



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

Law No. 04/L-031

**ON INTERNATIONAL LEGAL COOPERATION IN CRIMINAL
MATTERS**

Assembly of Republic of Kosovo,

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

Approves:

**LAW ON INTERNATIONAL LEGAL COOPERATION IN
CRIMINAL MATTERS**

**CHAPTER I
GENERAL PROVISIONS**

**Article 1
Purpose**

1. This law establishes conditions and procedures pertaining to the provision of international legal assistance in criminal matters, unless otherwise provided for by international agreements or in the absence of an international agreement.
2. In absence of an international agreement between Kosovo and a foreign country international legal assistance is to be administered on the basis of the principles of reciprocity.
3. International legal assistance procedures are provided for with provisions of Criminal Procedure Code, unless otherwise provided for by this Law.

Article 2 Definitions

1. Terms used in this law shall have the following meanings:

1.1. **International Legal Assistance in Criminal Matters**- every kind of assistance requested by foreign countries or by Kosovo with the intention to support investigative and judicial procedures;

1.2. **Petition**- an act used to request international legal assistance;

1.3. **Requesting state**- the state which has submitted the request for international legal assistance;

1.4. **Requested state**- the foreign state receiving the request for international legal assistance;

1.5. **Ministry**- the Ministry of Justice of Kosovo;

1.6. **Competent Authority on Justice Matters** – department for international legal cooperation.

1.7. **Local Judicial Authority**- courts and prosecutions designated by law;

1.8. **Foreign Judicial Authority**- the competent authority of a foreign country which may provide or request international legal assistance;

1.9. **Local Law**- Kosovo legislation;

1.10. **International Wanted Notice**- a public notification issued by International Criminal Police Organization – INTERPOL requesting temporary arrest of a person wanted for the purposes of extradition, based on an order for arrest or any other court order;

1.11. **Judicial decision**- judgment, ruling, decision or any other order that may be issued by a Court Authority;

1.12. **Sentence**- any sanction imposed by court authorities;

1.13. **Sanction**- any measure imposed on a person in a judgment pertaining to a criminal offence;

1.14. **Sentencing State**- the state where the sentence is imposed on a person who may be or has been transferred;

1.15. **Administering State**- the state where the person may be or has been transferred in order to serve his/her sentence;

1.16. **Extradition**- for the purpose of this law shall also mean temporary surrender.

Article 3 **Method and Language of Communication**

1. Requests for international legal assistance shall be transmitted from a foreign judicial authority through the Ministry of Justice to the local judicial authority and vice versa.
2. In cases when request has been directly received from INTERPOL in electronic form or through any other communication form, local judicial authority shall offer the required assistance, on condition that the requesting state shall guarantee to send the request and original documents through regular channels within eighteen (18) days.
3. If request and other attached documents are in a foreign language they should be accompanied by verified copies of translations into Albanian and Serbian languages. Verified translations in English Language may be accepted on the basis of the principles of reciprocity.

CHAPTER II **GENERAL EXTRADITION REQUESTS**

Article 4 **General Provisions**

1. A person may be extradited for the purposes of criminal prosecution or for the execution of the sentence.
2. Kosovo citizens shall not be extradited, unless otherwise provided for by international agreements between Kosovo and requesting countries or by international law.

Article 5 **Temporary surrender**

On the basis of International Agreement, a defendant may be temporarily surrendered to a foreign country on condition that after the main hearing in front of the court to be returned to Kosovo, in order to serve the sentence or to be kept under the extended detention on remand which is imposed against him/her.

Article 6
Place of perpetration

1. Extradition shall not be permitted for criminal offences partially or fully committed within the territory of the Republic of Kosovo and may not be permitted for criminal offences partially within the territory of the Republic of Kosovo.
2. If criminal offence has been committed against a citizen of Kosovo outside the territory of Kosovo, extradition may be allowed on condition that local judicial authorities shall not commence or conclude criminal proceedings pertaining to the same offence.

Article 7
Provided Criminal Offences

Extradition shall be permitted only for criminal offences punishable by local law and by the law of the requesting country.

Article 8
Criminal offences for which extradition is permitted

1. Extradition shall be permitted only for those criminal offences that are punishable by deprivation of liberty for a period of at least one (1) year or by a more severe sentence under both the national law and the law of the requesting state.
2. When extradition is required for the execution of the sentence, extradition may be permitted if the duration of the sentence or remaining sentence exceeds the period of six (6) months of imprisonment.
3. In cases when request for extradition includes several individual criminal offences, each of them punishable by imprisonment according to the local law and requesting country law, but some of them does not meet conditions pertaining to the measure of punishment that may be imposed, extradition may be permitted.

Article 9
Expiry of Statutory limitation period

Extradition of a wanted person is not permitted in cases when pursuant to local legislation and requesting country legislation the statutory limitation period for criminal prosecution is expired.

Article 10
Grounded Suspicion

Extradition is to be permitted when there are sufficient evidences which show that a person has committed a criminal offence for which the extradition is required or if there is an executable judgment in place.

Article 11
Ne bis in idem

Extradition shall not be permitted in cases when competent Kosovo authorities or authorities of a third country have announced a final judgment against a perpetrator of a criminal offence or of criminal offences for which his/her extradition is required. Petition for extradition may be refused if local judicial authorities have decided neither to commence nor to conclude proceedings pertaining to the same criminal offences.

Article 12
Political Offences

1. Extradition shall not be permitted if the offence subject of the request is a political offence or is a crime related to political offences.

2. For the purposes of this Law, political offence does not include:

2.1. deprivation of life or attempted deprivation of life of the state president or of his/her family members;

2.2. murder;

2.3. severe body injuries;

2.4. abduction, rape, hostage, blackmail or compulsion;

2.5. general danger;

2.6. attempt for criminal offences from sub-paragraphs 2.1 – 2.5 of this paragraph;
and

2.7. cooperation to be engaged in compulsion, prompting or assistance to another person regarding any criminal offence from sub-paragraphs 2.1 – 2.5 of this paragraph.

3. Paragraph 1. of this Article shall not be applied for the following categories of crimes: genocide, crimes against humanity, war crimes and terrorism.

Article 13
Military offences

Extradition is not permitted for offences under military law which are not offences under ordinary criminal law.

Article 14
Death Penalty

Extradition is not permitted for criminal offences which according to the requesting country are punishable by death penalty, unless the requesting state gives sufficient assurances that the death penalty will not be imposed or carried out.

Article 15
Torture and Inhuman, Cruel, Degrading Treatment

Extradition is not permitted if there are doubts that the extradited person shall be subject of torture or shall be punished in an inhuman or degrading manner.

Article 16
Non-Discrimination Clause and Human Rights Standards

1. Extradition of a person is not permitted if there are doubts that the request have been made for the purposes of prosecution or of punishment because of his/her race, religion, gender, citizenship, political opinions, ethnicity or membership into any social association and in cases when his/her position may be prejudiced for one of these reasons.
2. Extradition shall not be permitted if the person has not received the minimum guarantees for a fair trial by requesting country.
3. Extradition required for execution of the sentence may be refused if the Judgment has been announced in the absence of the person, if the sentenced person has not promptly been informed about the trial, about the possibility to engage a defence counsel and if he/she did not have or will not have the possibility for a retrial, unless if requesting country offers sufficient guarantees that he will have the right for retrial, the right to engage a defence counsel, or unless the person in question did not act although he/she has been promptly informed about the trial and about the possibility to appear and engage a defence counsel.
4. Extradition shall not be permitted if there are doubts that the person may be tried or punished in requesting country by an extraordinary or temporary court, unless competent

authorities of requesting country guarantee that the trial will be carried out by a regular court authority in compliance with law.

5. Extradition shall not be permitted if there are grounded suspicions that it is in violation with international law or with international standards on human rights.

CHAPTER III EXTRADITION FROM KOSOVO TO A FOREIGN COUNTRY

Article 17 Petition for Extradition

1. Procedure on extradition of a person shall be initiated only on bases of a written petition addressed to the Minister.

2. Petition for extradition should indicate criminal offences the extradition is requested for and it will be accompanied by the following documents:

2.1. an accurate description of wanted person along with other data that would assist in the verification process of person's identity, citizenship and location.

2.2. original or verified copy of the order for arrest issued by competent authorities of requesting country or if the person is sentenced for any offence, the original judgment or the verified copy of the judgment or any other document which indicates the imposed sentence, the fact that the sentence is executable and duration of the remaining sentence to be served. These documents should contain time and place where the criminal offence was committed, his/her role in the criminal offence, legal classification. In certain cases documents that do not contain data under this paragraph, should be accompanied with a declaration where the data regarding the criminal offence are prescribed;

2.3. an extract of criminal law of requesting country relevant to the matter in question;

2.4. if wanted person has been sentenced in absence for another offence, there should be attached as well a statement showing that the suspect was personally summoned or have been notified about the date and place of the main hearing where the decision was issued, or specifying legal remedies available to the person in question in order to get ready for the trial or for the retrial in his presence.

3. If after the review it is concluded that data and documents provided for by paragraph 2. of this Article are not sufficient, Ministry shall demand from the requesting country to complete the petition.

Article 18 **District Prosecutor's Office Role**

1. After reviewing extradition request, Ministry shall address the petition along with accompanying documents to the District Prosecutor's Office in whose territory the wanted person currently resides or in whose territory the wanted person currently is located. If the living address of wanted person is unknown, petition shall be addressed to District Prosecutor's Office in Prishtina.

2. District Prosecutor shall immediately take actions pertaining to the identification and determination of the location of wanted person and then shall submit the request for extradition to the competent District Court.

3. District Prosecutor may request from the Judge of Preliminary Procedure to put the wanted person under detention on remand pursuant to the Criminal Procedure Code.

4. Police shall arrest the wanted person if there are reasons to put him/her under detention pursuant to the Criminal Procedure Code.

Article 19 **Preliminary Hearing Procedure pertaining to the Detention on Remand**

1. Pursuant to the Criminal Procedure Code, person shall be summoned or shall be brought without delays in front of the Judge of Preliminary Procedure of the competent court. Examination and statements given by wanted persons shall be recorded.

2. The Judge of Preliminary Procedure shall order the immediate release of the person in question if he/she confirms that:

2.1. person is a citizen of Kosovo and neither there is an international agreement on extradition in place, nor at the time of the hearing exists the intention of the Minister of Justice to conclude an international agreement in that respect with the requesting state in near future.

2.2. person is not the same with the person identified in the request for extradition or in one of the documents described under Article 17 paragraph 2. of this law;

2.3. order for arrest or the document which lead to the person's arrest is cancelled.

3. If the person is deprived of his/her liberty by detention on remand, The Judge of Preliminary Procedure shall impose the period of detention in duration of thirty (30) days. Judge shall decide ex officio for the extension of detention period every thirty (30) days or may order the detention until the completion of extraditing procedures, whereas the defendant has right to appeal this decision within seventy two (72) hours from the decision taking. If the pre-trial judge orders detention of the person, the Ministry shall be informed.

4. Decision on detention may be appealed.

Article 20 Temporary Arrest

1. On the basis of temporary arrest petition, before receiving petition for extradition, wanted person shall be placed under detention for a period of forty (40) days, pending the petition for extradition. Petition for temporary arrest may be received even through electronic communication means.

2. Petition for temporary arrest should underline that the documents provided for by Article 17 paragraph 2. of this Law are in place and that the intention is to submit the request for extradition. It also should indicate the criminal offence the extradition is to be requested for as well as the time and place where the offence was committed and possibly give a description of wanted person.

3. International wanted notices distributed by Interpol shall have the same effect with the petition for temporary arrest.

4. Based on petition for temporary arrest, District Prosecutor and police are entitled to arrest the wanted person. Detention measures are to be confirmed by Preliminary Procedure Judge of the competent district court within the first forty eight (48) hours of the arrest, taking into account provisions of Article 19 paragraph 2. of this Law.

5. Arrested person is to be informed about the reasons of his/her arrest and to be provided with a copy of the Order for Arrest as soon as possible.

6. The Judge of Preliminary Procedure shall release the wanted person ex officio in cases when petition for his/her extradition is not received by Ministry within forty (40) days from the day of his / her arrest.

7. Pursuant to paragraph 4 of this Article, arrested person may file an appeal within seventy two (72) hours against the decision of the Judge of Preliminary Procedure. The possibility for temporary release at any time is not excluded, however the Judge of Preliminary Procedure shall take all actions required to prevent the escape of wanted person. Release shall not exclude the eventual re-arrest and extradition of the person if petition for extradition is received at a latter stage.

Article 21
Judicial Procedure on Extradition

1. Petition for extradition shall be reviewed by a panel of three judges of the competent district court.
2. Court shall without delays hold the main hearing in the presence of the prosecutor, wanted person and his/her defence counsel. If defendant has not engaged one, court shall appoint a defensive counsel ex officio.
3. Court shall question the defendant in relation to personal circumstances and in particular about his/her citizenship. Court shall as well advise him/her that he/she is free to give a testimony or not in relation to the charges filed against him by requesting country. Court shall as well ask him/her if he/she opposes the extradition or not and if yes on which bases.
4. Court shall decide upon any appeal made by person whose extradition is required and upon permissibility of the petition for extradition.
5. If defendant does not file any appeal pertaining to his/her extradition, Court shall advise him/her about the possibility of simplified extradition and about legal consequences.
6. If it is concluded that information provided by requesting country are not sufficient to make a decision, Court may submit a request for additional information to the Ministry, which then should be addressed to the requesting country. The court may set a time-limit for the receipt thereof.
7. Court may assess any other evidence which is deemed to be relevant.
8. In cases when persons that are requested to be extradited, are subject of ongoing criminal proceedings in Kosovo, Court shall keep evidences on records and shall inform the Ministry as well. Court shall guarantee that any property claim submitted by damaged parties is ensured.

Article 22
Submission of Items in Extradition Procedure

1. Upon the petition of requesting country and in accordance with local law, competent court shall confiscate and submit items that may be used as evidences or that may have been earned as a result of criminal offence.
2. Items provided for in paragraph 1. of this Article shall be submitted to the requesting country, if the petition for extradition was approved, but extradition was not completed as a result of wanted person's death or escape.

3. If items and materials provided for in paragraph 1. of this Article are subject of a sequestration or a confiscation in Kosovo in relation to any ongoing criminal procedure, they may be kept or submitted on condition to be returned to Kosovo.

4. Items and materials provided for in paragraph 1. of this Article, should be returned to Kosovo as soon as possible after the conclusion of trial procedure in the foreign country. Expenditures pertaining to the return of items are to be covered by requesting country.

Article 23

Refusal of the Request for Extradition

1. If the panel of three judges from competent district court concludes that conditions for extradition are not met, it will render a ruling by which the request for extradition is refused.

2. District Prosecutor may file an appeal against this ruling.

3. If person is under detention, panel of three judges may decide to keep him/her under detention until the ruling about the refusal of the request for extradition becomes final.

4. The final ruling by which the request for extradition is refused shall be submitted to the Minister, who will inform the requesting country.

Article 24

Decision about the Permissibility of Extradition in a Court Procedure

1. If the panel of three (3) district court judges concludes that conditions for extradition are met, it issues a ruling about the permission of extradition.

2. Against the decision on extradition, person in question has a right to appeal.

Article 25

Appealing Procedures

If after the review, the Supreme Court concludes that conditions for extradition are met, it shall submit the issue to the Minister, who will decide about extradition.

Article 26

Decision about the Permissibility of Extradition

Minister shall issue a decision indicating whether extradition is refused or permitted. Minister may decide to postpone the extradition of wanted person because of another

ongoing criminal proceedings in front of local courts or because the person is serving the sentence in Kosovo.

Article 27
Conditions for extradition

1. Minister's decision to allow the extradition shall determine the following conditions:
 - 1.1. person should not be prosecuted or punished for another criminal offence committed before the extradition and for which extradition was not granted.
 - 1.2. he/she should not be punished with a more severe sentence than the one already imposed.
 - 1.3. person cannot be extradited to a third country, without Minister's permission.
2. Minister of Justice may establish more conditions pertaining to the extraditions.

Article 28
Criminal Prosecution in case of Refusal of Extradition

If petition for extradition is refused, Ministry shall inform the District Prosecutor's Office, which upon the petition of requesting country and in accordance with local law may initiate criminal proceedings in Kosovo against wanted person for criminal offences for which extradition was requested.

Article 29
Communication of Decisions

1. Minister of Justice shall immediately communicate the decision for the permission of wanted person's extradition to the Ministry of Internal Affairs of requesting country.
2. Communication with requesting country shall be implemented through diplomatic channels, unless otherwise provided for by international agreements.

Article 30
Execution of Extradition

1. Based on Minister's decision on extradition, if wanted person is not under detention on remand, Court shall issue an order for arrest until the surrender.

2. On the day when the extradition is executed, police shall hand over the wanted person to the competent authorities of requesting country at the determined handover location.
3. Requesting country shall take over the wanted person within thirty (30) days from the day when decision on his/her extradition was received.
4. Based on a justified petition of requesting country, Minister of Justice may postpone the envisaged deadline provided for in paragraph 3. of this Article for another fifteen (15) days.
5. If requesting country does not receive the wanted person for extradition in accordance with paragraphs 3. and 4. of this Article, the person in question shall be immediately released and Minister of Justice may refuse repeated requests for extradition pertaining to the same criminal offence.

Article 31

Contemporaneous Petitions for Extradition

1. When several countries request the extradition of the same person for the same criminal offence, priority is to be given to the country in which territory the criminal offence was committed. If criminal offence was committed in territories of more countries, or if the place of perpetration is unknown, priority is to be given to the country which has first filed the request for extradition.
2. When several countries request the extradition of the same person for several criminal offences, priority is to be given to the country in which territory was committed the most serious criminal offence. When criminal offences are of the same severity, priority is to be given to the country which has first filed the request for extradition.

Article 32

Simplified Extradition Procedure

1. Person for whom the requesting country has submitted a request for extradition may be extradited through a simplified extradition procedure if conditions for extradition, provided for by this Law, are met and if person gives his /her consent for extradition.
2. Consent provided for in paragraph 1. of this Article shall be given in front of a competent Court and shall be recorded in accordance with provisions of Criminal Procedure Code, by ensuring that the consent has been given in voluntary bases and that person has been aware of consequences that may derive. Given consent cannot be withdrawn.
3. Decision on extradition through simplified procedure should be approved by a competent district court.

4. Court shall, without any delay, inform the Minister about the decision issued in accordance with paragraph 3. of this Article and Minister shall inform the requesting country.

5. Extradition through a simplified procedure shall have the same legal effects and consequences with the extradition permitted through regular procedures.

Article 33

Petition for Transit Passage through the Territory of the Republic of Kosovo

1. In cases when extradition is required by other countries and extradited person is supposed to pass through the territory of the Republic of Kosovo, Minister of Justice, upon the submitted petition of requesting country, may give the permission for the transit passage of the extradited person through the territory of the Republic of Kosovo on condition that he/she is not citizen of Kosovo and is not involved in political or military offences.

2. Petition for transit passage should be accompanied by documents provided for by Article 17 paragraph 2. of this Law.

3. In cases when transit passage is carried out by air transportation, it is not necessary to request the passage permission provided for in paragraph 1. of this Article, if airplane is not expected to land within the territory of the Republic of Kosovo.

4. In any case, requesting country should inform the Ministry of Justice about the transit passage provided for in paragraph 3. of this Article. Notifying document should contain the name of extradited person, country where person is going to be extradited to and the time of transit air passage.

CHAPTER IV

EXTRADITION FROM A FOREIGN COUNTRY TO KOSOVO

Article 34

Petition for Extradition

1. If criminal proceedings against a wanted person are in progress in Kosovo who has been located arrested in a foreign country, or if wanted person has been convicted by a local court, Ministry may submit a request for his/her extradition to Kosovo.

2. Petition is to be submitted to the requested country through diplomatic channels, along with documents provided for by Article 17 paragraph 2. of this Law.

Article 35
Petition for Temporary Arrest Pending the Extradition

1. Minister of Justice may request the temporary arrest of a wanted person pending the extradition, if there is a potential risk that the person wanted for extradition in Kosovo, may hide or escape or regardless international wanted notice issued against him/her, person is still in freedom.
2. The request for temporary arrest should underline that documents provided for by Article 17 paragraph 2. of this Law are in place and should indicate as well that the extradition is to be requested through regular channels.

Article 36
Local Criminal Proceedings

1. Person extradited to Kosovo shall not be criminally prosecuted or punished for any other criminal offence committed before his/her extradition, but only for the criminal offence the extradition is permitted for, excluding cases when requested country permits that. Records of requested country should be accompanied by legal documents and data pertaining to each statement given by extradited person in relation to the criminal offence.
2. When extradition is permitted and becomes subject of determined conditions pertaining to the duration of the sentence, court shall be bound to abide by these conditions when imposing the sentence. If execution of a sentence imposed is already included, first instance court should modify the judgment and impose the punishment in accordance with conditions determined by the permission on extradition.
3. If extradited person has been under detention in the foreign country for the criminal offence he/she is extradited for, time spent in detention shall be calculated in the imposed sentence.

CHAPTER V
TRANSFER OF CRIMINAL PROCEEDINGS FROM FOREIGN COUNTRIES
TO KOSOVO

Article 37
Principles

Criminal proceedings initiated or intended by a foreign country, with the petition of the same country, may be transferred to Kosovo on condition that the last one has competencies to criminally prosecute such a criminal offence.

Article 38
Transfer Conditions

1. Transfer of criminal proceedings may be accepted in Kosovo only if the offence requested to be transferred is considered as a criminal offence in Kosovo as well.
2. Transfer of criminal proceedings may be permitted only if following conditions are met:
 - 2.1. suspicious person resides in Kosovo;
 - 2.2. person is citizen of Kosovo, or Kosovo is country of his/her origin;
 - 2.3. person is serving or should serve a punishment which includes the deprivation of liberty in Kosovo.
 - 2.4. criminal proceedings for the same offence or other offences against the suspect has been initiated in Kosovo.
3. Transfer of criminal proceedings shall not be accepted if:
 - 3.1. it is considered that the offence the transfer of criminal proceedings was requested for is of military or political nature;
 - 3.2. at the time the request is received, the procedure is ceased because of the expiry of statutory limitation.
 - 3.3. criminal offence was committed outside of the territory of requesting country.

Article 39
Withdrawal of Acceptance

1. Transfer acceptance may be withdrawn when:
 - 1.1. it becomes obvious that the presence of the suspicious person in court hearings in Kosovo cannot be ensured or the sentence which may be imposed could not be executed in Kosovo
 - 1.2. prior to the presentation of the case in front of the court, one of the reasons for refusals, provided for by Article 38, becomes evident;
 - 1.3. in other cases if the requesting country permits that.

Article 40
Petition for the Transfer of Criminal Proceedings

1. Petition for the transfer of criminal proceedings should be in written and shall be accompanied by original documents or verified copies of the criminal file along with other necessary records.
2. Requesting country shall notify the Ministry as well about any completed procedural action or measures pertaining to criminal proceedings taken after the submission of the request. This communication should be accompanied by respective documents.

Article 41
Petition Processing

1. After receiving the request for the transfer of criminal proceedings, provided that the requirements foreseen in paragraph 1. of Article 40 of this law are fulfilled, Ministry shall forward it immediately for further actions to competent prosecutor's office in which territory the person in question lives.
2. If request is referred for the transfer to the preliminary procedure it will be handled by district prosecutors. If request is referred for the transfer of the court proceedings, District Prosecutor's office shall forward it along with the request for decision to the competent District Court.
3. Decision pertaining to the petition for the transfer of criminal proceedings shall immediately be forwarded to the Ministry.

Article 42
Communication of Decisions

1. Ministry shall immediately communicate to the requesting country the decision about the transfer of criminal proceedings.
2. Ministry shall also notify the requesting country about the decision taken as a result of the transfer of criminal proceedings. Requesting country shall be provided with a certified copy of each issued decision.

Article 43
Validity of Actions Taken in Requesting Country

1. Each procedural action pertaining to the transfer of criminal proceedings taken in requesting country in accordance with its own rules and laws shall have equivalent

validity in Kosovo as they have been taken by local judicial authorities in accordance with local law, provided that the act is in compliance with the national law.

2. Each action, discontinuing legal terms, which has been carried out in a valid manner in requesting country shall have the same consequences in the state of Kosovo.

Article 44 **Proceedings Initiated with complaint**

1. If initiation of proceedings whether in Kosovo or in requesting country depends from the complaint, then the complaint filed in the requesting country shall have the same legal effect with the one filed in Kosovo.

2. In cases when the complaint is necessary only in Kosovo, the transfer of criminal proceedings may be accepted even in absence of an complaint, if the person who is entitled to file the complaint did not make any objection within one month from the date when he/she was notified by the competent authority about his/her right to make objections.

CHAPTER VI **TRANSFER FROM KOSOVO TO A FOREIGN COUNTRY**

Article 45 **Principles**

Judicial authorities may temporarily suspend criminal prosecutions against a person only in cases when conditions, provided for by Chapter VI of this Law, are met. Each decision for suspension of prosecutions should be considered as a temporary until the decision in the requesting country for the acceptance of criminal prosecutions becomes final.

Article 46 **Special Conditions**

1. Criminal proceedings may be transferred if:

1.1. transfer is necessary in order to reach the truth and particularly when most important evidences are in requested country;

1.2. a sentence is imposed and the execution of sentence in requested country has chances to improve perspectives of social rehabilitation of the sentenced person.

1.3. presence of the suspect in main trial in Kosovo cannot be ensured, whereas such thing can be done in requested country.

1.4. a sentence has been imposed and it cannot be executed in Kosovo even by requesting his/her extradition, whereas the sentence may be executed in requested country.

Article 47 **Judicial Authority which Submits the Request**

Request for the transfer of criminal proceedings, during preliminary procedure until the indictment is filed, should be submitted by competent prosecutors through competent courts, whereas when the indictment is filed request may be submitted by courts as well.

Article 48 **Effects of the Transfer**

1. When request for transfer is submitted, person who is subject of criminal proceedings shall neither be prosecuted for the criminal offence which is subject of the procedure whose transfer is required nor will the decision announced in Kosovo be executed against him/her. As long as decision about the acceptance of criminal proceedings by requested country is not received, Kosovo judicial authorities preserve their right to take all prosecutorial measures in order to bring the case to the trial without any delay.

2. The right of prosecution and execution shall be returned to local judicial authorities if requested country gives a notification about:

2.1. the refusal to act upon the request;

2.2. the decision to refuse the acceptance of request;

2.3. the decision to withdraw the acceptance of request;

2.4. the decision not to initiate or to suspend proceedings.

3. Apart from cases provided for in paragraph 2. of this Article, local judicial authorities may withdraw the request for the transfer of criminal proceedings before receiving the notification of the requested country about the decision to act upon the request.

4. In case of punishment, the final judgment announced by requested country shall produce the same effects as it would be announced in Kosovo.

CHAPTER VII
TRANSFER OF CONVICTED PERSONS FROM KOSOVO TO A FOREIGN
COUNTRY

Article 49
Principles

If a person convicted with imprisonment in Kosovo wants to be transferred to a foreign country in order to serve the sentence or the remaining of the sentence there, may submit a petition for transfer to the Ministry.

Article 50
Conditions for Transfer

1. Pursuant to this Law, a convicted person may submit a petition for transfer only if the following conditions are met:

- 1.1. person is national of administering country;
- 1.2. the judgment is final;
- 1.3. at the time when the petition for transfer is received, he/she has at least six (6) months of sentence to serve or the sentence is indeterminate;
- 1.4. sentenced person gives his/her consent about the transfer. Taking into account his/her age and physical and mental conditions such consent may be required from the authorized representative;
- 1.5. actions and omissions on which the sentence has been imposed, constitute a criminal offence according to the laws of administering country and punishing country or would constitute a criminal offence if committed in its territory;
- 1.6. administering country gives the permission for transfer.

2. In exceptional cases, Ministry may review the petitions for transfer even if the period of the sentence to be served is less than the period provided for in paragraph 1. of this Article.

Article 51
Obligation for Provision of Information

1. Each sentenced foreign citizen punished with a final judgment in Kosovo, to whom this law may apply, shall be notified about the provisions of this Chapter.

2. If convicted person has expressed his/her interest to be transferred in accordance with this Law, Ministry shall notify the foreign country as soon as judgment becomes final.

3. Notification shall contain:

3.1. name, date and place of birth of the sentenced person;

3.2. his/her address, if any, in the territory of administering country;

3.3. description of facts, upon which the sentence was based;

3.4. nature, duration and date when the sentence is to be commenced.

4. If the sentenced person has expressed his/her interest for transfer to the administering country, Ministry shall on the bases of the petition of administering country, communicate information provided for in paragraph 3. of this Article.

5. Sentenced person shall be informed in written, in a language he/she understands, of any action taken by Kosovo authorities or by administering country in accordance with paragraph 4. of this Article and about any other action of each country pertaining to the petition for transfer.

Article 52 Consent and Confirmation

Ministry shall ensure that the person giving the consent, has done that on voluntary bases and is fully aware of legal consequences.

Article 53 Additional Documents

1. Petition of the Ministry for transfer to a foreign country is to be submitted in written form.

2. Petition should be accompanied by the following documents:

2.1. original or certified copy of the Judgment and extract of the Law;

2.2. a statement about the duration of the served sentenced, including time spent in detention or any other information pertaining to the execution of the sentence;

2.3. written statement about the consent given by the prisoner for transfer;

- 2.4. whenever appropriate, a medical or social report on sentenced person, information about his/her treatment in Kosovo and any other recommendation pertaining to his treatment in administering country.
3. Before submitting petition for transfer, Ministry may request from administering country to provide:
 - 3.1. a document or a statement which shall confirm that the person in question is a citizen of that country;
 - 3.2. copies of applicable law of administering country, which indicate actions and omissions on which the sentence is based and legal provisions which confirm that the criminal offence the person is punished for, is considered as an offence by administering country as well or would constitute a criminal offence if committed in its territory.
 - 3.3. a statement on the procedure pertaining to the execution of the sentence, on extension or adaptation of the sentence.

Article 54
**Transfer of Sentenced Persons on the basis of the Order for Deportation of
Expulsion**

1. Ministry may grant the permission to transfer a person without having his/her consent, in cases when the sentence was imposed through the order for deportation or expulsion or any other measure as a result of which person is not permitted to stay within the territory of Kosovo after his/her release from prison.
2. Minister shall grant his approval on the basis of paragraph 1. only after considering the opinion of sentenced prisoner.
3. Ministry shall provide the administering country with the following documents:
 - 3.1. a statement which contains the opinion of the sentenced prisoner about his/her transfer;
 - 3.2. a copy of the order for deportation or expulsion or any other order which has legal effects, by which the sentenced person is prohibited to stay within the territory of Kosovo after his/her release from prison.

Article 55
Effects of the Transfer

1. Transfer of the sentenced person to the authorities of administering country shall suspend the execution of the sentence in Kosovo.
2. Kosovo authorities shall not execute the sentence if administering country considers that the sentence is completed.

CHAPTER VIII
TRANSFER TO KOSOVO OF A PERSON SENTENCED BY A FOREIGN
COUNTRY

Article 56
Principles

1. Sentencing country may request from the Ministry to grant the permission for transfer to Kosovo of a sentenced person, in order to serve his/her sentence or remaining sentence in Kosovo.
2. Written petition for transfer to Kosovo should be by the prisoner in person or on his/her behalf.
3. Minister may grant the permission for transfer if conditions, provided for by Article 50 and 53 of this Law, are met.

Article 57
Effect of the Transfer

Competent judicial authority shall adjust the sentence imposed by sentencing country into an applicable sentence in Kosovo through the judicial procedure in accordance with conditions provided for by Article 58 of this Law.

Article 58
Sentence Adjustment

1. During the sentence adjustment, court shall:
 - 1.1. be obliged to respect as much as possible facts presented in the sentence imposed by sentencing country;

- 1.2. not convert punishment with imprisonment into a punishment with fine;
 - 1.3. include the whole period of the sentence served in the sentencing country since deprivation of person's liberty;
 - 1.4. not aggravate the criminal status of the sentenced person and shall not impose any minimum sanction for the criminal offence determined by the Law of sentencing country.
2. The procedure of the sentence adjustment shall be carried out after the transfer of the sentenced person. Court shall keep the person in detention or shall ensure his presence until the end of proceedings.

Article 59

Persons Fleeing from Sentencing Country

1. In cases when a Kosovo citizen, who is subject of a sentence imposed by a final judgment within the territory of a foreign country, attempts to avoid further execution of the sentence in the foreign country by fleeing to Kosovo territory, with the request of the foreign country Ministry may agree to take over the execution of the sentence in Kosovo.
2. Upon the request of the country, where the person is sentenced, judicial authorities in Kosovo may arrest the person in question before receiving petition's supporting documents or before receiving the decision on the request, or may take other measures to ensure person's presence in its territory pending the decision on petition. Petition for temporary arrest should contain data provided for in paragraph 3. of Article 53 of this Law. Pursuant to this paragraph, the legal status of the sentenced person should not be aggravated at any time during the period spent under arrest.
3. The consent of sentenced prisoner about the transfer of the execution of the sentence shall not be required.

Article 60

Guarantees for the Sentenced Persons Transferred without their Consent

1. Any person transferred to Kosovo without his/her consent based on an expulsion or deportation order shall not be prosecuted, punished or detained in order to serve the sentence, or to execute any other order for arrest for any criminal offence committed before his/her transfer and he/she will not be deprived of liberty for any other offence, except for the offence the transfer is permitted for and with the authorization of sentencing country only. Authorization from the sentencing country should be accompanied by all relevant documents and the recorded statement of the sentenced person. Authorization is to be given, when the offence he/she is wanted for, shall permit

the transfer based on the law of sentencing country and on local law, or when transfer will not be permitted because of the sentence measure.

2. Regardless from the provisions of paragraph 1., local judicial authorities may take necessary measures on the basis of the local law in order to prevent the expiry of legal statutory period.

Article 61 **Termination of Execution**

Execution of the sentence shall be terminated if sentencing country issues a decision or any other measure by which the sentence execution is terminated, and when the Ministry is informed by the respective state for such decision.

Article 62 **Information about Execution**

1. Ministry shall inform the foreign country about the execution of the sentence:

- 1.1. when execution of the sentence is considered to be terminated;
- 1.2. if the sentenced person has escaped from custody before the completion of the sentence; or
- 1.3. when foreign country requests a special report.

Article 63 **Permission for the Transit Passage of the Sentenced Person**

1. Ministry may, in accordance with local law, grant permission for transit passage of the sentenced person through the territory of Kosovo, if such a request has been filed by a foreign country, and the same country has an agreement with another one about the transfer of sentenced prisoner from or to its territory.

2. Ministry may refuse the request for transit passage:

- 2.1. if the sentenced person is a citizen of Kosovo;
- 2.2. if the offence the sentenced person is convicted for, is not considered as a criminal offence by local law.

3. Sentenced person may be held under detention within the territory of Kosovo only for the time required for transit passage.

4. There is no need to ask permission for transit passage through the territory of Kosovo in cases when transfer is to be carried out through the air transportation and no landings are expected to take place within Kosovo territory.

5. In any case, requesting country, shall inform the Ministry about the transit passage provided for in paragraph 4. of this Article. Information should indicate the state, name of transferred person, state where the person is going to be transferred to and the flight time.

CHAPTER IX EXECUTION OF FOREIGN JUDGMENTS IN KOSOVO

Article 64 Principles

1. Local court may receive petitions of foreign courts in order to recognize and execute judgments imposed against residents or citizens of Kosovo, if judgment imposes punishments with imprisonment or fine, confiscation of property or prohibition on exercising a profession, activity or duty.

2. Sentencing country may submit a petition for the execution of the sentence to the Ministry. Petition is to be accompanied by original or by a certified copy of the judgment on the sentence, which is to be executed and other necessary documents. If petition is acceptable, Ministry shall forward it to the competent Court.

3. Competent court is the District Court, in whose territory sentenced person permanently lives. If sentenced prisoner has no permanent living address in Kosovo, territorial jurisdiction shall be determined on the basis of his/her place of birth. If person is not born in Kosovo then Prishtina District Court shall be considered as a competent court.

Article 65 Judicial Proceedings

1. Court shall, in a panel of three judges, issue a ruling by which the sanction imposed by a decision of a foreign court, will be recognized and executed, if:

1.1. criminal offence is not subject of a Judgment announced by courts in Kosovo or has not been subject of criminal proceedings in Kosovo.

1.2. pursuant to local law, statutory limitation of the sentence is not expired or the sentence is not pardoned.

1.3. defendant was granted the possibility to be heard in front of a foreign court and there are no reasons to believe that he/she was not justly tried.

- 1.4. criminal offence the sentence is imposed for would be considered similarly if it was committed in the territory of Kosovo and person subject of the sentence would be considered criminally liable.
2. Before the announcement of the Judgment, court shall hear the sentenced person, in cases when he/she are not under detention in the requesting country. In this case the sentenced person may be heard by submitting a rogatory letters otherwise court shall suspend the decision until the presence of this person in Kosovo is ensured. Prosecutor shall also be present in the main hearing.
3. Court shall recognize conclusions of the foreign country pertaining to the factual situation presented in the foreign judgment.
4. In the enacting clause of the Judgement, court shall include the complete enacting clause of the judgement announced by a foreign court and include the name of the court and then shall impose the punishment. In the justification of the Judgement there will be indicated reasons taken into account when imposing the sanction.
5. The imposed sentence may be of a different nature and duration from the sentence imposed by a foreign court as long as it is not more severe. If the imposed sentence by a foreign court does not reach the allowed minimum for imposition of the sentence on the basis of local law, the court shall, regardless this minimum, impose a respective sanction which is in line with the sentence imposed by a foreign court.
6. Each served part of the sanction imposed by a foreign country and time spent under detention shall be calculated in the sentence whether in the foreign country or in Kosovo.
7. Appeals against the judgement may be filed by prosecutor, by sentenced person and his/her defence counsel.

Article 66

Temporary Arrest on the Bases of Petition for Execution of Foreign Judgements

1. If a foreign country submits a petition for execution, the sentenced person may be arrested if detention under remand for similar criminal offences is required on the bases of CPCS and if special circumstances show that there is a potential escape risk.
2. When a foreign authority warns its purpose to submit a petition for execution of the judgement, the sentenced person, upon the request of a foreign authority, may be arrested if conditions, provided for in paragraph 1. of this Article, are met. Such a petition should include the criminal offence punished by the judgement, time and place of perpetration and the most accurate description of the sentenced person. Petition is to be accompanied by a short statement as well on facts supporting the judgement.

3. Sentenced person shall be kept under detention in accordance with provisions of CPCK.

4. Person under detention may be released at any time:

4.1. after the expiry of a period equal to the period of deprivation of liberty imposed by punishing judgement;

4.2. if he/she was arrested in accordance with paragraph 2. of this Article and if petition for execution of the sentence along with other necessary documents have not been received within eighteen (18) days from the day of arrest.

Article 67

Execution of Punishments with Fine and Confiscation of Money

1. When petition for execution of punishment with fine and for confiscation of money has been received, court shall convert this value to the currency in circulation in Kosovo according to the exchange rate applicable at the time when the judgement is issued. By this, court shall determine the value of the fine or the amount which is to be confiscated, which however should not exceed the maximum established by local law for the same criminal offence.

2. When petition for confiscation is related to a particular object, court may order the confiscation of that object only if such a confiscation for that criminal offence is permitted by local law or in case when law allows imposition of more sever sanctions.

Article 68

Collection of Punishments with Fine and Confiscations

1. Revenues from the collection of fines and confiscations shall be deposited to the budget of Kosovo unless otherwise agreed with the requesting country and without prejudicing third parties' rights.

2. Confiscated property, which is of a special interest, may be returned to the requesting country if such a request is made.

Article 69

Execution of Supplementary Sentence

1. When a petition for execution of the sentence prohibiting the exercise of a profession, activity or a duty is filed, such a sentence imposed in sentencing country may be permitted in Kosovo as well only in cases when local law permits the imposition of such sentences for the criminal offences in question.

2. When court orders the execution of a supplementary sentence, it will determine the duration of the supplementary sentence within limits set forth by local law, however it cannot exceed the limits determined of the sanction imposed by requesting country.

CHAPTER X EXECUTION OF LOCAL JUDGMENTS IN A FOREIGN COUNTRY

Article 70 Petition for Execution and for Supporting Documents

Petition for execution may be submitted by a competent local court in written form to the Ministry and should be accompanied by an original or a certified copy of the judgment, whose execution is requested and all other necessary documents, including a statement by which the permissibility for execution of the sanction is confirmed.

CHAPTER XI KOSOVO ROGATORY LETTER ADDRESSED TO A FOREIGN COUNTRY

Article 71 Authority which Submits Rogatory Letter to a Foreign Country

1. During preliminary procedure until the time when indictment is filed, a letter rogatory may be submitted by a competent prosecutor, unless if provisions of CPOK predict that a court order is required.
2. When indictment is filed, letter rogatory may be submitted by a competent court only.
3. Letter rogatory filed by local judicial authorities is to be addressed through the Ministry to competent authorities of the respective country.

Article 72 Confidentiality

In cases when preservation of confidentiality is required and upon admission of the foreign country, Ministry may allow a direct cooperation between local court authorities and court authorities of the foreign country.

CHAPTER XII

FOREIGN ROGATORY LETTER ADDRESSED TO KOSOVO

Article 73

Permission for Execution of the Rogatory Letter

1. Upon the admission of a letter rogatory and after the confirmation of its permissibility, Ministry shall send it for execution to the competent district prosecutor's office, in whose territory person resides or may be found.
2. If letter rogatory is not complete, Minister shall return it to the requesting country for additional data.

Article 74

Refusal to Offer Assistance

1. Ministry may refuse to offer assistance if:
 - 1.1. petition is related to a political offence;
 - 1.2. execution of the petition would prejudice sovereignty, security, public order or other vital interests of Kosovo.

Article 75

Authority which Executes Rogatory Letter

1. District prosecutor shall execute the request in direct manner, unless a court order is required by Criminal Procedure Code. If a court order is required, competent prosecutor shall submit the necessary request to the court.
2. If district prosecutor in charge to execute letter rogatory for legal assistance, concludes that the rogatory letter does not meet the conditions provided for by local Law, he/she shall address it back through the Ministry to the foreign authorities along with the justification.

Article 76

Stay of the Execution of the Letter Rogatory

1. Upon the request of the prosecutor or of the competent judge, Ministry shall inform the foreign country about the stay of the execution of the letter rogatory, if such an execution would hamper ongoing investigations, criminal prosecutions or judicial proceedings in Kosovo.

2. Prior to the refusal or prior to the stay of assistance, Ministry may whenever required and after consultations with requesting country, decide to partially permit the rogatory letter or to set conditions which may be deemed necessary.

3. Requesting country shall be informed about the reasons to stay the assistance.

Article 77 **Participation of Foreign Officials**

1. Ministry shall inform the foreign country about the date and place of execution of the rogatory letter, if such a request is made by requesting country.

2. Ministry may allow participation of foreign officials in the execution of the letter rogatory for international legal assistance. Participation of foreign officials may be allowed if such participation will alleviate the execution of the letter rogatory in accordance with needs of requesting country and at the same time there would be avoided the need for any additional request for international legal assistance.

Article 78 **Hearing through Telecommunication Means**

1. When requesting country requests that a person who is in the territory of Kosovo to be interviewed by foreign judicial authorities as a witness or as an expert and when the person cannot personally be present in the territory of requesting country, interview may be carried out through telecommunication means.

2. Petition for interview through the means of telecommunication should indicate the reason why it is not possible or why it is not preferred to have the person present, the name of the judicial authority and names of persons who will administer the hearing session.

3. Competent district court shall summon the person in question to show up in accordance with conditions provide for by local law.

4. Interrogation through the means of telecommunication is to be carried out in accordance with below listed rules:

4.1. interrogation should be carried out in the presence of the Judge, who is in charge to verify the identity of the person who is going to be interrogated and to respect all his/her rights provided by local law;

4.2. requesting country and Ministry should agree upon measures for protection of person, who is going to be interrogated;

- 4.3. interrogation may be administered directly or under the directives of judicial authorities of requesting country in accordance with laws of requesting country;
- 4.4. upon the petition of requesting country or upon the petition of the person, who is going to be interrogated, Judge shall ensure to provide interpretation assistance during interrogation, whenever it is required; and;
- 4.5. person who is going to be interrogated may use his/her right not to give any statement, what would aggravate his/her situation according to Kosovo law and to the law of requesting country.
5. Without prejudicing none of the measures taken for the protection of the person in question, at the end of hearing there should be kept a record indicating the date and place of hearing, identity of the person heard, identity and functions of all persons in Kosovo that have taken part in hearing, each given oath as well as technical conditions of the hearing. Document then is to be submitted to the competent authorities of requesting country.
6. On the basis of a foreign petition, local judicial authorities may implement provisions of this Article during person's hearing through a video-conference. In this case decision for the hearing and about the methodology of the video-conference is to be carried out in accordance with local legislation. Defendant's hearing may be carried out with his/her consent only.

Article 79 **Search and Confiscation**

1. Rogatory letter for search and confiscation of property must meet the following conditions:
- 1.1. offence which has caused the submission of the request should be punishable by the law of requesting country as well as by local law; and
 - 1.2. the execution of the request is to be done in accordance with local legislation.

Article 80 **Submission of Property**

1. Each property as well as original documents submitted for execution of the letter rogatory, shall be returned to Kosovo from requesting country as soon as possible, unless in cases when Ministry gives up from their restitution.

2. Submission of property, judicial materials or other required documents may be delayed in cases when property judicial materials or documents in question are needed in Kosovo for pending criminal proceedings.

Article 81

Delivery and return of documents and records of evidence

Ever original document and evidence submitted during the execution of the letter rogatory shall be returned to Kosovo as soon as possible, unless if Kosovo judicial authorities give up of their return.

CHAPTER XIII

SERVICE OF WRITS AND RECORDS OF JUDICIAL DOCUMENTS

Article 82

Service of writs and records of judicial documents

1. Competent Municipal Court shall provide assistance pertaining to the service of summons and court decisions that have been submitted by requesting country for this purpose.
2. Service is to be carried out in the way as it is regulated by local law on serving similar documents, whereas, if such thing is not possible, then summons or documents shall only be delivered to the person where service is to be carried out. Ministry shall notify the requesting country about the delivery.
3. A signed certificate, as an evidence on delivery, containing as well the date shall be given by accepting person and if not possible, there will be issued a statement indicating that the service has been accomplished, which also should contain the date of the delivery. If delivery cannot be done, court shall mention reasons on why service cannot be accomplished and they shall be communicated through the Ministry to the requesting country as soon as possible.

Article 83

Serving summons to witnesses, experts, defendants, to show up in front of court authorities of the requesting country

1. In cases when requesting country demands, through summons, personal presence of witnesses or of experts in front of their court authorities, or demands voluntary defendant's presence, Ministry shall, through judicial authorities, invite witnesses or experts to show up.

2. Ministry shall notify requesting country about the response given by experts or by witnesses.

3. If witnesses, experts or defendants summoned to show up in front of competent authorities, fail to do that they will not be subject of any punishment or other measures.

Article 84

Guarantees for the Witness, Expert or for the defendant when they are Summoned to appear in front of Kosovo Authorities

1. Witnesses or experts which appear in front of Kosovo judicial authorities, regardless their citizenship, shall not be prosecuted, arrested and shall not become subject of any limitation within the territory of the Republic of Kosovo pertaining to offences or punishment before their departure from the territory of the Republic of Kosovo.

2. Regardless his/her citizenship, person who is summoned to appear in front of Kosovo judicial authorities to testify about his/her actions related to the proceedings initiated against him/her, shall not be subject of prosecution, arrest or any other limitation related to the offence or punishment before the departure from the territory of the Republic of Kosovo and when such thing is not specified in summons.

3. Immunity granted by this Article will cease in cases when witness, expert or defendant does not leave within fifteen (15) consecutive days from the date when his/her presence is no longer required by judicial authorities, but they stay within the territory of the Republic of Kosovo or first leave and then return again.

Article 85

Temporary transfer of persons under arrest in order to testify in front of court authorities of requesting country

1. Arrested person, whose presence as a witness for purposes of cross examinations is required by a foreign country, shall be temporarily transferred to the territory where the hearing is scheduled to be held, on condition that he/she will be returned to Kosovo within the period of time determined by the Ministry.

2. Transfer may be refused if:

2.1. person under arrest does not give his/her consent;

2.2. his presence in Kosovo is necessary because of a pending criminal procedure;

2.3. his/her transfer is related to the extension of detention period and

- 2.4. there are other circumstances preventing his/her transfer to the requesting country.
3. Transit passage of the arrested person through the territory of Kosovo may be permitted if Ministry of Justice of requesting country submits a request for permission, accompanied by all necessary documents, which should be addressed to the Ministry.

CHAPTER XIV JUDICIAL RECORDS AND OTHER DATA

Article 86 Petition for Criminal Records

Upon the petition of a foreign country, extracts and information about judicial data shall be communicated, by ensuring that such information is required for criminal matters of requesting country.

Article 87 Exchange of information related to the judicial data

Ministry shall inform each foreign country about criminal sentences and supplementary measures imposed against their citizens that are entered into judicial records. When person in question is a citizen of two or more countries, information shall be provided to each one of them.

Article 88 Exchange of information

Without hindering the course of investigations or criminal proceedings, Kosovo judicial competent authority may, without a previous request, forward to the competent authority of a foreign country information collected during their investigations, if they consider that the disclosure of such information may assist receiving country to initiate or to take over investigations or criminal proceedings, or it may lead to a petition for mutual international legal assistance filed by receiving country.

CHAPTER XV
TRANSITIONAL AND FINAL PROVISIONS

Article 89
Expenditures

1. Expenditures pertaining to the extradition from Kosovo to a foreign country, incurred outside the territory of Kosovo, shall be reimbursed by requesting country.
2. Expenditures pertaining to the extradition from a foreign country to Kosovo, on the basis of the request from the Ministry, shall be reimbursed by the budget of Kosovo.
3. Pursuant to this Law, other expenditures incurred during the provision of international legal assistance, incurred within the territory of Kosovo shall be reimbursed by the budget of Kosovo.

Article 90
Protection of Personal Data

1. Pursuant to this Law, personal data transferred to Kosovo in order to execute a request, may be used by judicial authorities, only:
 - 1.1. for the purposes of proceedings provided for by this law;
 - 1.2. for other judicial and administrative proceedings that are directly related with the procedures mentioned in paragraph 1. of this Article;
 - 1.3. for prevention of a serious danger to public safety
2. Pursuant to this Law, transfer or disclosure of personal data from Kosovo to a foreign country in order to execute a request should be in full accordance with the Law on Protection of Personal Data.

Article 91
Competencies for sub-legal acts

Ministry of Justice may draft sub-legal acts for implementation of this law.

Article 92
Transitional Provisions

1. Upon entry into force of the Law on Court, respectively Law on State Prosecutor's Office, court, respectively prosecutorial competencies shall be established on the basis of these laws.
2. Procedures pertaining to the provision of international legal assistance, which were commenced before entry into force date of this Law, but not completed to this date yet, shall be processed and completed in accordance with the provisions of Chapter XLVII and XLVIII of the Criminal Procedure Code.

Article 93
Repealing Provisions

Upon entry into force of this Law, provisions of Chapter XLVII and XLVIII of the Criminal Procedure Code shall cease being implemented for all petitions pertaining to the international legal assistance

Article 94
Entry into Force

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

Law No. 04/L-031
31 August 2011

President of the Assembly of the Republic of Kosovo

Jakup KRASNIQI