

**Organization for Security and Co-operation in Europe**  
**MISSION IN KOSOVO**

**OSCE Mission in Kosovo Report 03/2009**  
**On the Monitoring of the Assembly of Kosovo**  
**1 May 2009 – 30 June 2009**

**Highlights**

- **Assembly appoints the Ombudsperson**
- **Assembly endorses six judges to the constitutional court**
- **Assembly appoints Deputy Prime Minister Hajredin Kuçi as chair of the ad hoc committee for the selection of candidates to the board of Radio Television of Kosovo**
- **Assembly encounters difficulties in managing plenary sessions**
- **Assembly encounters difficulties in managing parliamentary question periods**
- **Parliamentary group “Zajedno” ceases to exist**

**1. Background**

This 63<sup>rd</sup> monitoring report is drafted in accordance with the Terms of Reference for UNMIK Pillar III for Institution Building (OSCE) Monitoring of the Assembly of Kosovo dated 26 November 2002 and is based on compliance with the rules of procedure adopted at the plenary session on 20 May 2005, as amended at the plenary session on 1-2 June 2006 and 18 September 2007 plenary session.

The OSCE Mission in Kosovo monitored nine regular plenary sessions, on 14-22-27-28 May<sup>1</sup>, on 15 May, on 28 May, on 29 May, on 4 June (Ombudsperson), on 11-18 June, on 12 June, on 23 June and on 25 June, as well as seven Presidency meetings, on 5 May, on 13 May, on 19 May, on 26 May, on 2 June, on 9 June and on 16 June. The OSCE Mission in Kosovo monitored 41 out of 59 committee meetings.

**2. Overview**

**The 14-22-27-28 May plenary session** was chaired by the President of the Assembly, Mr. Jakup Krasniqi (Democratic Party of Kosovo - PDK) and by a member of the Presidency, Mr. Ibrahim Gashi (Alliance New Kosovo - AKR)

- Seventy members of the Assembly were present at the 14-22-27-28 May plenary session.<sup>2</sup>
- Main agenda items of the 14-22-27-28 May plenary session:
  - Questions to the government for oral answer
  - First reading of the draft law on standardization  
(The draft law was endorsed in principle with 60 votes in favour and no votes in opposition.)
  - First reading of the draft law on empowerment and participation of youth

<sup>1</sup> The 14 May plenary session was interrupted and continued several times.

<sup>2</sup> This is the figure announced by the President of the Assembly at the beginning of the plenary session.

- (The draft law was endorsed in principle with 61 votes in favour and no votes in opposition.)
- First reading of the draft law on value added tax  
(The draft law was endorsed in principle with 49 votes in favour and 11 votes in opposition.)
  - Second reading of the draft law on biocide products  
(The draft law was adopted with 75 votes in favour and no votes in opposition.)
  - Review of the report of the independent commission on mines and minerals for 2008  
(The report was approved with 42 votes in favour and eight votes in opposition.)
  - Review of the 2008 work report of the Energy Regulator Office  
(The report was approved with 41 votes in favour and eleven votes in opposition.)
  - Review of the 2008 work report of the Kosovo Anti Corruption Agency  
(The report was approved with 60 votes in favour and no votes in opposition.)
  - Establishment of ad hoc committee for the selection of candidates to the RTK board  
(The ad hoc committee was established with 56 votes in favour, 28 votes against, and five abstentions. See below section titled “Assembly appoints Deputy Prime Minister Hajredin Kuçi as chair to the ad hoc committee for the selection of candidates to the RTK board”.)
  - Information regarding the state of affairs in the Kosovo pensions trust  
(The governor of the Central Bank of Kosovo, Mr. Hashim Rexhepi, presented the information, followed by a broad plenary debate.)

**The 15 May plenary session of the Assembly of Kosovo** was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK) and by a member of the Presidency, Mr. Ibrahim Gashi (AKR).

- Ninety-nine members of the Assembly were present at the 15 May plenary session.
- Main agenda items of the 15 May plenary session:
  - Review of the proposal for endorsement of judges to the constitutional court  
(Assembly endorsed six judges to the constitutional court. See below the section titled “Assembly endorses six judges to the constitutional court”.)

**The 21 May solemn plenary session of the Assembly of Kosovo** was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK).

- Main agenda items of the 21 May solemn plenary session:
  - Address of the Vice President of the United States of America, Mr. Joseph Biden

**The 28 May plenary session of the Assembly of Kosovo** was chaired by member of the Presidency, Mr. Xhavit Haliti (PDK) and by a member of the Presidency, Mr. Eqrem Kryeziu (LDK).

- Ninety-one members of the Assembly were present at the 28 May plenary session.
- Main agenda items of the 28 May plenary session:
  - Questions to the government for oral answer
  - Review of the report of the Waste and Water Regulator  
(The report was adopted with 81 votes in favour and no votes in opposition.)
  - Debate on privatization requested by a group of Assembly members  
(The debate was opened by Mr. Arsim Rexhepi (LDK) followed by a broad plenary debate and was concluded by a statement delivered by Mr. Rexhepi)

- First Reading of the draft law on membership of Kosovo to the International Monetary Fund and organizations of the World Bank Group  
(The draft law was endorsed in principle with 79 votes in favour and no votes in opposition.)

**The 29 May plenary session of the Assembly of Kosovo** was chaired by the President of the Assembly, Mr. Jakup Krasniqi, (PDK) and a member of the Presidency, Mr. Xhavit Haliti (PDK).

- Sixty-eight members of the Assembly were present at the 29 May plenary session.
- Main agenda items of the 29 May plenary session:
  - Second reading of the draft law on membership of Kosovo to the International Monetary Fund and organizations of the World Bank Group  
(The draft law was adopted with 81 votes in favour and no votes in opposition.)

**The 4 June plenary session of the Assembly of Kosovo** was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK) and a member of the Presidency, Mr. Sabri Hamiti (LDK).

- One hundred and one members of the Assembly were present at the 4 June plenary session.
- Main agenda items of the 4 June plenary session:
  - Appointment of the Ombudsperson  
(The Ombudsperson was appointed with 65 votes in favour. See below section titled “Assembly appoints the Ombudsperson.”)

**The 11 – 18 June plenary session of the Assembly of Kosovo** was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK) and a member of the Presidency, Mr. Naim Maloku (AAK).

- Eighty-one members of the Assembly were present at the 11-18 June plenary session.
- Main agenda items of the 11-18 June plenary session:
  - Questions to the government for oral answer
  - First reading of the draft law on amendment and supplementation of the law No. 2003/15 on the social assistance scheme in Kosovo  
(The first reading of the draft law was postponed upon request by the Minister for Labour and Social Welfare, Mr. Nenad Rašić.)
  - First reading of the draft law on declaration, origin and control of wealth of high public officials  
(The draft law was endorsed in principle with 64 votes in favour and 2 votes against.)
  - First reading of the draft law on amending the law No. 02/L-133 on preventing conflict of interest in exercising public function  
(The draft law was endorsed in principle with 57 votes in favour and no votes against.)
  - Second reading of the draft law on agriculture and rural development  
(The draft law was adopted with 59 votes in favour and one vote against.)
  - Review of the Assembly rules of procedure  
(The review of the Assembly rules of procedure was removed from the agenda with 56 votes in favour and 20 votes against, upon request by Mr. Ramë Buja on behalf of the PDK parliamentary group.)

- Review of the 2008 report of Radio Television of Kosovo  
(This item was removed from the agenda upon the request of Mr. Esat Brajshori (AKR), chairperson of the Committee for Public Services, Local Administration and Media.)
- Review of the report of the Committee on Legislation and Judicial Affairs on establishing the commission on the Bar exam  
(The report of the Committee on Legislation and Judicial Affairs was approved with 40 votes in favour and 13 votes against.)
- Review of the government's proposed decision on the midterm expenditure framework 2010-2012  
(The review of the government's proposed decision on the midterm expenditure framework 2010-2012 ended with no vote taken as it will be voted upon together with the 2010 Kosovo Budget.)
- Review of the annual report 2008 on the functioning of the internal audit system in the public sector in Kosovo  
(The annual report was endorsed with 61 votes in favour and 2 votes against.)
- Review of the 2008 report of the Telecommunication Regulatory Authority  
(The report was reviewed and the recommendations provided by the functional committees on the report were endorsed.)
- Review of the government's proposed decision on supporting a multiethnic project for the municipality of Novobërdë/Novo Brdo.  
(The multiethnic project was endorsed with 49 votes in favour and one vote against.)
- Information from the AAK parliamentary group on replacement of its members in Assembly committees
- Information regarding the dissolution of the parliamentary group "Zajedno"  
(See below section entitled "Parliamentary group "Zajedno" ceases to exist".)

**The 12 June plenary session of the Assembly of Kosovo** was chaired by two members of the Presidency, Mr. Xhavit Haliti (PDK) and Mr. Sabri Hamiti (LDK).

- Fifty-four<sup>3</sup> members of the Assembly were present at the 12 June plenary session.
- Main agenda items of the 12 June plenary session:
  - Review of the financial report on the Kosovo Consolidated Budget for the period 1 January – 31 December 2008  
(The financial report was approved with 44 votes in favour and 22 votes against.)

**The 15 June solemn plenary session of the Assembly of Kosovo** was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK) and a member of the Presidency, Mr. Xhavit Haliti (PDK).

- Sixty-eight members of the Assembly were present at the 15 June solemn plenary session.
- Main agenda items of the 15 June solemn plenary session:
  - Address of Mr. Maarti Ahtisaari to the Assembly of Kosovo

**The 23 June plenary session of the Assembly of Kosovo** was chaired by the President of the Assembly, Mr. Jakup Krasniqi (PDK) and member of the Presidency, Mr. Ibrahim Gashi (AKR).

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<sup>3</sup> The number of Assembly Members present in the plenary hall increased as the plenary session developed, and the quorum was later reached.

- Ninety-seven members of the Assembly were present at the 23 June plenary session.
- Main agenda items of the 23 June plenary session:
  - Debate regarding the incident occurring within the evidence room of the Kosovo Police  
(The Minister of Interior, Mr. Zenun Pajaziti presented information, followed by a broad plenary debate after which Minister Pajaziti gave a statement.)

**The 25 June plenary session of the Assembly of Kosovo** was chaired by the President of the Assembly, Mr Jakup Krasniqi, (PDK) and a member of the Presidency, Mr. Eqrem Kryeziu (LDK).

- Sixty-six members of the Assembly were present at the 25 June plenary session.
- Main agenda items of the 25 June plenary session:
  - Questions to the government for oral answer
  - First reading of the draft law on amending the law No. 2003/3 on the forests of Kosovo  
(The draft law was endorsed in principle with 56 votes in favour and 3 votes against.)
  - Second reading of the draft law on amending the law No. 2004/5 on trade of petroleum and petroleum products in Kosovo  
(The draft law was adopted with 54 votes in favour and no votes against.)
  - Second reading of the draft law on financial leasing  
(The draft law was adopted with 58 votes in favour and no votes against.)
  - Second reading of the draft law on establishment of a Kosovo forensic department  
(The draft law adopted with 55 votes in favour and no votes against.)
  - Review of the draft law on real rights  
(The draft law was adopted with 52 votes in favour and 5 votes against.)
  - Review of the report of the commission on legal assistance  
(The report was endorsed with 57 votes in favour and 4 votes against.)
  - Review of the 2008 work report of the Independent Media Commission  
(The report was endorsed with 43 votes in favour and 13 votes against.)
  - Review of the government's proposed decision on appointing the deputy director of the Executive Secretariat of the Estate Agency and of two members to the board of the Estate Agency  
(The appointments were rejected, respectively, with 23 votes in favour and 35 votes against and with 11 votes in favour and 42 votes against<sup>4</sup>.)
  - Second reading of the draft law on public-private partnership and concessions on delivering of infrastructure and services and procedures for their award  
(The draft law was adopted with 52 votes in favour and 7 votes against.)

### **3. Parliamentary practices and proceedings of Assembly sessions**

#### The Legislative Process

- The draft law on biocide products was adopted three and a half months after its endorsement in a first reading at the 12 March 2009 plenary session. The draft law on agriculture and rural development was approved more than seven months after its endorsement in a first reading at the 6-7 November 2008 plenary session. The draft law on amending the law on trade of petroleum and petroleum products in Kosovo was

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<sup>4</sup> The Assembly of Kosovo held two separate votes. One vote on the appointment of the deputy director of the executive secretariat of the Kosovo Real Estate Agency and one vote on the nominated candidates to the board of the real Estate Agency.

approved more than three months after its endorsement in a first reading at the 12 March 2009 plenary session. The draft law on financial leasing was approved more than seven months after its endorsement in a first reading at the 6-7 November 2008 plenary session. The draft law on establishment of a Kosovo forensic department was adopted more than three months after its first reading at the 12 March 2009 plenary session. The draft law on real rights was adopted almost *five years*<sup>5</sup> after its first reading at the 8 July 2004 plenary session. The draft law on public-private partnership and concession on delivering of infrastructure and services and procedures for their award was adopted more than eleven months after its first reading at the 27 July 2008 plenary session

*Rule 35.6 provides that “[w]hen a committee has been designated to review a draft law, it shall report its recommendations to the Assembly no later than two months after the first reading, unless an extension is approved by the Assembly.” All of the above-referenced draft laws were approved by the Assembly well beyond the deadline required by rule 35.6 and the responsible functional committees did not ask the Assembly to extend the deadline, which was not in compliance with rule 35.6. It is again recommended that Assembly committees review draft legislation within the timeframe set forth in rule 35.6 in order to increase the effectiveness of the legislative process and to adhere to the rules of procedure.*

#### Distribution of draft legislation

- The draft law on standardization was distributed on 22 April. The draft law on empowerment and participation of youth was distributed on 25 April. Thus, the draft laws were distributed, respectively, 15 and 13 working days prior to their first reading at the 14 May plenary session. The draft law on value added tax was distributed on 27 April. This draft law was distributed on the same day of its first reading at the 27 May plenary session. The draft law on amending the law No. 2003/3 on the forests of Kosovo was distributed on 19 May. This draft law was distributed 26 working days prior to its first reading at the 25 June plenary session. The draft law on membership of Kosovo to the International Monetary Fund and the World Bank Group was distributed on 19 May. Thus the draft law was distributed six working days prior to its first reading at the 28 May plenary session. The draft law on declaration, origin and control of wealth of high officials and the draft law on amending the law No. 02/L-133 on preventing conflict of interest in exercising public function were distributed on 20 May. The draft laws were distributed 17 working days prior to their first reading at the 11 June plenary session.

*Rule 35.1 requires that the first reading of the draft law shall take place no earlier than ten working days and no later than three working weeks from the day of its distribution. Thus, two of the above-mentioned draft laws – the draft law on standardization and the draft law on empowerment and participation of youth – were reviewed in a first reading in compliance with rule 35.1. However, five other draft laws – the draft law on value added tax, the draft law on amending the law No. 2003/3 on the forests of Kosovo, the draft law on membership of Kosovo to the International Monetary Fund and the World Bank Group, the draft law on declaration, origin and control of wealth of high officials and the draft law on amending the law No. 02/L-133 on preventing conflict of interest in exercising public function – were not reviewed in a first reading in compliance with rule 35.1. The draft law on amending the law No. 2003/3 on the forests of Kosovo, the draft law on declaration, origin and control of wealth of high officials and the draft law on*

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<sup>5</sup> The draft law on real rights was adopted in a second reading at the plenary session held on 8-9 September 2004, during the first legislative mandate, but it was never promulgated by the SRSG. Thus, the Assembly of Kosovo in the current mandate decided to review and adopt the draft law along with all the draft laws that were not promulgated by the SRSG.

*amending the law No. 02/L-133 on preventing conflict of interest in exercising public function were reviewed more than three working weeks after their distribution while the distribution of the draft law on value added tax and the draft law on membership of Kosovo to the International Monetary Fund and the World Bank Group, respectively, on the same day and six days prior to their first reading did not give sufficient time for members to study and assess the draft laws.*

### Voting Process

- A quorum was present for all voting at the plenary sessions under review.  
*This was in compliance with Section 9.1.32 of the Constitutional Framework and Rule 31.1, which provide that a majority of the members of the Assembly must be present in order for decisions to be taken.*
- At the 14-15-22-27-28 May plenary, on 14 May, when the chairperson announced the respective agenda item – the second reading of the draft law on biocide products – the chairperson also announced that there were only 59 members present in the hall and asked the Assembly officers to ring the bell inviting any members outside the hall to return to the session in order for the voting to start. A quorum was reached as several members returned and the chairperson continued with the voting of the amendments, however, shortly after the beginning of the voting, the number of members decreased to less than 61. The chairperson announced that there was no quorum when the voting on the previous amendment had taken place and said that the amendment is not endorsed, and asked again for the members to return to the session. However, upon realizing that the quorum could not be reached, the chairperson postponed the plenary session for the next day. On 15 May, at the beginning of the continued session, the chairperson announced that again, there was no quorum and since all of the agenda items required voting, he postponed the plenary session again.

On 27 May, at the continuation of the plenary session started on 14 May, as the debate on the establishment of the ad hoc committee for the selection of candidates for members to the RTK board was ongoing, the chairperson announced that the overall number of members present had decreased below half thus the debate could continue but no voting could be taken. As the debate concluded, the chairperson announced that the number of members present had decreased to 39, less than one third, thus he ended the plenary session, in order to continue the next day on 28 May.

During the 28 May plenary session, as the chairperson was moving to the agenda item – the first reading of the draft law on membership of Kosovo to the IMF and World Bank Group – he asked for a counting of the members present. Only 57 members were present thus no voting quorum was present and the chairperson postponed the plenary session for the next day in order for the draft law to be endorsed in the first reading.

*The decision of the chairperson to cancel the voting result of an amendment at the 14 May plenary session was in compliance with rule 31.3 of the rules of procedure which foresees that “the decisions taken in the meetings of the Assembly are valid if more than half of the total number of Members of the Assembly were present at the time the decision was taken”.*

*The decision of the chairperson to postpone the 14 May and 28 May plenary session due to absence of voting quorum was a necessity as all of the agenda items required a voting quorum of 61 members present, and it was clear that such a quorum would not be reached.*

*At the 27 May plenary session, the chairperson postponed the session after he concluded that the overall number of members present fell under one third. This was in compliance*

*with rule 31.2 of the rules of procedure which foresees that “Meetings of the Assembly shall be suspended if the number of Members present falls below one third of the total”.*

#### Assembly encounters difficulties in managing plenary sessions

- The 14-15-22-27-28 May plenary session was interrupted and postponed four times. The chairperson on the 14 May postponed the plenary session for the next day, 15 May, as the voting quorum was lost. The continuation of the session on the 15 May was postponed again for 22 May as the voting quorum could not be reached at all. On 22 May, at the continuation of the plenary session, due to a proposal made by Mr. Hajredin Hyseni (PDK) and supported by the PDK, AAK and AKR parliamentary groups, the continuation of the plenary session started on 14 May was postponed again for 27 May. On 27 May the plenary session continued and several agenda items were processed but when the last agenda item was announced, it was ascertained that the quorum was lost as only 39 members were present in the plenary hall, thus the chairperson, as obliged by the rules of procedure, postponed the continuation of the plenary session for the next day 28 May. On 28 May, the Assembly was finally able to process the last remaining agenda item and thus finishing the plenary session started on 14 May.

*The postponements of the plenary session started on 14 May, as a result of lack of quorum in three occasions and upon a request made by a member of the Assembly and supported by at least three parliamentary groups on one occasion, shows the need for better planning and organization of plenary session agendas and for more coordination and consensus among parliamentary groups and the Presidency. It is strongly recommended that in order to avoid similar situations in the future, the planning of agendas be done in close coordination with the government and the parliamentary caucuses in order to determine which items and business points can be processed and finished and also to avoid the removal or adding of agenda items during the plenary sessions (unless urgent), as this has proved problematic in the past. These last minute changes can also lead to piling items onto future agendas, which as a result produce unnecessary problems in managing plenary sessions.*

#### Assembly continues to face difficulties in managing parliamentary question periods

- At the 14-15-22-27-28 May plenary session, only eleven out of 40 questions received a response, while six questions were postponed for the upcoming plenary session because the time for question period had elapsed. At the 28 May plenary session, only six out of 41 questions received a response. At least eleven questions were withdrawn by members of the opposition because they felt that the management of the plenary session was very poor, while the remaining questions were postponed for the next plenary session as the time for question period had elapsed. At the 11-18 June plenary session, only nine out of 33 questions received a response. At the 25 June plenary session seven out of 25 questions received an answer. The President of the Assembly or the chairperson announced that questions which had not received a response in two plenary sessions, would be published in the Assembly bulletin.

*Question periods during the reporting period were carried out by the Assembly in compliance with rule 26 on “Questions to the Government for oral answers”, which provides that the agenda of each session shall include a period of up to 50 minutes for members’ questions to the government, with one minute for the question, three minutes for the minister’s answer, one minute for a follow-up question, and two minutes for the response to the follow-up question.*

*It has been noted earlier and during this reporting period that all questions could not be processed during the 50 minute period because of the high number of questions submitted*



*by members. The OSCE has previously recommended that the Assembly should either extend the question period and/or limit the number of questions per member in order to give the opportunity to all members, who submitted questions, to put them forward in a timely manner and receive a response. It is worth mentioning that the Committee for Rules of Procedure has included new provisions in the new draft rules of procedure, according to which the question period would last up to 60 minutes and a member of the Assembly would have the right to ask only two questions per plenary session. New provisions intend to make the question period more effective by giving to members who submit questions a better opportunity to receive a response in a timely manner. However, even more than one and a half years after the beginning of the current mandate, new draft rules of procedure are not yet adopted by the Assembly. It is highly recommended for the Assembly to adopt the new rules of procedure in order to, among other issues, facilitate and carry out in a more sufficient manner the parliamentary question period.*

#### Assembly appoints the Ombudsperson

- The Presidency of the Assembly, at its meeting held on 2 June scheduled the appointment of the Ombudsperson for the plenary session to be held on 4 June. At the 4 June plenary session, the President of the Assembly announced that the Committee for Legislation and Judicial Affairs has reviewed the report of the panel for the selection of candidates for the Ombudsperson and invited the chairperson of the Committee for Legislation and Judicial Affairs, Mr. Bahri Hyseni (PDK) to inform the plenary about the recruiting process and the voting procedure. Mr. Hyseni informed the plenary that the Presidency on 31 March has authorized two parliamentary committees - the Committee for Human Rights, Gender Equality and Missing Persons along with the Committee for Legislation and Judicial Affairs - to establish a recruiting panel for the selection and interviewing of candidates for the Ombudsperson. The panel was established and chaired by a member of the opposition, Mr. Ibrahim Makolli (AKR). The Committee for Legislation and Judicial Affairs on 18 May reviewed the recommendations of the recruiting panel and concluded that the procedure of the selection and interviewing of the candidates was done correctly and based on the recommendation of the panel, the committee proposed three candidates – Mr. Sami Kurteshi, Mr. Besnik Osmani and Mr. Veton Vula – to the plenary for consideration. Mr. Hyseni further said that in the current mandate, the Committee for Legislation and Judicial Affairs, in three separate occasions, recommended candidates for the Ombudsperson<sup>6</sup> and noted that since the Ombudsperson is an important institution for the people of Kosovo which “will protect their rights and freedoms if those would be violated by government decisions”, invited the members of the Assembly to vote for one of the candidates in order to conclude the appointment of the Ombudsperson. The President of the Assembly, subsequently informed the plenary that the vote would be carried out by secret ballot and that members can vote for only one candidate. The President of the Assembly then called on each parliamentary group to propose their respective members to the voting commission in order to carry out and monitor the voting procedure. All parliamentary groups proposed their members and the President of the Assembly started calling each member in alphabetical order to cast their ballot. After the voting was finished, the voting commission counted the ballots cast. The President of the Assembly invited the chairperson of the voting commission to present the voting result. Mr. Enis Kervan (7+/KDTP) presented the result of the vote. He announced that a total of

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<sup>6</sup> The Assembly of Kosovo, during the current but also in the previous mandate, failed in four attempts to appoint the Ombudsperson since the promulgation of UNMIK Regulation 2006/6 in February 2006, which transferred the responsibility for the operation of the Ombudsperson Institution to local institutions. For further details see OSCE reports 01/2009, 05/2008 and 04/2008.

107 members voted and that Mr. Sami Kurteshi had received 65 votes, Mr. Besnik Osmani had received 27 votes and Mr. Veton Vula had received 10 votes, whereas five ballots were invalid. Thus, the chairperson of the voting commission, concluded that based on the result of the first round of voting Mr. Sami Kurteshi is appointed Ombudsperson for a five year mandate with no right of reappointment. The President of the Assembly, after the announcement of the voting result, invited the appointed Ombudsperson Mr. Kurteshi to take the solemn oath before the Assembly. Mr. Kurteshi, took the oath and the plenary came to its end.

*Section 6.2 of UNMIK Regulation 2006/6, On the Ombudsperson Institution, stipulates that the Ombudsperson shall be appointed by the Assembly of Kosovo according to open and transparent procedures by a vote having the support of a majority of the Members of the Assembly, which means the support of at least 61 members of the Assembly. Therefore, the appointment of the Ombudsperson by the Assembly of Kosovo was done in compliance with the UNMIK Regulation 2006/6 as well as the Assembly of Kosovo rules of procedure for the appointment of the Ombudsperson. The appointment of the Ombudsperson is an important step towards the sustained establishment of democratic institutions in Kosovo, especially in the field of human rights protection.*

#### Assembly endorses six judges to the constitutional court

- The Presidency, at its meeting held on 13 May has reviewed the government's proposal on the endorsement of six judges to the constitutional court. At this meeting, the President of the Assembly said that neither the constitution nor the applied law on the constitutional court provide a specific voting method thus, he proposed a voting method to be used. This proposal foresees that the voting would be open and electronic. The chairperson invites each parliamentary group to propose a list consisting of four candidates chosen by the group. The chairperson then puts these lists to an open vote. If one of the lists receives the votes of two thirds of the members present and voting, that list, respectively, the four candidates of that list become judges of the constitutional court. If none of the lists receives votes from two thirds of the members present and voting, than the two lists with the highest number of votes received will continue to a second round of voting. The chairperson puts these two lists to an open vote. If one of the two lists receives the votes of two thirds of members present and voting, the list is considered as passed, otherwise, the list that received the highest number of votes in the second round, advances to the third and final round of voting. The chairperson then puts the remaining list to an open vote. If the list receives the votes of two thirds of the members present and voting, the candidates of that list will be considered as appointed. If the remaining list does not receive the support of two thirds of members, the voting process ends. A debate took place at the Presidency meeting mainly expressing worries about the proposal but in the end it was agreed to use the proposed voting method.

At the 15 May plenary session, the President of the Assembly informed the plenary that four out of six judges will be endorsed with the support of two thirds of all members present and voting. Two judges from the non Kosovo Albanian communities will be endorsed with the support of two thirds of all members present and voting after these two candidates have initially received the support from the majority of members from the non Kosovo Albanian communities. The President of the Assembly then called on the parliamentary groups caucuses to propose their lists with candidates. Mr. Ramë Buja (PDK) on behalf of the PDK parliamentary group proposed a list of four candidates: Mr. Enver Hasani, Ms. Gjyljeta Mushkolaj, Mr. Kadri Kryeziu and Ms. Iliriana Ismaili. Mr. Lutfi Haziri (LDK) on behalf of the LDK parliamentary group supported the list proposed by the PDK parliamentary group. Ms. Ritë Hajzeraj (AKR) on behalf of the AKR

parliamentary group criticised the voting method proposed but, nevertheless, proposed a list of four candidates: Mr. Riza Smaka, Mr. Enver Hasani, Ms. Gjyljeta Mushkolaj and Mr. Fejzullah Berisha. Mr. Ardian Gjini (AAK) on behalf of the AAK parliamentary group supported the list proposed by the PDK parliamentary group. Mr. Lulzim Zeneli (LDD) on behalf of the LDD parliamentary group proposed a list of four candidates: Mr. Halit Muharremi, Mr. Enver Hasani, Ms. Iliriana Ismajli and Ms. Gjyljeta Mushkolaj. Ms. Mufera Sinik (7+/KDTP) on behalf of the 7+ parliamentary group supported the list proposed by the PDK parliamentary group and proposed its own candidate Mr. Altay Suroy. Mr. Bojan Stojanović (SLS) on behalf of the SLS parliamentary group supported the list proposed by the PDK parliamentary group and also proposed its own candidate Mr. Ivan Čukalović. Slaviša Petković (Zajedno) on behalf of the Zajedno parliamentary group supported the list proposed by the PDK parliamentary group as well as both non Kosovo Albanian candidates proposed by the 7+ and SLS parliamentary groups.

After all proposals were presented, the President of the Assembly put to vote the candidate proposed by the SLS parliamentary group, and explained that at this point only the non Kosovo Albanian members are called to vote. Mr. Ivan Čukalović received the support of all - 22 - non Albanian members present and voting. The President of the Assembly then put to vote the candidate proposed by the 7+ parliamentary group. Mr. Altay Suroy received the support of 17 non Kosovo Albanian members present and voting while five votes were against. The President of the Assembly announced that both non Kosovo Albanian candidates received the vote of the non Kosovo Albanian communities and thus put the two candidates to be voted by all members present and voting. The two candidates received 71 votes in favour, three votes against while five members abstained.

The President of the Assembly proceeded by putting to vote the lists proposed by the Kosovo Albanian parliamentary groups. The first list put to vote was the list proposed by the PDK parliamentary group supported by the LDK and AAK parliamentary groups. The list received 76 votes in favour, six votes against and two abstentions. The President of the Assembly announced that the list received the support of two thirds of the members present and voting as required and that the Assembly endorsed the six judges to the constitutional court which will be forwarded to the President of Kosovo for his approval. With the endorsement of the six judges the plenary session came to its end.

*The two documents that make mention of the constitutional court and the endorsement of judges to the constitutional court, are the constitution and the applied law on the constitutional court. However, the constitution only mentions briefly the support needed – two thirds of the members present and voting - in order for the judges to the constitutional court to be endorsed but does not specifically provide a voting method to be used, while the applied law on the constitutional court does not provide a voting method nor the support needed but, only the procedure for the selection and short listing of candidates. Thus, in absence of a specific voting method to be used, the President of the Assembly, at the 13 May Presidency meeting, proposed a specific voting method as mentioned in the paragraphs above. The proposal, although thoroughly debated, was supported by most of the Presidency members and parliamentary caucuses. It would have been advisable for the President of the Assembly to put the proposal to vote in the Assembly session in order for the proposed voting method to be supported by members of the Assembly, thus making it more democratic and representative., The vote on the constitutional judges was done in compliance with the proposed voting method.*

Assembly appoints deputy Prime Minister Hajredin Kuçi as chairperson to the ad hoc committee for the selection of candidates to the board of Radio Television of Kosovo

- At the plenary session held on 30 April, the agenda item – establishment of the ad hoc committee for the selection of candidates to the Board of Radio and Television of Kosovo - was postponed for the upcoming plenary session upon the request made by the PDK parliamentary group, because the group wanted to change the initial member it had proposed to the ad hoc committee. On 29 April, the PDK parliamentary group sent a letter to the Presidency letting the Presidency know that the deputy Prime Minister Hajredin Kuçi (PDK) is proposed as chairperson to the ad hoc committee instead of Mr. Hajdin Abazi. At the 14-15-22-27-28 May plenary session the establishment of the ad hoc committee was scheduled. When the chairperson announced the agenda item he informed the plenary that all political parties represented in the Assembly of Kosovo had proposed their candidates to the ad hoc committee and that it was unnecessary for the parliamentary groups to issue further statements on the matter at this time and moved to put the list of candidates to vote. However, as there was reaction from the opposition parties he gave the floor to the parliamentary groups representatives. Mr. Bahri Hyseni (PDK) on behalf of the PDK parliamentary group said that he supports the list and called on the members to vote it. Mr. Lutfi Haziri (LDK) on behalf of the LDK parliamentary group said that two issues should be carefully looked upon: the presence of government members in the ad hoc committee and the representation of the uncertified political parties which have entered the Assembly as part of a coalition with bigger parties and continued that most of the political parties managed to enter the Assembly simply because they entered coalitions with bigger political parties. However, he supported the list. Mr. Esat Brajšhori (AKR) on behalf of the AKR parliamentary group said that he is against the newly proposed PDK candidate as he holds the post of deputy prime minister thus cannot be appointed to an *ad hoc* committee of the Assembly as it is prohibited by rule 42 of the Assembly rules of procedure. He further called on the PDK parliamentary group to reconsider their candidate and concluded that if his proposal is not taken into consideration, the AKR parliamentary group would not vote on the list of candidates. He also supported Mr. Lutfi Haziri with regards to the inclusion of candidates of all political parties on the list. Ms. Gjylnaze Sylja (AAK) on behalf of the AAK parliamentary group supported the LDK and AKR representatives and added that Mr. Kuçi is not only a high member of the government but also a member of the Assembly and a professor alluding that he is already involved in a conflict of interest and that the Assembly should not allow him to be appointed as chairperson to the ad hoc committee. Ms. Besa Gaxherri (LDD) said that she was disappointed by the PDK and said that the LDD would not take part in the voting of the current list of candidates as it represents a violation of the rules of procedure. Mr. Bahri Hyseni (PDK) defending the nomination of Mr. Kuçi said that the Assembly was not establishing the ad hoc committee based on the rules of procedure but, rather, based on the law No. 02/L-47 on Radio Television of Kosovo. The chairperson said that as far as the inclusion of candidates of all political parties represented in the Assembly, the issue was debated at a meeting of the Presidency and it was decided to proceed according to the law on Radio Television of Kosovo, which requires that all political parties represented in the Assembly have one member on the ad hoc committee. At that point, as the chairperson was about to put the list to vote, all of the members of the AAK parliamentary group and most of those of the LDD parliamentary group left the plenary hall, leaving the plenary with no voting quorum. The chairperson said that no vote can be taken as the number of Assembly members decreased below half, but pointed out that the discussion can continue as their number (slightly over one third) allows for the discussion and that several other Assembly members requested the floor. But, at this point members started leaving the plenary hall, presumably because it was clear that the vote could not take place, and the

number of present members fell below one third, at which point, the chairperson closed the debate on the agenda item and postponed the voting for 28 May.

At the continuation of the plenary session on 28 May, the chairperson, Mr. Xhavit Haliti (PDK) stated that the debate on the item was finished during the previous day and that only the voting remained to take place. Again, opposition parties reacted negatively and the chairperson countered that the debate was over and that each party has the right to propose its candidate pursuant to the law on Radio Television of Kosovo and that each political party in the Assembly of Kosovo has the right to have a member in the ad hoc committee. The chairperson, despite the continuous objection coming from the opposition, put the list of candidates to vote which was endorsed with 56 votes in favour, 28 votes against and five abstentions, enabling the deputy Prime Minister Hajredin Kuçi (PDK) to be appointed chairperson to the ad hoc committee for the selection of candidates for members to the RTK board.

*Rule 42.1 of the Rules of Procedure foresees that “A Minister may not be a member of a Committee”. Furthermore, rule 50.1 foresees that “The Assembly may establish an ad-hoc committee with all the powers of a functional committee ... where the Assembly decides to establish such a committee, its decision shall include the composition of the ad hoc Committee, in accordance with Rule 42”. Thus, the appointment of the deputy Prime Minister Hajredin Kuçi as chairperson to the ad hoc committee is a violation of the rules of procedure. The statement of Mr. Bahri Hyseni (PDK) that the ad hoc committee was being established based on the law on RTK rather than based on the Assembly rules of procedure ignores the fact that the ad hoc committee is an Assembly body, and that its composition should be in compliance with the Assembly rules of procedure.*

*The OSCE Mission in Kosovo, on 29 May sent a letter to the President of the Assembly, Mr. Jakup Krasniqi, expressing its concerns regarding the appointment of Mr. Kuçi as chairperson of the ad hoc committee. The letter stated that “The OSCE Mission in Kosovo is concerned that the appointment of Mr. Kuçi, to the position of the Chairperson of the ad-hoc committee for the selection of the Board of Directors of RTK, can have an undue influence on the independence of the public broadcaster, RTK, and that this would, furthermore, impede the selection process of the RTK Board of Directors and the amending of the law on RTK. Thus, the Mission would encourage you to comply with the Rules of Procedure of the Assembly of Kosovo and consequently, reconsider the appointment of Mr. Kuçi to the ad-hoc committee for the selection of Board of Directors of RTK”. However, no action has been taken by the President of the Assembly to ensure compliance with the rules of procedure on this matter and Mr. Kuçi remains the chairperson of the ad-hoc committee.*

#### Parliamentary group “Zajedno” ceases to exist

- On 3 June, the member of the Assembly, Mr. Dragiša Mirić (SKMS) sent a letter to the President of the Assembly notifying him of his decision to leave the parliamentary group “Zajedno”. Mr. Mirić stated that he made his decision because the agreement for the establishment of the parliamentary group was not being respected and also because the group was not functioning pursuant to the interests of the coalition partners<sup>7</sup>. The Presidency, at its meeting held on 2 June reviewed the letter and concluded that with the departure of Mr. Mirić, the group remained with only five members and no longer constituted a parliamentary group pursuant to the Assembly rules of procedure. The President of the Assembly at the 4 June plenary session informed the plenary that the

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<sup>7</sup> Presumably, Mr. Mirić was referring to the coalition partners forming the “Zajedno” parliamentary group, not the governing coalition partners.

recently established parliamentary group “Zajedno” ceased to exist as one of its members left the group.

*Under Rule 11.1 (Chapter IV of the rules of procedure), any six or more members of the Assembly may form a parliamentary group, based on a common political aim, and the parliamentary group shall inform the Presidency of the Assembly of the name of its leader and other members. The decision of Mr. Mirić to leave the parliamentary group, thus leaving the group with only five members, automatically brought “Zajedno” parliamentary group to its dissolution.*

#### **4. Access**

- During the reporting period, the OSCE Mission in Kosovo received access to the plenary sessions, Presidency meetings and committee meetings under review. The OSCE Mission in Kosovo also received copies of documents considered by the Assembly and transcripts of plenary sessions.

#### **5. Transparency**

- The Assembly has published the records of electronic votes of decisions taken at plenary sessions during the reporting period. The publishing of the records of electronic votes is an important step forward in enhancing the transparency of the Assembly, especially members’ accountability to their constituents.
- Radio Television Kosovo provided live television coverage of the plenary sessions under review. Members of the public and institutional monitors were granted admission to the plenary sessions. The Assembly has a website ([www.kuvendikosoves.org](http://www.kuvendikosoves.org), [www.skupstinakosova.org](http://www.skupstinakosova.org), [www.assembly-kosova.org](http://www.assembly-kosova.org)) containing biographical details of members of the Assembly, information about the structure and functioning of the Assembly, minutes and transcripts of Assembly sessions and Committee meetings, copies of laws and resolutions adopted by the Assembly, along with other information.

ENDS.