



REPUBLIKA E KOSOVËS -PRESIDENTI
REPUBLIC OF KOSOVO - THE PRESIDENT
REPUBLIKA KOSOVO - PREDSEDNIK

**REGULATION (P) NO. 02/2019 ON THE SWEARING OF THE
OATH CEREMONY OF THE PROSECUTORS**

Prishtina, June 24 2019



REPUBLIKA E KOSOVËS -PRESIDENTI
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The President of the Republic of Kosovo,

Based on Article 84, section (18) and Article 109 (5) of the Constitution of the Republic of Kosovo, Article 6 of the Law No. No. 03/ L-094 on the President of the Republic of Kosovo (OG No. 47, January 25th 2009), Article 24 (4) of the Law No. 06/L-056 on the Kosovo Prosecutorial Council (OG No. 10, April 3rd 2019) and Article 3 (4) of the Regulation (P) No. 02/2016 on the Organisational Structure of the Presidency (08.09.2016), approves the following:

**RULES AND REGULATIONS (P) NO. 02/2019 ON THE SWEARING OF
THE OATH CEREMONY OF THE PROSECUTORS**

CHAPTER I – GENERAL PROVISIONS

Article 1
Aim

This Rules and Regulations prescribes the procedures undertaken at the Presidency for the appointment of the prosecutors with the initial mandate by the President of the Republic of Kosovo and the organisation of their oath swearing ceremony in front of the President.

Article 2
Scope

This Rules and regulations shall be implemented by the relevant units at the Presidency Kosovo Prosecutorial Council, , proposed candidates for the position of the judge with initial mandate and other participants for the oath swearing ceremony of the prosecutors.

Article 3
Definitions

1. The expressions used at this Rules and Regulations shall have the following meaning:
 - 1.1. **The President** – President of the Republic of Kosovo;
 - 1.2. **Presidency** – headquarters for the official activities of the President, which includes the Cabinet of the President, the Office of the President and the other related institutions/units;

- 1.3. **The Department** – Department for Legal Issues and International relations within the Office of the President;
- 1.4. **The Law** – Law No. 06/L-056 on the Kosovo Prosecutorial Council (OG No. 10, April 3rd 2019);
- 1.5. Constitution – the Constitution of the Republic of Kosovo;
- 1.6. **The Council** – Kosovo Prosecutorial Council;
- 1.7. **Candidate** – the candidate proposed by the Council to be appointed a prosecutor at the State Prosecution with the initial mandate of three (3) years.

CHAPTER II – APPOINTMENT OF THE JUDGE WITH THE INITIAL MANDATE

Article 4 Proposal for appointment

1. The Council, after the conduct of the recruitment procedures, submits to the President the proposal for the candidate to be appointed as a prosecutor.
2. The proposal from paragraph (one) of this law contains:
 - 2.1. The letters of the Council addressed to the President on the nomination of the candidate, signed by the Chairperson of the Council;
 - 2.2. The written report on the process and the candidate, signed by the Council Chair;
 - 2.3. The Council decision, signed by the Council Chair; and
 - 2.4. Copy of the Candidate's valid photo ID.

Article 5 Proposal appraisal

1. After the receipt of the Council's proposal at the Presidency, it must be submitted to the President's Cabinet for notification purposes and to the Department for appraisal.
2. The Official responsible within the Department, appraises the Council's proposal and if the proposal:
 - 2.1. Is incomplete and is not in compliance with the legislation in force, requests the completion and notifies the Cabinet of the President;
 - 2.2. Is complete in compliance with the legislation in force, prepares the legal opinion and the draft decree which are submitted for signature to the President through the Director of the Department.

Article 6 Appointment of the prosecutor

1. The President issues the Decree on the appointment of the Candidate for the post of prosecutor within sixty (60) days after the receipt of the completed proposal by the Council. .
2. If within the time frame prescribed by the paragraph 1 of this Article, the President does not appoint the prosecutor, the Council may present once more the proposed candidate

tougher with the additional reasoning in writing. After this the President appoints the judge as per the Council's proposal.

CHAPTER III – THE SWEARING OF THE OATH CEREMONY OF THE PROSECUTOR

Article 7

Organisation of the swearing of the oath ceremony

1. The swearing of the oath of the prosecutor ceremony is public, held in front of the President, unless the President decides otherwise.
2. After the issuing of the Decree by the President for the appointment of the prosecutor, the Department undertakes the necessary measures towards organisation of the prosecutors swearing of the oath ceremony.
3. The Department in cooperation with the Protocol Department and in consultation with the Cabinet of the President schedules the date, the venue and the time of the judge's swearing of the oath ceremony, and drafts the list of the participants attending the ceremony.

Article 8

Notification

1. The Department notifies the Council for the venue, of the judge as well as the dress code.
2. The Council notifies the candidate on the date and the time of the swearing of the oath ceremony; and
 - 2.1. Place, date and time of oath ceremony;
 - 2.2. About the required dress code.
3. The Department invites the other participants to the oath ceremony of the prosecutor from the list prepared in accordance with Article 7.3. of this Regulation.

Article 9

Preparations for the swearing of the oath ceremony

1. The Protocol department looks after the following issues during the organisation of the judge's swearing of the oath:
 - 1.1. Reservation and setting up of the venue;
 - 1.2. Perception and accommodation of the guests, according to protocol rules;
 - 1.3. Presentation and dressing according to the dressing code and
 - 1.4. Other protocol related issues.

Article 10

Guidelines for the swearing of the oath ceremony

Before the oath ceremony begins, the Department Officer instructs the prosecutor and other participants about the oath ceremony procedure.

Article 11
Swearing of the oath ceremony

1. During the swearing of the oath ceremony:
 - 1.1. In front of the prosecutor a file must be placed containing the text of the oath in two copies;
 - 1.2. All participants stand up;
 - 1.3. The prosecutor raises his right hand with the open palm;
 - 1.4. The President reads the oath texts;
 - 1.5. The prosecutor, after the President has finished reading the text, in a loud voice says: I swear;
 - 1.6. After the oath, the President, the prosecutor and participants sit down;
 - 1.7. The prosecutor signs both copies of the text, where one remains at the Presidency, and
 - 1.8. At the end of the ceremony of the swearing of the oath, the President hands to the prosecutor the Appointment Decree.
2. A prosecutor with any kinds of special requirements may swear the oath in front of the President, and his or her special requirements may be accommodated and the Council must previously inform the Presidency of such requirements.
3. The newly appointed prosecutor takes his/her tenure after the swearing of the oath before the President.

Article 12
Information

The Presidency, informs the public on the appointment and swearing of the oath of the prosecutor at the State Prosecution through the official web page of the Presidency or via other media

Article 13
Confidentiality

1. Presidency Officials, during their fulfilment of tasks related to the data processing of the appointment and swearing of the oath of the judge's process, must preserve the data confidentiality.
2. Failure to respect the confidentiality presents a due cause for the initiation of the relevant procedure in compliance with the legislation in force.

CHAPTER IV- FINAL PROVISIONS

Article 14
The Registry

The Department holds the Registry of the presidential decrees for the appointment of the judge.

Article15
Entry into force

This Rules and Regulations enters into force on the date of the approval via a Decree by the President.

Hashim THAÇI

The President of the Republic of Kosovo

Prishtina, June 24, 2019.

**Approved by Decree No. 132/ 2019, dated 24.06.2019,
By the President of the Republic of Kosovo, Hashim Thaçi**