



REPUBLIKA E KOSOVËS - PRESIDENTI
REPUBLIC OF KOSOVO - THE PRESIDENT
REPUBLIKA KOSOVA - PRESEDNIK

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

**REGULATION OF RULES AND PROCEDURE OF
THE PREPARATORY TEAM FOR THE
ESTABLISHMENT OF THE TRUTH AND
RECONCILIATION COMMISSION**

Prishtina, 12.07.2018



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PREPARATORY TEAM FOR THE ESTABLISHMENT OF THE TRUTH AND RECONCILIATION COMMISSION

Preparatory team for the establishment of the Truth and Reconciliation Commission,
Pursuant to sections 5 and 10 of the Decision No. 61/2018 of the President on the appointment of
the Preparatory team for the establishment of the Truth and Reconciliation Commission (Protocol
Number 595-27.04.2018), at a meeting held on July 12th 2018, approves:

**REGULATION OF RULES AND PROCEDURE OF THE PREPARATORY
TEAM FOR THE ESTABLISHMENT OF THE TRUTH AND
RECONCILIATION COMMISSION**

I. GENERAL DISPOSITIONS

Article 1
Aim

This regulation determines the rules and working procedures of the Preparatory Team for the
establishment of the Truth and Reconciliation Commission, (in the following text: the Team) and
its Secretariat.

Article 2
Scope

Dispositions of this Regulation are obligatory for all members of the Team and its Secretariat.

Article 3
Definitions

1. Terms used in this Regulation have the following meaning:

- 1.1. **Team members**- if not otherwise stipulated, it means the Chairman and the members of the Team;
- 1.2. **Team** - Preparatory Team for the establishment of the Truth and Reconciliation Commission, appointed by the Decision of the President consists of nine (9) members, five (5) representatives of the civil society, two (2) from the Presidency and one (1) from the Parliament and one (1) from the Government;
- 1.3. **Archival Fund**- the total of documents, received and created during the activity of the Team, from its establishment until the expiration of the allocated time-frame;
- 1.4. **Commission or the TRC**- Truth and Reconciliation Commission;
- 1.5. **President** – President of the Republic of Kosovo;
- 1.6. **Secretariat** – Team support Secretariat;
- 1.7. **Decision of the President** – Decision No. 61/2018 of the President on the appointment of the Preparatory team for the establishment of the Truth and Reconciliation Commission (Protocol Number 595-27.04.2018);
- 1.8. **Observer**- Interested parties participating at the Team meetings and activities, who have no right of vote in any Team activity process.

II. PREPARATORY TEAM FOR THE ESTABLISHMENT OF THE TRUTH AND RECONCILIATION COMMISSION

Article 4

Duties and Responsibilities of the Team

1. The Team has its duties and its responsibilities determined by the Section 3 of the Decision of the President, as follows:
 - 1.1. Drafts respective normative act for the establishment of the Truth and Reconciliation Commission (the Commission);
 - 1.2. Drafts relevant documentation which regulate internal functioning, decision making and administration of the Commission;
 - 1.3. Prepares the Commission organogram proposal;
 - 1.4. Proposes the criteria and the process to be followed for the election of the Commission members and supporting personnel;
 - 1.5. Drafts the support personnel engagement plan;
 - 1.6. Drafts the training plan for Commission members and for the support personnel;
 - 1.7. Identifies threats and risks for Commission members, mitigation of thereof and resources required;
 - 1.8. Proposes the required logistic infrastructure for the functionalisation of the Commission;

- 1.9. Prepares the budget plan and planning for fund raising from local and international sources;
- 1.10. Compiles the plan for information campaign for the Commission, and
- 1.11. Other issues which the Team considers necessary for the functioning of the Commission.

Article 5

Team Chairperson

1. Team Chairperson has the following competencies:
 - 1.1. Organises and looks after the proper functioning of the Team;
 - 1.2. Ensures implementation of this regulation and relevant legislation in force;
 - 1.3. Is accountable for the activities of the Team;
 - 1.4. Undertakes activities on behalf of the Team;
 - 1.5. Represents the Team in public or authorises another member to represent the Team;
 - 1.6. In coordination with Team members prepares the work plan;
 - 1.7. In coordination with Team members prepares the work budget;
 - 1.8. Determines the duties and activities of the Team members;
 - 1.9. Informs the Team members on the activities and proceedings of the Team;
 - 1.10. Calls and chairs the team meetings;
 - 1.11. Undertakes other tasks requested by the Team.
2. Team Chairperson is directly responsible to the President and reports to the President on monthly basis on the proceedings.

Article 6

Team members

1. Team members are obligated to implement the duties and responsibilities in concordance with the Team mandate, as prescribed by the decision of the President, This Rules and Procedure and other Team documents.
2. Team members participate at the Team meetings and in implementation of the duties in conformity with this Regulation.
3. Team members are entitled to request via the Chairperson any information related to Team's activity.
4. Team members must refrain from any activity, presenting of information or positions which may violate or endanger the proceedings of the Team and the establishment of the Commission.
5. Team members may provide official information and press statements only when authorised to do so by the Chairperson.

Article 7 Resignation

1. Team members can resign from the Team.
2. The team members notify the President about the resignation.

Article 8 Dismissal

1. The Team, with a majority of votes, may request from the President to dismiss each member, including the chairperson, if:
 - 1.1. Team member has been convicted through final and enforceable decision by the competent court of law for criminal offence;
 - 1.2. Does not perform the duties assigned by the Team;
 - 1.3. Misuses and or/ neglects his work as a Team member;
 - 1.4. Does not participate without a valid reason in 3 (three) consecutive Team meetings.

Article 9 Replacement

Election process of the new members, replacing the members who have resigned or have been dismissed is the same as with the election of the Team members.

Article 10 Principles of the behaviour of Team members

1. Members of the team are independent in exercising of their functions, and in reaching the decision, they rely in impartiality, confidentiality, professionalism and in compliance with the Constitution of the Republic of Kosovo.
2. Team members fulfil their duties and responsibilities led by personal integrity and honesty.
3. Members of the Team, during their activity, must observe the following principles:
 - 3.1. Not to allow their personal interests to clash with their official position, must avoid any conflict of interest and not to misuse their position for their own personal benefit;
 - 3.2. To undertake their duties and tasks in rightful and efficient manner;
 - 3.3. To establish and preserve the trust between team members and to be able to create a good relationship with those they serve;
 - 3.4. Not to publish the confidential information communicated to them during the proceedings or to allow for such information to be gained by anyone else.

4. Any Team member found to have violated the above principles may be removed from the team.
5. No individual may exercise or attempt to exercise any political, administrative, financial or any other type of influence at the Team, Secretariat or personnel engaged by the Team. In such cases, Chairperson and the President must be informed, and due measures shall be undertaken, in conformity with the laws in force.
6. Chairperson and Team members, sign the Declaration Under Oath, in conformity with the Appendix 1 of this Rules and Procedure.
7. Members of the secretariat, sign the Declaration Under Oath, in conformity with the Appendix 2 of this Rules and Procedure.
8. Observers participating at the Team meetings and activities and the work of the team, sign the Declaration Under Oath, in conformity with the Appendix 3 of this Rules and Procedure.

III. ACTIVITIES OF THE TEAM

Article 11 Team meetings

1. All members shall be invited to the team meetings.
2. At the invitation for participation at the meetings, Secretariat informs the Team members on the date, place, and the time of the meeting, and with the proposed agenda and the materials.
3. The invitation for participation, together with the respective materials, must be submitted to the Team member's not later than three (3) days before the date set for the meeting.
4. The Chairperson decides on the date and time of the forthcoming meetings, except in cases when the Team has decided otherwise.
5. Team meetings may be initiated by three or more Team members.
6. Chairperson chairs the meetings, leads the discussions and ensures the proper proceedings and reaching of just decisions.
7. If the Team members need to debate an issue which cannot be delayed, the Chairperson may convene a meeting in a time period shorter than that stipulated by paragraph 3 of this Article.
8. Secretariat, with Chairperson's approval, may decide to submit the invitation for participation at the meeting, together with other materials, when the Team decides on such an issue, to observers or to other individuals. Attending non-members have no right of vote.
9. The invitation for participation at the meeting is submitted electronically. In cases when this is impossible, the invitation is submitted by letter or through a phone call.
10. Agenda is approved by the majority of members attending the meeting. After the approval of the agenda, minutes of the previous meeting must be approved.
11. The Team proceeds with the activities as per approved agenda. The agenda may be changed and amended with the agreement of majority of participating members.

Article 12
Quorum

1. The team has a quorum when more than half of its members are in attendance.
2. When at the opening of a meeting, half of its members are not present, Chairpersons calls the meeting for a different date.
3. Chairperson, at the commencement of each meeting, checks for quorum and decides on its continuation.
4. Each team member has the right to ask for quorum requirement.
5. If there is no quorum, Chairperson postpones the meeting for a different date.

Article 13
Extraordinary meetings

1. Extraordinary Team meetings are called by the Chairperson except in cases when requested in written by 1/3 of the Team members.
2. The announcement for the convocation of the extraordinary meeting must contain the issues for which the meeting is being called.

Article 14
Team decision making

1. The team reaches decisions with a simple majority of votes of the members of the Team present and voting, in exception of cases prescribed by this Rules and Procedure.
2. Team members vote by show of hand. If the Team decides on specific issues, the voting might also take place via e-mail.
3. If for a specific proposal, there are is an equal number of pro and con votes, the voting process is repeated, and if, after the second round of voting, the votes are equal again, the vote of the Chairperson is dominative. If the Chairperson is absent and after the second round of voting the votes are equal, it is considered that the proposal has not been approved.
4. The proposal which has not been approved cannot be reviewed at the same meeting.

Article 15
Minutes

1. Minutes are held for each of the Team meetings, which are subsequently approved at the forthcoming meeting.
2. Minutes are held by the Secretariat.

3. Minutes contain a summary of the discussions, date and the place where the meeting was held, participating and missing members, issues discussed, decisions and positions held at the meetings.
4. As and if necessary, with the approval of the Team, voice recording of the meeting might also take place.
5. All the recommendations and guidelines by the Team, are evidenced in the meeting minutes, and serve as foundation for reporting and consultation.
6. All positions presented in writing by members of the team, must be attached to the minutes and submitted to the Chairperson not later than five (5) days after the meeting was held.
7. Minutes must also contain all the information and documents which the team or the Secretariat receives from other institutions, civil society, individuals.

Article 16 **Reporting**

1. Team drafts and approves quarterly work report, and submits it to the President.
Report must include the following in full :
 - 1.1 Progress made by the Team, including the summary of activities planned and results achieved, as per working plan;
 - 1.2 Summary of the discussions and recommendations stemming from consultations;
 - 1.3 Evaluations and recommendations on issues related to the subject-matter;
 - 1.4 Summary of the challenges and activities yet to be accomplished;
 - 1.5 Other relevant information and recommendation on the execution of the Team's mandate;
 - 1.6 Reporting on financial expenditure of the working group, including the planned budget.

Article 17 **Public Consultation with relevant shareholders**

1. The Team pays attention to the realisation of an all-encompassing public consultation with all relevant stakeholders.
2. Team organises the necessary public consultations with all the relevant stake holders in conformity with the Plan and Methodology for public consultation, drafted and approved by the Team, including, but not limited to:
 - 2.1 Individual and legal entities, who have been involved in transitional justice in Kosovo and abroad;
 - 2.2 Meeting with stakeholders in order to consult on the Commission's working procedures, and
 - 2.3 Cooperate with similar initiatives.

Article 18
Documents and provision of information

1. Documentation of the Team is treated in accordance with the laws in force on classified documents and protection of personal data.
2. For the duration of its activity, each team document, shall be archived in a special archival fund, managed by the Secretariat, in conformity with the laws in force.
3. Archival fund shall, after the conclusion of Team's activities, be submitted to the Commission;
4. Information or documentation of the Team may not be shared by anyone else, without the consent of the Chairperson or the Team.
5. The right to provide official information and to issue statement to the public and media lays solely with the Chairperson or authorised Team members.

Article 19
Cooperation

1. As and if the need may arise for the execution of respective responsibilities, in order to contribute towards its activities, the Team may engage (hire) the following:
 - 1.1 External Consultancy;
 - 1.2 Internal Consultancy;
 - 1.3 Representatives of the Institutions;
 - 1.4 Representatives of different local or international organisations.
 - 1.5 Representatives of various international organisations;
2. For the purpose of achievement of its tasks, the Team might sign memorandums of cooperation.

Article 20
Working groups

The team, if and when necessary, may establish Working Groups, which engage in specific issues requiring specific handling and expertise.

IV. TEAM SUPPORT

Article 21 Team Secretariat

1. The Secretary of the Office of the President, as prescribed by the Decision of the President, nominates the Secretariat which will help and support the team in achievement of its duties and provide administrative support to the Team.
2. Secretariat is directly responsible to the Team Chairperson and undertakes the duties and responsibilities assigned by the Team, in conformity with this Regulation.

Article 22 Duties and the Responsibilities of the Secretariat

1. Secretariat operates within the Office of the President of the Republic of Kosovo and has the following duties and responsibilities:
 - 1.1 Offers investigative, logistical and administrative support to the Team;
 - 1.2 Collects and preserves documentation and information drafted or obtained by the Team;
 - 1.3 Helps with the good proceedings and coordinates teams activities;
 - 1.4 In cooperation with the Team Chairperson, prepares the agenda, invitations and other materials and forwards them to the members and other relevant participants;
 - 1.5 Offers support for the preparation of the documentation for the Team's activities, including reports and public announcements.
 - 1.6 Helps during the public consultation process in conformity with the Working Plan and Methodology;
 - 1.7 Undertakes other activities in provision of support to the Team.
2. It is preferred that members of the Secretariat have some basic knowledge in the field of transitional justice and to have administrative work experience.
3. The Team determines the Secretariat organogram.

Article 23 The Budget

1. Presidency, in compliance with the Decision of the President, provides the necessary budget for the work, engagement, participation at the meetings and general functioning of the team and the Secretariat.
2. For this purpose, Secretary of the office of the President:
 - 2.1. Ensures the securing of the sufficient budget for the support of the Team in fulfilment of its duties and responsibilities;

- 2.2. Ensures the sufficient budget for the engagement of the external consultancy, in accordance with the needs of the Team and in compliance with the legislation in force;
- 2.3. Cooperates with the team chairperson in ensuring the necessary budget for the work, engagement, participation at the meetings and general functioning of the Team and the Secretariat;
- 2.4. In cooperation with team members, Chairperson requests additional funds for the proper proceedings of the activities of the Team.

Article 24
Logistic Support

The Team and the Secretariat shall be offered support by the Presidency, in provision of the office space and equipment.

Neni 25
Bashkëpunimi me donatorë

The team may cooperate with various donors and to create a fundraising plan in order to accomplish its tasks.

V. CONCLUDING DISPOISITIONS

Article 26
Conclusion of activities

The Team is obligated to, not longer than eighteen (18) moths from the entry into force of the decision, complete the assigned duties.

Article 27
Final report

Final Report, together with the relevant documents, drafted in compliance with the Decision of the President, after the conclusion of the activity of the Team, shall be submitted to the President.

Article 28
Relevant procedural acts

In compliance with this Rules and Procedure act, the Team approves the working plan and the budgetary plan and may approve relevant procedural acts, inclusive of guidelines, guidebooks and

other implementative act which determine in a clear manner the procedures and necessary activities for the implementation of this Rules and Procedure act.

Article 29

Initiation of changing and amending the Rules and Procedure of the Team

1. The initiative for changing and amending of the Rules and Procedure may be initiated by no fewer than three (3) members.
2. The justification related to the initiative for changing and amending of this Rules and Procedure, by subjects determined in paragraph 1 of this Article, must be reviewed at the regular meeting of the Team.
3. After the approval of the initiative for changing and amending of the Rules and Procedure, the proposers must draft the changes and amendments of the Rules and Procedure.

Article 30

Approval of the Rules and Procedure of the Team

This Rules and Procedure inclusive of its supplementing and amending, is approved by the votes of the two thirds (2/3) of the Team members.

Article 31

Entry into force

This regulation enters into force seven (7) days after signature by the Team Chairperson.

Ardian Arifaj

Chairperson of the Preparatory Team for the establishment of the
Truth and Reconciliation Commission

Prishtina, 12.07.2018

Appendix 1: Declaration under Oath



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PREPARATORY TEAM FOR THE ESTABLISHMENT OF THE TRUTH AND RECONCILIATION COMMISSION

DECLARATION UNDER OATH

I, _____, personal number _____, appointed by the President of the Republic of Kosovo, with the Decision Nr. 61/2018 (Protocol Nr. 595-27.04.2018) as a member of the Preparatory Team for the Establishment of the Truth and Reconciliation Commission, state under oath that, with utmost devotion and professionalism, and in conformity with the legislation in force will perform my duties and will at the same time protect the confidentiality of the proceedings of the Team activities, in compliance with the Article 10 (6) of this Rules and Procedure of the Preparatory Team for the Establishment of the Truth and Reconciliation Commission.

Furthermore,

1. I will protect from disclosure and maintain the confidentiality of informations obtained during the engagement in the activities of the Team;
2. I accept that I could personally be held liable under criminal and /or civil law for the disclosure of such information whether disclosed on purpose or due to carelessness.

Name and Surname:	Signature:

Place _____

Date: _____.____.20__.

Appendix 2: Declaration under Oath



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PREPARATORY TEAM FOR THE ESTABLISHMENT OF THE TRUTH AND RECONCILIATION COMMISSION

DECLARATION UNDER OATH

I, _____, personal number _____, employed by the Secretariat in support of the Preparatory Team for the Establishment of the Truth and Reconciliation Commission, state under oath that, with utmost devotion and professionalism, and in conformity with the legislation in force will perform my duties and will at the same time protect the confidentiality of the proceedings of the Team activities, in compliance with the Article 10 (7) of this Rules and Procedure of the Preparatory Team for the Establishment of the Truth and Reconciliation Commission.

Furthermore,

1. I will protect from disclosure and maintain the confidentiality of informations obtained during the engagement in the activities of the Team;
2. I accept that I could personally be held liable under criminal and /or civil law for the disclosure of such information whether disclosed on purpose or due to carelessness.

Name and Surname:	Signature:

Place _____

Date: _____.____.20__.

Appendix 3: Declaration under Oath



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PREPARATORY TEAM FOR THE ESTABLISHMENT OF THE TRUTH AND RECONCILIATION COMMISSION

DECLARATION UNDER OATH

I, _____, personal number _____, observer of the proceedings of the Preparatory Team for the Establishment of the Truth and Reconciliation Commission, state under oath that, with utmost devotion and professionalism, and in conformity with the legislation in force will perform my duties and will at the same time protect the confidentiality of the proceedings of the Team activities, in compliance with the Article 10 (8) of this Rules and Procedure of the Preparatory Team for the Establishment of the Truth and Reconciliation Commission.

Furthermore,

1. I will protect from disclosure and maintain the confidentiality of informations obtained during the engagement in the activities of the Team;
2. I accept that I could personally be held liable under criminal and /or civil law for the disclosure of such information whether disclosed on purpose or due to carelessness.

Name and Surname:	Signature:

Place _____

Date: _____.____.20__.