition of key individuals for contacts;
- 1.6. Access to archive documentation of foreign governments;
- 1.7. Lobbying in favour of the implementation of the strongest possible policies or procedures related to the Commission;
- 1.8. Analysis and legal advice which have to deal with complicated operative and political issues , that Commission may come across during its activity;
- 1.9. Consulting with foreign experts;
- 1.10. Contracting of additional auxiliary services.

2. State institutions are obligated to support the Commission in building of bilateral institutions with other countries in lieu of obtaining of international support to the functioning of the Commission and dissemination / implementation of the recommendations stemming from Commission's work

Article 47

The right to contribute to the work of the Commission

Everyone enjoys the right, in compliance with this Normative Act and Rules and Procedures of the Commission, to contribute to the work of the Commission, if the Commission considers that such a thing might contribute to the realization of its aims.

CHAPTER VII – COMMISSION'S REPORT

Article 48

Commission's report

The Commission's final report is the most viable legacy of the Commission's work and should summarize its findings and recommendations.

Article 49

Commission's findings

1. The Commission may, subject to the provisions of this Act make any finding dealing with any matter falling within its mandate.
2. The Commission shall issue all findings after careful evaluation n of all the findings proposed by each body.

3. The Commission must employ a standard of balancing of possibilities in making any finding, including a finding of individual responsibility.
4. The findings of the Commission shall be detailed in the final report of the Commission which shall reflect the full facts upon which each finding is based, together with the Commission's analysis of such facts and reasons for each finding.
5. The Commission shall compile a summary of the detailed findings in relation to all subject matters, referred to as main findings, into a findings chapter which shall be part of the final report.
6. Any commissioner may dissent from the findings of the other commissioners but the dissent must be justified with arguments.
7. The findings of the majority of commissioners, shall form the basis of the Commission's recommendations, in that such recommendations shall be aimed at addressing the problems and shortcomings disclosed by the findings.

Article 50

Commission's recommendations

1. The Commission may, subject to the provisions of this Act, make any recommendation dealing with any matter falling within its mandate as provided for in this Act.
2. the Commission shall make recommendations that:
 - 2.1. address the causes of massive human rights violations and violations of the international humanitarian law;
 - 2.2. address the different needs of victims and categories of the victims and of survivors;
 - 2.3. serve to promote resurrection and social reconciliation at the national, community and individual levels;
 - 2.4. deal with any outstanding matters arising from the work of the Commission that require further action.

During provision of its recommendations the Commission:

- 3.1. shall propose the necessary institutional, administrative, legislative, constitutional and/or other measures which ought to be introduced in order to achieve the objects of the recommendations;
- 3.2. shall solicit submissions and proposals for recommendations from all interested persons and parties in the society of the Republic of Kosovo, including those persons and parties who appear before it, or before any of its committees and the Commission shall give due consideration to such submissions;

3.3. shall convene special hearings or specific inquiries for the purpose of soliciting data, information and expert advice on subject matters or themes upon which it wishes to make recommendations.

3.4. shall identify the problem or issue that the recommendation is intended to address and indicate how the recommendation will serve to address the problem or issue;

3.5. shall ensure that each recommendation contains specific explanations, , orientation and guidance to enable the party to whom it is directed to reasonably implement such recommendation;

3.6. shall indicate the time frame for the recommendation, taking into consideration the concrete specificity ;

4. shall direct each recommendation to a specific individual responsible for the office, organ of state, local or international organization, or country.

5. Based upon the Commission's conclusions emerging from the steps taken in this Article, together with a thorough consideration of the Commission's findings and conclusions emerging from its own investigations and research, it shall make recommendations which shall be reflected in the final report of the Commission.

6 The recommendations of the Commission must be implementable taking into consideration of Kosovo's available resources, capabilities and other relevant factors;

Article 51

Content of the final report

1. The final report, in conformity with the duties of the Commission, must at least contain the following:

1.1. The list of human loss (civilians who have lost their lives as a consequence of massive violations of the human rights, violations of international humanitarian law), , and armed individuals / -- Soldiers in armed conflicts who have lost their lives), ;

1.2. The missing persons list; and

1.3. database on community of victims of massive violations of human rights and of the violations on international humanitarian law;

1.4. Database on economic crimes in Kosovo and destruction of cultural property.

2. The final report recommends measures which are related to:

2.1. Prevention of the repetition of the social and political conditions as the ones which have occurred in the past;;

2.2. The modality of solution to reparations;

2.3. The modality of solution for the problem of displaced individuals;

- 2.4. Further steps towards the advancement of the trust between citizens in the Republic of Kosovo;
- 2.5. Further steps towards the advancement of the trust between Republic of Kosovo and Serbia;
- 2.6. The manner of the institutional reform;
- 2.7. Mechanisms through which the integrity of confirmed facts is insured in the educational system of the Republic of Kosovo;
- 2.8. The monitoring manner of the implementation of the recommendations made by the Commission, and which may include the proposal for the establishment of the special mechanism for realisation of such an aim.

Article 52

Publication of the final report

1. The Head Commissioner shall, after the end of the operational period, submit in official languages to the head of the founding institution the Final Report and publish this report on the Commission's website.
2. Within fourteen (14) days of the date of receipt of the Final Report, the founding institution shall send it for publication in the Official Gazette.
3. The Head of the Founding Institution submits the Final Report to the Parliament within twenty-one days after its publication in the Official Gazette and the Speaker of the Parliament shall convene a special session of the Assembly to consider and debate the findings and recommendations of the Committee within thirty (30) days after receiving the report.

Article 53

Report distribution

1. In order for the final report to be more understandable and more suitable for wider distribution, the Commission must also prepare a:
 - 1.1. brief summarized report which must be translated in all languages in official use in the Republic of Kosovo, including English language, and according to the possibilities, in other languages as well;
 - 1.2. Prepare and publish a separate book with photographs which documents the violations;
 - 1.3. Video version of the report, prepared on their own or in cooperation with other institutions.
 - 1.4. "child friendly" version of its final Report;
2. The Commission may organize Art Colonies, where local and international artists develop ideas for presenting findings through art in relation to the time period investigated by the Commission, as well as other cultural and sportive formats.

3. Commission ensures that the short summarized report is published in the local newspapers with large circulation.
4. Commission must undertake measures that the Report receives as wide distribution as possible at all institutions, whether local or international.

Article 54

Conclusion of the work of the Commission

1. After the publication of the final report, the Commission concludes its work in a period of no longer than three months .
2. During that time period, the systematisation, separation and preservation of the archive, division of property, fulfilment of obligations towards third parties, distribution and presentation of the final report as well as drafting of the financial reports and reporting on the work of the Commission.

Article 55

Continuation of the work and implementation of the recommendations made by the Commission

1. After the Commission has submitted its final Report, and after it has been officially dissolved, the task of the fulfilment of its recommendations must be undertaken by a respective governmental unit, tasked with the implementation and coordination of implementation of the recommendations.
2. The Commission proposes to the Government a structure for the implementation of its recommendations.
3. The Commission shall propose to the Government a structure for the fulfillment of its recommendations or a body that monitors the implementation and reinforces the objectives of this Act through the preservation of memory and public education.
4. The Government shall take seriously any recommendation made by the Commission.
5. The Government shall, within six (6) months of the publication of the Final Report by the Commission, specify the Government's Plan for the Implementation of the Final Report by publication in the Official Gazette.:
 - 5.1. the specific recommendations of the Commission that the Government intends to implement, the relevant units responsible for implementation and the timeframes, and
 - 5.2. Detailed reasons on the inability of the Government to implement the the specific recommendations of the Commission..
6. The Speaker of the Parliament shall convene a second special session of the Assembly within thirty (30) days of the Government's response, pursuant to paragraph 5, to consider and debate the Government's response and to consider any further action if there any action the Parliament may take.

CHAPTER VIII – EXECUTIVE SECRETARIAT OF THE COMMISSION

Article 56

Organization of the Secretariat

1. Under the leadership of the Director, the Secretariat shall function within the Commission, which shall assist the Commission in the performance of its duties and responsibilities.
2. Within the Secretariat there are professional support units, composed of people profiled in the relevant fields, who directly support the professional work of the Commission.
3. The relevant units of the Secretariat shall have their responsibilities and functions as defined by the Commission's Rules of Procedure.
4. The Director and employees of the Secretariat shall be subject to the respective legislation in force.

Article 57

Functions of the Secretariat

1. The Secretariat shall exercise the following duties and responsibilities:
 - 1.1. provides professional, technical, administrative and operational support to the Commission;
 - 1.2 implements all the duties and responsibilities set by the Commission within the framework of the allocated budget;
 - 1.3 prepares the proposal for the annual budget of the Commission and submits it to the Commission for approval;
 - 1.4 administers the approved budget of the Commission;
 - 1.5 drafts the acts, reports, researches and documents necessary for the exercise of the functions of the Commission and the implementation of this normative Act, as directed by the Commission;
 - 1.6 is responsible for performing the other functions and responsibilities set out in the Commission's Rules of Procedure.

Article 58

The Director of the Secretariat

1. The Director of the Secretariat:
 - 1.1. is the head administrative officer;
 - 1.2. reports to the Commission and the Head Commissioner;

- 1.3. is responsible for the creation and administration of the administrative, financial, logistics systems and the Secretariat staff;
- 1.4. ensures that Commission decisions, policies and other measures are implemented efficiently and effectively;
- 1.5. is responsible to the Commission for the efficient and effective administration of the Secretariat;
- 1.6. attends meetings of the Commission without the right to vote and responds to all requests of the Commission for information;
- 1.7. is responsible for managing the staff in the Secretariat;
- 1.8. is responsible for managing the finances and other financial sources;
- 1.9. provides impartial and professional advice to the Commission;
- 1.10. is responsible for the management, maintenance and protection of the Commission's assets;
- 1.11. manages the flow of information in the Commission;
- 1.12. cooperates and coordinates work with other institutions, and
- 1.13. performs other duties and responsibilities prescribed by the Commission, this Normative Act or any other laws or bylaws.

Article 59

Appointment of the Director

1. The Director, with the necessary administrative, financial and organizational skills, shall be selected, appointed and dismissed following a competitive, meritorious and transparent process, in accordance with this normative Act, the Commission's Rules of Procedure and the relevant legislation in force.
2. The provisions and procedures for the selection, appointment and dismissal of commissioners and the general criteria for the selection of commissioners shall also apply suitably to the appointment of the Director.

Article 60

Hiring of the Secretariat staff

1. The Secretariat staff shall be selected in the framework of the budget of the Commission and in accordance with the organizational chart approved by the Commission, through an open and competitive process and in accordance with the highest standards of professional ethics, as well as by ensuring comprehensive representation.
2. The Commission and the Director ensure that selection of the Secretariat personnel, particularly of the high level personnel, to be individuals with knowledge of administrative tasks and in management, and ability to efficiently perform under great pressure.

3. The Secretariat may hire, in certain categories which include but are not limited at, human rights experts, legal experts, researchers, psycho-therapists or social workers, translators, IT specialists, data entry staff as well as security personnel.

4. The staff of the Secretariat shall sign the Declaration under oath, in accordance with the Rules of Procedure of the Commission.

5. The staff of the Secretariat shall complete its work not more than six months after the publication of the Final Report.

Article 61

General criteria for the selection of the Secretariat staff

1. The general criteria for the selection of staff in the Secretariat are:

1.1. to be a citizen of the Republic of Kosovo

1.2. to have full capacity to act;

1.3. to be fluent in one of the official languages, in conformity with the Law on Languages;

1.4. not to have been convicted via a final judgment for a willful criminal act;

1.5. not to have any effective disciplinary measure for dismissal;

1.6. to possess the level of education and work experience as required for the position, category, class or respective group, and

1.7. to successfully pass the recruitment procedures, as per this normative Act and Rules and Procedure of the Commission.

CHAPTER IX - FINANCING OF THE COMMISSION

Article 62

Financial sources of the Commission

1. The work of the Commission is financed by:

1.1. The Budget of the Republic of Kosovo;

1.2. Donations, and

1.3. Other legal sources.

2. Commission may receive contributions from donors and other sources, in conformity with legislation in force and they must not affect upon Commission's independence.

3. The Commission prepares a plan for the collection of funds in order to accomplish its prescribed aims.
4. The founding institution must be informed on all contributions received from donors or other sources.

Article 63

The budget of the Commission

1. The Commission shall draw up an annual budget in accordance with the Law on Management of Public Finance and its responsibilities.
2. In accordance with the relevant provisions of the law and in order to guarantee its independence, the Commission's annual budget derives from the annual budget of the founding institution, has its own budget line respectively its own budgetary subcode, and these funds are allowed for use following a previously prepared plan of its regular annual activities.
3. The Commission's budget shall be sufficient to ensure the implementation of the mandate, the full and effective functioning of the Commission, its working groups and the Secretariat.
4. The founding institution, when proposing the amount of the annual budget, shall take into account the Commission's proposals and shall be supported and given an appropriate opportunity to protect the Commission's budget before the relevant institutions..
5. The Commission shall independently manage its annual budget. The Director is responsible for overseeing expenditures, allocating funds, maintaining accurate current accounts and financial audits, taking into account applicable laws on management of public finance.
6. The expenditure of the Commission's budget shall be subject to internal audit as well as external audit by the Auditor General of the Republic of Kosovo.
7. The Commissioners and staff of the Secretariat shall carry criminal and administrative liability under the legislation in force if they violate the provisions of the legislation in force on the expenditure of public money.

CHAPTER X - CONCLUDING AND TRANSITIONAL PROVISIONS

Article 64

Support for the establishment of the Commission

1. In the initial phase, the establishing Institution provides the Commission with office space, which should be separated from the establishing Institution's offices, office equipment, means of transport and other necessities.
2. The Preparatory Team for the Establishment of the Truth and Reconciliation Commission, appointed by the President with Decision No. 61/2018, dated 27.04.2018, and the Team Secretariat assist in the establishment of the Commission and the relevant bodies.

Article 65

Obligation of cooperation and the consequences of rejection

1. Refusal to cooperate with the Commission by a civil servant, official or public authority shall constitute a reason for the Commission to request the competent authority to initiate an administrative procedure including disciplinary action, ranging as far as dismissal.

2. In cases when the institution refuses to cooperate or interferes with the investigation process, the Commission has the right to request from the competent prosecution office the initiation of legal proceedings, for prevention of the performance of official duties.

Article 66

Functional immunity

No commissioner, staff member of the Commission or any other person acting on behalf of the Commission shall be held criminally or civilly liable for the performance of any working tasks at the Commission, unless they are in conflict with the laws in force.

Article 67

Commission files

1. The Commission, at the commencement of its work, defines the methodology of archiving, digitalization and of data collection, taking into consideration the principle of protection of sensitive information. For this aim, it shall cooperate with the Kosovo State Archives Agency.

2. The Secretariat, in accordance with the respective methodology prescribed in paragraph 1 of this Article, continually archives and digitalizes the documentation collected by the Commission by drafting a plan and attentive to its long term utilization.

3. The Commission establishes the Commission Archive, which includes, but is not limited to, statements and other research files necessary for the preparation of the report, with a view to possible future reference.

4. Archive material and Commission database, after the termination of the work of the Commission, are open for unlimited access by all interested institutions and individuals, apart from the documentation which is subject to data protection.

5. At least thirty (30) days prior to the termination of the work of the Commission, the Secretariat submits the copies of the unified archive material and of the database to the Kosovo State Archive Agency.

Article 68

Activities of the Commission prior to the termination of its mandate

1. The Commission shall stand dissolved at the end of the termination of its mandate, and prior to its dissolution, the Commissioners:

1.1. organize the transfer of the remaining property of the Commission in compliance with the legislation in force;

1.2. organize detailed inventarisation of all its files and materials:

- 1.3. organize its archives for future reference, giving special consideration to:
 - 1.3.1. which materials or information may be made available to the public immediately or when the conditions and resources allow;
 - 1.3.2. what measures may be necessary to protect confidential information;
 - 1.3.3. transfer of all the Commission's records and materials into the custody of the Kosovo State Archives Agency.

Article 69

Job security after the termination of the mandate

1. Upon the expiry of the term of office, a member of the Commission may return to his or her office or public office which he/ she had before the election as a member of the Commission. Where this is not possible, then the former employer must provide him /her with a position at least at the same level, and which would enjoy a salary equivalent to that he /she had before the election as a member of the Commission.
2. A member of the Commission whose term of office expires, or who, for justifiable reasons, cannot resume previous employment or find other adequate employment, and has not fulfilled the general conditions of retirement, shall enjoy the right to salary at the value of the last salary received but not for longer than one (1) year from the end of the term.

Article 70

Rules of Procedure and other acts of the Commission

1. The Commission, in compliance with this normative Act, not later than three (3) months after the constitutive meeting, approves the Rules of Procedure, through which it prescribes the procedures and the manner of functioning of the Commission and of the Secretariat, for the purpose of accomplishment of its tasks.
2. The Rules of Procedure of the Commission shall be made public in the Official Gazette
3. The Commission, not later than three (3) months after the constitutive meeting, drafts and approves other relevant documents regulating the internal functioning, decision-making and administration of the Commission, in accordance with this normative Act
4. The Commission may issue guidelines regulating the unique methodology for:
 - 4.1. obtaining statements;
 - 4.2. research and collection of documents;
 - 4.3. regulation of procedures for public hearings;
 - 4.4. regulation of themed sessions;
 - 4.5. compiling the list of human losses;

- 4.6. compiling the list of economic losses;
- 4.7. field communication and study;
- 4.8. reporting;
- 4.9. staff recruitment and verification;
- 4.10. information and physical security policies;
- 4.11. confidentiality of information;
- 4.12. complaint management;
- 4.13. record keeping;
- 4.14. evidence and procedures for witness protection;
- 4.15. notification of harmful statements;
- 4.16. reconciliation and mediation;
- 4.17. findings of individual responsibility, and
- 4.18. other matters it deems necessary.

5. The head of the founding institution may, in consultation with the Minister of Finance, draft rules and regulations:

5.1. which determines the remuneration, allowances and other benefits, if any, of:

5.1.1. commissioners, provided that such payment is not less than that of a Supreme Court judge, and

5.1.2. staff of the Secretariat;

5.2. prescribing the payment or reimbursement of expenses incurred in connection with travel and accommodation by persons attending any Commission hearing in accordance with an invitation or subpoena issued under the terms of this Act;

5.3. describing whatever is required to be prescribed for the proper application of this Act.

Article 71

Publication in the Official Gazette

This Normative Act shall be published in the Official Gazette.

Article 72

Entry into force

This Normative Act enters into force thirty (30) days after the publication in the Official Gazette.

Prishtina, ____ . ____ . ____ .