

UNITED NATIONS
United Nations Interim
Administration Mission in
Kosovo



NATIONS UNIES
Mission d'Administration
Intérimaire des Nations Unies au
Kosovo

UNMIK/REG/2007/15
19 March 2007

REGULATION NO. 2007/15

**AMENDING UNMIK REGULATION NO. 2006/6 ON THE
OMBUDSPERSON INSTITUTION IN KOSOVO**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Duly noting Chapter 10 of the Constitutional Framework for Provisional Self-Government in Kosovo (UNMIK Regulation No. 2001/9 of 15 May 2001, as amended),

Having promulgated UNMIK Regulation No. 2006/6 of 16 February 2006 on the Ombudsperson Institution in Kosovo,

After consultation with the Assembly of Kosovo and the Government,

For the purpose of amending sections 5, 6, 8.1, 8.2, 8.4 (a), 8.4 (c), 12.1, 18 and 19 of UNMIK Regulation No. 2006/6 in order to facilitate the process of appointment of the Ombudsperson and the Deputy Ombudspersons,

Hereby promulgates the following:

Section 1
Amendments

- 1.1 Section 5 shall be revised to read as follows:

Section 5
Composition of the Ombudsperson Institution

The Ombudsperson Institution shall be composed of the Ombudsperson, four (4) Deputy Ombudspersons and a professionally competent staff. The Ombudsperson shall establish the responsibilities of the Deputy Ombudspersons and shall designate one of them as the Principal Deputy Ombudsperson.

- 1.2 Section 6 shall be revised to read as follows:

Section 6
The Ombudsperson and the Deputy Ombudspersons

6.1 The Ombudsperson and the Deputy Ombudspersons shall be eminent figures of high moral character, impartiality and integrity, who possess a demonstrated commitment to human rights and who are habitual residents of Kosovo.

6.2 The Ombudsperson shall be appointed by the Assembly of Kosovo according to open and transparent procedures by a vote having the support of a majority of the Members of the Assembly following a public announcement issued by the Presidency of the Assembly calling for nominations within a period of not less than thirty (30) days from organizations and institutions involved with the monitoring, protection or promotion of human rights and fundamental freedoms. If the required majority is not obtained following a separate vote on each individual candidate, the Presidency of the Assembly shall have discretion to discontinue the voting and to initiate the nomination process anew.

6.3 The term of office of the Ombudsperson shall be four (4) years. The appointment may be renewed for a further term.

6.4 The four (4) Deputy Ombudspersons shall be appointed by the Assembly of Kosovo according to open and transparent procedures by a single collective vote requiring the support of a majority of the Members of the Assembly present and voting, including the votes of at least a quarter of the Members of the Assembly (30), based upon recommendations

submitted by the Ombudsperson following a public announcement issued by the Presidency of the Assembly calling for nominations within a period of not less than thirty (30) days from organizations and institutions involved with the monitoring, protection or promotion of human rights and fundamental freedoms. Upon the appointment of the Deputy Ombudspersons, one of the Deputy Ombudspersons shall be formally designated by the Ombudsperson to serve as his/her Principal Deputy. If a Deputy Ombudsperson position becomes vacant, the Assembly shall vote for an individual candidate to fill the vacancy based on a recommendation of the Ombudsperson, in conformity with the voting requirements and nomination procedures outlined in this paragraph.

6.5 The term of office of the four (4) Deputy Ombudspersons shall be three (3) years. The appointment may be renewed for a further term.

6.6 The individuals appointed as the Ombudsperson, and the four (4) Deputy Ombudspersons shall include at least one (1) person from the Kosovo Albanian Community, at least one (1) person from the Kosovo Serb Community, and at least one (1) person from the one of the other non-majority Communities entitled to be represented in the Assembly of Kosovo. The persons appointed shall serve in their individual capacities and shall collectively represent the ethnic diversity of Kosovo society.

6.7 The individuals appointed as the Ombudsperson and the four (4) Deputy Ombudspersons shall include at least one (1) person who is female.

6.8 The Assembly of Kosovo shall in accordance with its rules of procedure approve formal procedures, which shall be open and transparent. Such procedures shall take into particular account the requirements set forth in paragraph 6 of the present section for representation of Communities and in paragraph 7 of the present section for gender balance.

6.9 If the response to the public announcements pursuant to paragraphs 2 and 4 of the present section would not enable the Ombudsperson and the Deputy Ombudspersons to meet the requirements set forth in paragraph 6 of the present section for representation of Communities and in paragraph 7 of the present section for gender requirements, the Presidency of the Assembly may recommend to the Assembly that one or more of the posts of Deputy Ombudsperson be kept vacant and that further calls be made for nominations until the criteria set forth in paragraphs 6 and 7 are met.

6.10 The term of office of the Ombudsperson and the Deputy Ombudspersons shall end upon expiration, resignation, death or removal

from office by the Assembly of Kosovo as provided under Section 8 of the present Regulation. The Presidency of the Assembly shall issue a public announcement in order to fill the vacancy for the Ombudsperson or Deputy Ombudsperson(s) within fourteen (14) days of the end of the respective term of office.

6.11 Upon appointment, the Ombudsperson and the Deputy Ombudsperson(s) shall subscribe to a solemn oath before the Assembly of Kosovo. The form of the oath shall be as follows: “I solemnly declare and promise to faithfully discharge the duties and functions entrusted to me by law to protect and promote human rights and fundamental freedoms in Kosovo, to perform my duties thoroughly and impartially and not to seek or accept instructions from any outside source.”

1.3 Section 19 shall be revised to read as follows:

Section 19
Transitional Provisions and Repeal

19.1 The Ombudsperson Institution shall be constituted upon the appointment of the Ombudsperson and four (4) Deputy Ombudspersons under the present Regulation. If one or more vacancies exist in circumstances described in sections 6.4 and 6.9 of the present Regulation, the Ombudsperson Institution shall nevertheless be deemed to be legally constituted.

19.2 Pending the appointment of the Ombudsperson and the Deputy Ombudspersons, the appointed officials in post at the time of the entry into force of the present Regulation shall remain in post in the same capacity on an interim basis and exercise powers and responsibilities in accordance with UNMIK Regulation No. 2000/38 of 30 June 2000, as amended, on the Establishment of the Ombudsperson Institution in Kosovo.

19.3 A person who is a Deputy Ombudsperson at the time of the entry into force of the present Regulation may be appointed as the Ombudsperson under section 6.2 or a Deputy Ombudsperson under section 6.4 and such appointment may be renewed for a further term pursuant to section 6.3 or section 6.5.

19.4 Cases of alleged violations of international human rights standards by Kosovo Institutions which, immediately before the Ombudsperson Institution has been constituted, were still the subject of investigation by the Ombudsperson Institution established by UNMIK Regulation No. 2000/38

or by the Deputy Ombudspersons pursuant to paragraph 2 of the present section shall upon the constitution of the Ombudsperson Institution become the responsibility of the Ombudsperson Institution established under the present Regulation.

19.5 Except as provided under paragraph 2 of the present section, UNMIK Regulation No. 2000/38 of 30 June 2000, as amended, on the Establishment of the Ombudsperson Institution in Kosovo shall cease to have effect at the time of the entry into force of the present Regulation.

1.4 In sections 8.1, 8.2, 8.4 (a), 8.4 (c), 12.1 and 18 the words “Principal Deputy Ombudsperson” shall be deleted.

Section 2
Entry into Force

The present Regulation shall enter into force on 19 March 2007.

Joachim Rucker
Special Representative of the Secretary-General