



Republika e Kosovës
Republika Kosovo-Republic of Kosovo
Kuvendi - Skupština - Assembly

Law No.03/L –176

ON PARLIAMENTARY INVESTIGATION

Assembly of Republic of Kosovo,

Based on Article 65 (1) of the Constitution of Republic of Kosovo,

Approves

LAW ON PARLIAMENTARY INVESTIGATION

CHAPTER I
GENERAL PROVISIONS

Article 1
Purpose of the Law

Purpose of this Law is to regulate the functioning of the Investigation Committee by determining organizational structure, activity, competencies and responsibilities of Investigation Committee.

Article 2
Scope

1. The scope of the committee should be in compliance with Constitution and legal provisions of the international right, by not violating the independence and not interfering with the activities of other bodies.

2. The Committee shall be established to investigate problems, issues that involve directly the responsibilities of the Government or State.
3. The Committee shall be established with the aim to conclude, describe the flow of events in order to clarify what has happened and to define responsibilities of those involved in it.
4. The Committee shall be established to inform, recommend, exercise the parliamentary supervision and achievement of a conclusion.
5. The Committee shall be established and functions on the basis of constitutional principles and rules defined by this Law.
6. The Committee prepares the final report regarding the investigations within the given term by the Assembly and in compliance with the Law.

Article 3 Definitions

1. Terms used in this law have the following meanings:
 - 1.1. **Day** - the calendar days.
 - 1.2. **Committee** - the ad hoc Parliamentary investigative Committee established by the Assembly of Kosovo.
 - 1.3. **CPCK** - the Criminal Procedure Code of Kosovo.
 - 1.4. **CCK** - the Criminal Code of Kosovo.
 - 1.5. **Personnel of the Assembly** - the civil staff of the Assembly of Kosovo.
 - 1.6. **Parliamentary investigations** - procedural actions taken by the Committee, in order to reveal a case or a specific issue, without having an accused party and without raising an indictment.
 - 1.7. **Evidence** - any information, proof, document or a fact that contributes to issuing the conclusions from the investigation.
 - 1.8. **Impermissible questions** - questions which according to the CCK are not permissible to be raised or in which the answer could be refused.
 - 1.9. **Appellant** - the committee or a group of deputies that propose the establishment of the Investigative Committee.

CHAPTER II GENERAL PROVISIONS

ESTABLISHMENT OF THE INVESTIGATIVE COMMITTEE

Article 4

Procedure for Establishing the Parliamentary Investigative Committee

1. The right to initiate the procedure for establishing the Committee have six (6) deputies, a permanent Parliamentary Committee or 1/3 of members of the Assembly.
2. The proposal for establishing the Committee is tabled to the Presidency of the Assembly in writing and it should include the issue which will be investigated, the justification, the signature of the initiation group, the proposal on the amount of the Committee members and the time frame within which the mandate of the Committee will rest, which cannot be longer than six (6) months.
3. In cases when the request for the committee is tabled by 1/3 of the deputies, the Assembly in the next plenary session mandatory establishes the Committee for the requested matter.
4. In cases of initiation by a permanent Parliamentary Committee or a group of deputies that consists less than 1/3 of deputies of the Assembly, the Assembly may decide by the majority of votes for establishing the committee.
5. The Committee cannot be established during six (6) last months of the Assembly's mandate

Article 5

The Intermission of the Committee's Work

1. The Assembly decides for the intermission of the Committee work before the end of the mandate, this only by the request of the initiator (of the committee) and with the majority of votes by all deputies.
2. In cases when the Assembly is dismissed before the end of the regular mandate, the Committee will also cease to exist.
3. Issues that once have been an object of parliamentary investigation in one of the mandates of the Assembly cannot be again subject of parliamentary investigation, except in cases indicated in paragraph 2 of this Article.

Article 6
The Mandate of the Committee

1. The issue determined for parliamentary investigation can be subject of amendment by a decision of the Assembly or extended later by a decision of the Assembly, if the initiator of the Committee has agreed with that amendment.
2. The Committee is obliged to stick to its mandate given by the Assembly. Amendment or the later extension of the mandate can be done only in accordance with the 1 paragraph of this Article.
3. The mandate for investigating a matter is six (6) months when the committee should present the final report.

Article 7
Obligations of the Assembly Bodies

1. The President of the Assembly, not later than seven (7) days from the date of receipt of the request for establishing the Committee invites the Presidency of the Assembly to discuss upon the initiative.
2. Irrespective from the initiators proposal on amount of members of the Committee, the Presidency of the Assembly before establishing the Committee can propose to the Assembly the extension or the decrease of the general number of the members of the Committee.
3. The Presidency proposes to the Assembly the composition of the Committee based on nominations of Parliamentary Groups for members of the Committee. In case that one Parliamentary Group doesn't respond to the request of the Presidency on time, the Presidency proposes to the Assembly the compositions by the nominations made by the Parliamentary Groups and non nominated positions are left empty.
4. The Presidency of the Assembly includes the request for establishing the Committee in the agenda not later than three (3) calendar weeks after the date when the request is presented by the applicant. In case where the Presidency doesn't succeed to put the request in the aforementioned term, the request is reviewed without the proposal of the Presidency in the first upcoming meeting of the Assembly.

CHAPTER III
ORGANIZATION AND FUNCTIONING OF THE INVESTIGATIVE
COMMITTEE

Article 8
Composition of the Committee

1. Members of the Committee may be only deputies of the Assembly of Kosovo.
2. The Committee consists of not less than seven (7) and not more than fifteen (15) members. Number of members of the Committee should always be odd.
3. Every Parliamentary Group of the Assembly shall be represented in the Committee with at least one (1) member.
4. In principle, when the composition of the Committee is determined the proportion of the representation of Parliamentary Groups in the Assembly shall be taken into consideration. However, the Committee shall consist of deputies coming from the parties that are in a governmental coalition and in the opposition, in closest representative relations. The difference of total members of the Committee in relation coalition to opposition in the Assembly cannot have more than one (1) member.

Article 9
Dismissal from the Investigative Committee

1. A member of the Committee may resign from the membership in the Committee only by its own initiative at any time, except in the period after the finalization of the investigative procedures and of the beginning of reviewing the results by the Committee.
2. The Committee decides necessarily to dismiss a member of the Committee, if he misses three (3) times in a row in the sessions of the Committee without any legal justifiable reason.
3. In case of dismissing a member of the Committee, the Chairperson of the Committee immediately informs the Presidency of the Assembly.
4. Dismissed member of the Committee need to be replaced by the political group which they represent, except cases when it is concluded that the member for no reason interferes the work of the committee.
5. The Assembly in the next upcoming plenary session decides for the appointment of the new member of the Committee.

Article 10
Chairperson of the Committee

1. The Chairperson of the Committee is appointed by the Assembly when the committee is established. The Chairperson is appointed from the biggest Parliamentary Group which is not initiator of the investigation Committee and does not belong to the party of governing coalition. Deputy Chairperson of the Committee is appointed by the Assembly on proposal of the initiator or the initiating group of the committee.
2. The Chairperson of the Committee conducts the work of the Committee in compliance with this law and decisions of the Assembly for establishing the Committee. In absence of the Chairperson, his/her duties shall be carried out by the Deputy Chairperson.

Article 11
Meetings of the Committee

1. The first meeting of the Committee is convoked by the Chairperson of the Committee, not later than fourteen (14) days from the date when the Assembly took the decision for establishing the Committee.
2. The Chairperson convokes the meetings of the Committee in conformity with the working plan which is approved by the Committee in one of the first meetings of the Committee.
3. On request of 1/3 of the members of the Committee, the Chairperson convokes the meeting on the date required by the proposing group.
4. Members of the Committee and the support staff are obliged to keep the confidentiality related to the information and the work of the Committee.
5. Provisions for the work of permanent committees determined with the Rules of Procedure of the Assembly are implemented in accordingly for the investigation Committee, except cases when this law indicates differently.

Article 12
Decision making

1. Committee meetings and sessions are held only if more than half of Committee members are present (the quorum).
2. The committee takes decisions by a simple majority of the members present.
3. In cases when during the meeting there is no quorum, the Chairperson interrupts the meeting for a certain time. In case that within this time no quorum is reached, the

Chairperson closes the meeting and calls for another meeting not later than seven (7) days.

4. If one member of the Parliamentary Group does not participate in the meeting three (3) times in row for no reason then the Committee requires from the Assembly replacing the member, not necessarily by the same Parliamentary Group.

CHAPTER IV ACCOMPLISHMENT OF PARLIAMENTARY INVESTIGATIONS

Article 13 Rights and Duties of the Committee during the Investigative Phase

1. With the aim to fulfill the investigations, the Committee has the right:
 - 1.1. to summon the holders of public functions to be heard before the Committee;
 - 1.2. to summon other natural and legal persons to be heard before the Committee;
 - 1.3. to summon persons from point a. and b. to give their testimony under oath;
 - 1.4. to have the absolute access in all official documents;
 - 1.5. to request hearing of evidence;
 - 1.6. to order for compulsory behavior of persons from sub-paragraphs 1.1., 1.2. and 1.3. of this paragraph called to give their testimonies in front of the Committee;
 - 1.7. to establish an investigative group to develop specific investigations from members of the Committee.
2. The Committee is entitled to ask for an independent experts` expertise while accomplishing their tasks. Financial means for this expertise shall be provided by the Assembly.
3. The work of the Committee is supported by the Assembly staff.

Article 14
Working Phases of the Committee

1. The work of the Committee is divided in three (3) main phases:
 - 1.1. investigation phase
 - 1.2. evaluation of investigations
 - 1.3. preparation of the final report

Article 15
Investigation Phase

1. The Committee compiles and approves the action plan on the matter that is object of investigation.
2. The action plan contains the procedural actions, investigative actions and time frame to be followed by the Committee on the investigating matter, as well the circle of persons to be heard and to be taken as witnesses or experts.
3. The action plan may change during the progress of investigations, in cases when new events occur or new evidence comes to light that are linked with the matter that is investigated.
4. Every member of the Committee can propose procedural actions, hearing of evidences and investigative actions linked to the matter.

Article 16
The Publicity of the Committee Meetings

1. Meetings of the Committee are public, except in cases when it is foreseen differently by law or in cases when the Committee decides for close session.
2. Meetings of the Committee are necessarily closed in cases when the Committee reviews the gathered evidences or decides based on them.
3. The Committee decides for close session in the cases when this is needed for:
 - 3.1. safeguarding the official secrecy;
 - 3.2. safeguarding the secret information which will be jeopardized by public review;

- 3.3. safeguarding the order and respecting the law;
 - 3.4. protection of personal or family life of a person that is affected by the procedure;
 - 3.5. protection of those affected or of witnesses; and
 - 3.6. protection of enterprise secret.
4. The Committee can decide for a closed meeting or meeting with limited participation of the public with simple majority of votes. In this case the Committee decides for a circle of persons authorized to be present in the meeting of the Committee.
5. Request for a closed session or limited participation can be made by;
- 5.1. one (1) member of the Committee that is present;
 - 5.2. a witness;
 - 5.3. an expert;
 - 5.4. a person that is heard by the Committee.
6. The decision for a closed or limited meeting is made public by the Chairperson of the Committee in an open meeting.
7. Sessions of the Committee are recorded only through official electronic equipment of the Assembly and safeguarded as an official secrecy except if the Committee decides differently.
8. In the next meeting of the Committee the minutes of the meeting are approved and signed by the Chairperson.

Article 17

Keeping the Order in the Meetings of the Committee

1. The Chairperson is in charge for keeping the order in the meetings of the Committee.
2. Every participant that is present, except the members of the Committee who do not respect the order in the meeting of the Committee can be expelled from the meeting room. If they refuse to leave, then they will be taken out by force from the security personnel.
3. Against persons from paragraph 2 of this Article the prosecutor's office may be requested to initiate a criminal procedure.

4. The Committee can also decide to deny the right of persons mentioned in paragraph 2 of this Article to participate in the Committee meetings.

Article 18 Evidence

1. The Committee decides for hearing and reviewing of evidences.
2. Provisions of CPCCK regarding the proof and witnesses are applicable accordingly.
3. On request of 1/3 of members of the Committee the evidence shall be heard, except in cases when this is not in conformity to the legal procedures.
4. All natural and legal persons (private or public) are obliged to submit to the Committee all documents or other material evidence requested from them.
5. In case of a rejection or unjustifiable delay for submission of evidences by the entities mentioned in paragraph 4 of this Article, the committee will request from the Competent Court to secure the certain requested evidence.
6. The Courts are obliged to submit to the Committee the required proofs as in paragraph 5 of this Article.

Article 19 Witnesses

1. The Committee compiles the list of witnesses.
2. The list can be adjourned until the closure of investigation phase.
3. The Committee even during the closure of investigation phase when it is considered that the proof of the witness can essentially change the flow of the process can decide to hear the closing phase too.
4. The Committee invites witnesses to clarify different circumstances linked to the matter that is investigated.
5. Alignment of proof to be heard in front of the Committee is decided with a consensus. If the Committee doesn't reach a consensus then the alignment is decided with majority of votes.
6. Witnesses are obliged to reply to the invitation for summoning in front of the Committee. The invitation note shall contain the date and hour, venue, matter for which

is the evidence requested, the rights of the witness in the procedure as well the legal consequences in case the witness does not respond to the invitation of the Committee.

7. In case the witness does not respond to the invitation of the Committee, the Committee can request to be taken measures against the witness in conformity with the applicable laws.

8. Provisions of CPCK regarding the witnesses are applied accordingly in the investigative procedure of the Committee.

9. Public bodies are obliged to allow the officer or a public employee to give testimony in front of the Committee, except in cases when the law provides differently.

10. The witness is obliged to testify in conformity to the procedures foreseen by this law and by CPCK. In contrary the witness can be subject to legal sanctions foreseen by this law. The Committee can ask also hearing of criminal procedure against the witness who does not testify in conformity to his obligations set out with this law or with the provisions of CPCK.

Article 20 **Interrogation of the witness**

1. Witnesses are questioned by the members of the Committee.

2. Chairperson of the Committee informs the witness before the beginning of his/her testimony regarding his/her rights and responsibilities in the procedure.

3. The witness is obliged to answer the questions of the Committee, except in cases when it is foreseen differently with the provisions of CPCK.

4. The witness can refuse to answer the impermissible questions. Chairperson of the Committee has the task to intervene against an impermissible question.

Article 21 **Expertise**

1. Experts are proposed and appointed by the members of the Committee.

2. The experts are called and have obligations as provided with the provisions of CPCK.

3. The person who is called as an expert has the task to respond to that call and to give his expertise, except in cases foreseen by Article 178 of CPCK.

4. The Committee and the expert agree regarding the time frame for giving or submitting the expertise. Deadlines are obligatory for the expert. If the expert delays the expertise for unjustifiable reasons, the Committee can require to be taken measures against the witness in conformity with the applicable laws.

5. Experts give their expertise based on the principle of professionalism and impartiality.

Article 22

Completion of the Investigation

1. The investigation is deemed as complete by a decision of the Committee, when the items of the investigative plan are fulfilled and when the Committee has a clear opinion on the matter of the subject of the investigation.

2. The Committee decides for completing the investigation phase with a consensus. In case there is no consensus, the Committee decides with the majority of votes.

CHAPTER V

REPORT FOR THE ASSEMBLY

Article 23

Final Report

1. After finalizing the investigations and their evaluation, the Committee prepares its final report. The report needs to reflect in objective manner the flow of the procedure, conclusions from the investigation, evidence that led the Committee to take these conclusions and proposals for the Assembly on the investigated matter.

2. The details on the sources of evidence are not published in the final report.

3. The final report is approved by the Committee with a consensus. In case the Committee does not reach consensus, the decision is taken by the simple majority of votes.

4. Members of the Committee which don't agree with the conclusions or the content of the final report have the right to present their opinion regarding the report on a written form. This opinion needs to have justification and necessarily should be attached to the final report.

5. The Chairperson of the Committee submits the final report of the Committee of the Assembly within ten (10) days from the day of its approval by the Committee. The Presidency of the Assembly should include it in the agenda of the Assembly's session

review of the report within a following term of thirty (30) days from the day of its submission.

6. To the final report is also attached the decision taken by the Assembly for establishment of the Committee, and the investigation plan of the Committee.

7. Material proofs, testimonies of the investigation and the expertise are archived and preserved in accordance with the law.

8. If it is evident that the Committee cannot manage to prepare the final report before the end of the relevant mandate of the respective legislation, then the Assembly may ask for a report of the Committee on the present situation of the investigation.

9. By a decision of the Assembly, the Committee could be requested to write a temporary report.

CHAPTER VI OTHER PROVISIONS

Article 24 The Budget of the Committee

1. For its activities, the Committee has a special budget approved by the Assembly upon proposal of the Committee.

2. The Committee manages in an autonomous manner the special budget allocated by the Assembly and presents the report according to the requests of the Assembly.

3. General legal provisions implemented by the Court regarding the compensation and costs regarding the experts and witnesses are applicable also for the Committee.

Article 25 Final Provisions

The committee can issue internal rules according to the need, which should not be in contradiction with this law and with the Rules of Procedure of the Assembly of Kosovo.

Article 26
Entry into Force

This Law shall enter into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law No.03/L –176
4 June 2010

The President of the Assembly of Republic of Kosovo

Jakup Krasniqi