

## CODE OF ETHICS FOR THE OMBUDSPERSON OF THE KOSOVO SPECIALIST CHAMBERS

### Preamble

The Ombudsperson of the Kosovo Specialist Chambers,

Recalling that the Ombudsperson shall be of high moral character as required by Article 34(9) of the Law on Specialist Chambers and Specialist Prosecutor's Office, Law No. 05/L-053,

Recalling the principle of independence specified in Rule 28(1) and (2) of the Rules of Procedure and Evidence before the Kosovo Specialist Chambers ('Rules'),

Recalling the obligation of confidentiality specified in Rule 29(6) of the Rules,

Recognising that independence, impartiality, confidentiality and professionalism are essential in performance of the Ombudsperson's duties,

Recognising the vital role of the Ombudsperson in protection, supervision and promotion of fundamental rights and freedoms enshrined in Chapter II of the Constitution of Kosovo of persons interacting with the Kosovo Specialist Chambers and Specialist Prosecutor's Office,

Noting the solemn declaration required by Rule 28(4) of the Rules,

In order to clarify the general principles, as derived from the relevant rules, that guide the Ombudsperson in performance of his duties,

With a view to promoting the highest ethical standards,

Adopts the present Code of Ethics for the Ombudsperson of the Kosovo Specialist Chambers.

### 1. Independence and impartiality

- 1.1. The Ombudsperson shall be independent, neutral, impartial and unaligned in performance of his duties and shall neither seek nor take instructions from any public or private institution, body, entity or person external to the Office. Subject to applicable rules, the Ombudsperson shall exercise sole discretion over how to act regarding a particular matter.
- 1.2. The Ombudsperson shall strive for impartiality, fairness and objectivity in the treatment of persons and the consideration of issues. He shall regard the legitimate concerns and interests of all persons affected by the matter under consideration and shall attempt to establish the truth.
- 1.3. The Ombudsperson shall refrain from activities or assuming obligations that might create an actual, apparent or potential conflict of interest, or compromise in any other way his independence, neutrality or impartiality.



## **2. Integrity**

- 2.1. The Ombudsperson shall conduct himself with probity and integrity, consistent with the high moral character required for Office. The Ombudsperson shall refrain from behaviour and actions that may negatively affect the authority or image of the Office.
- 2.2. The Ombudsperson shall treat every person with dignity and respect and shall act in accordance with the principles of equality and non-discrimination. He shall not engage in any form of harassment, including sexual harassment, or abuse of authority.

## **3. Diligence**

- 3.1. The Ombudsperson shall act at all times with the view of ensuring the effective operation of the Office.
- 3.2. The Ombudsperson shall take reasonable steps to maintain and enhance his knowledge, skills and personal qualities necessary for the performance of his duties.

## **4. Gifts and benefits**

- 4.1. The Ombudsperson shall not directly or indirectly solicit, elicit, accept, offer or provide any gift, hospitality, reward or any other benefit for himself or for another person that may reasonably be perceived as being intended to influence the performance of the Ombudsperson's duties.
- 4.2. In performance of his duties, the Ombudsperson shall not accept, offer or provide any gifts other than protocol gifts of a symbolic nature offered for courtesy reasons.

## **5. Decorations or honours**

- 5.1. Any decoration, prize or honour awarded to the Ombudsperson must be compatible with his status and must not compromise his independence or give rise to an actual, apparent or potential conflict of interest. All decorations, prizes or honours shall be made public.

## **6. Confidentiality and transparency**

- 6.1. The Ombudsperson shall not disclose any confidential information that he obtains in or in connection with the performance of his official duties. However, the Ombudsperson shall inform the competent body or person of facts indicating that there is a real danger to the life or health of a person from criminal acts where such information has come to the Ombudsperson's attention in the course of his duties.
- 6.2. The Ombudsperson shall take appropriate steps to protect the security of confidential information. He shall exercise particular vigilance in respect of vulnerable individuals, such as victims of sexual and gender based violence and children.
- 6.3. The Ombudsperson shall perform his duties in a transparent manner. To the greatest extent possible and subject to the Ombudsperson's confidentiality obligation, public professional meetings and events attended by the Ombudsperson shall be published. This shall also apply to public speeches given by the Ombudsperson where a text is available.



## **7. Post-term**

- 7.1. After ceasing to hold Office, the former Ombudsperson continues to be bound by the duties of integrity, discretion and confidentiality.
- 7.2. The former Ombudsperson must conduct himself so as not to obtain undue benefit from his prior Office.
- 7.3. The former Ombudsperson shall not disclose confidential information obtained in or in connection with the performance of his duties of Office and must not give advice to any person based on information not available to the public, obtained in or in connection with the performance of his duties of Office.
- 7.4. The former Ombudsperson may not act for or on behalf of anyone in proceedings or any other matter in relation to which he acted in the performance of his duties of Office.

## **8. Closing provision**

- 8.1. This Code comes into effect upon the signature of the Ombudsperson and the date it is posted on the Kosovo Specialist Chambers' website.

The Hague, Netherlands

12 September 2018

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Pietro Spera

Ombudsperson of the Kosovo Specialist Chambers