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CODE OF CONDUCT FOR THE STAFF OF PROSECUTION OFFICES OF THE REPUBLIC OF KOSOVO

May 2010

This document was produced with the assistance of the U.S. Agency for International Development (USAID) Kosovo Justice Support Program, implemented under contract by the National Center for State Courts.

CONTENTS

PREAMBLE.....	4
ARTICLE 1 PERSONAL INTEGRITY.....	5
ARTICLE 2 PROFESSIONALISM.....	5
ARTICLE 3 COMPETENCY.....	6
ARTICLE 4 MAINTENANCE OF RECORDS.....	6
ARTICLE 5 CONFIDENTIALITY.....	6
ARTICLE 6 IMPARTIALITY.....	7
ARTICLE 7 PREJUDICE.....	7
ARTICLE 8 ABUSE OF POSITION.....	7
ARTICLE 9 GIFTS AND FAVORS.....	7
ARTICLE 10 ATTEMPTS TO INFLUENCE.....	8
ARTICLE 11 CONDUCT WITHIN AND OUTSIDE THE PROSECUTOR'S OFFICE.....	8
ARTICLE 12 LEGAL ADVICE, ASSISTANCE AND REFERRALS.....	9
ARTICLE 13 COMMUNICATIONS WITH COURTS.....	9
ARTICLE 14 CONFLICT OF INTEREST.....	9
ARTICLE 15 IMPROPRIETY.....	10
ARTICLE 16 APPEARANCE OF IMPROPRIETY.....	10
ARTICLE 17 HARASSMENT.....	10
ARTICLE 18 INVOLVEMENT OF ACTIONS BEFORE THE PROSECUTOR'S OFFICE.....	11
ARTICLE 19 PROFESSIONAL RELATIONSHIPS.....	11
ARTICLE 20 TECHNOLOGY.....	11
ARTICLE 21 MISCONDUCT OF OTHERS.....	11
ARTICLE 22 OUTSIDE EMPLOYMENT.....	12
ARTICLE 23 FORMER EMPLOYEES.....	12
ARTICLE 24 POLITICAL ACTIVITY.....	12
ARTICLE 25 FINANCIAL DISCLOSURE.....	13
ARTICLE 26 WORKING HOURS.....	13
ARTICLE 27 DRESS CODE.....	13
ARTICLE 28 FINAL PROVISION.....	13

Preamble

The ethical conduct of the staff of the Prosecutor's Office is of critical importance to the administration of justice in Kosovo. An ethical and professional staff significantly contributes to public trust and confidence in Kosovo's prosecutorial services. Staff members are therefore obligated to act, at all times, in a manner that maintains and promotes public confidence in the integrity and effectiveness of the Prosecutor's Office.

Principles of honesty, impartiality, fairness, adherence to confidentiality and avoidance of conflicts of interest or appearance of improprieties govern an independent Prosecutor's Office.

The Code of Conduct ("Rules"), which apply to all staff, are aimed at promoting ethical behavior; and establishing standards of moral integrity and guidelines for proper conduct. They determine the personal and professional conduct of the staff which is designed to uphold the prestige and image of Prosecutor's Office - dedicated to rule of law and administration of justice in Kosovo.

The Rules also compliments the Civil Servant Code of Conduct¹ ("Code") and advances a framework for ensuring official conduct comports with the ideals and values of the Prosecutor's Office.

The standards contained in the Rules shall not affect or preclude more stringent standards required by law or regulations.

The Rules apply to all staff of the Prosecutor's Office, with the exception of prosecutors, whose conduct is governed by the Code of Ethics for Prosecutors.²

¹ Civil Service Code of Conduct No. 01/2006.

² Code of Ethics and Professional Conduct for Prosecutors, adopted 9 May 2005.

Article 1 *Personal Integrity*

An employee of the Prosecutor's Office of the Republic of Kosovo should uphold the integrity and independence of the Office.

Staff shall demonstrate the highest standards of personal integrity, honesty, and truthfulness in carrying out their professional duties and personal activities.

The following conduct impacts negatively upon the personal integrity and honesty of the staff:

- Omissions on time cards and personnel records;
- Backdating of documents (internal or external);
- False claims for reimbursement for mileage or expenses;
- False reasons given to supervisors for leaving work early;
- Misuse of computer; telephone; facsimile machine; copying machine; and
- Removal of supplies from the office to home for private use.

Staff's conduct should be consistent with the maintenance of public trust and independence of the office.

Misuse of work hours, equipment, supplies or facilities for personal business is forbidden.

Article 2 *Professionalism*

In fulfilling its professional duties, the staff's behavior to all persons including police, witnesses, lawyers, court staff and others, shall be one of respect; courtesy; patience; fairness; conscientiousness; and timeliness.

Staff shall refrain from unethical or unprofessional conduct that will negatively impact one's professional prestige and result in the loss of dignity of the staff and severely damage the image of the Prosecutor's Office.

Staff shall serve the Prosecutor's Office with a sense of loyalty and fulfill its professional duties in good faith and commitment to its responsibility in a manner that promotes the public esteem of the prosecutorial services of Kosovo.

Article 3 Competency

Staff shall, at all times, demonstrate professional competence and seek continuous professional development.

Staff is encouraged to participate in professional activities and associations; attended internal and external educational programs to improve personal and professional skills; and to attain proficiency in computer skills and use of electronic case management systems aimed at improving the work of the Prosecutor's Office.

Staff is required to be familiar with the relevant laws and rules under which the Prosecutor's Office operates. Staff should be knowledgeable on changing legislative actions and decisions by higher courts which impacts the work of the Prosecutor's Office.

Article 4 Maintenance of Records

Staff is obligated to properly maintain records of the Prosecutor's Office.

Staff shall not inappropriately destroy, alter, falsify, mutilate, backdate or fail to make required entries on any records within the Prosecutor's Office control including, but not limited to, police reports; witness statements; expert reports; internal registration of cases, documents and other information.

Article 5 Confidentiality

Staff is prohibited from disclosing or using information acquired while carrying out its professional duties for any purpose.

Confidential information should not be disclosed intentionally or unintentionally. Staff should discuss cases only with legitimate reasons paying special attention to intentional or unintentional disclosure of information in sensitive cases.

Confidential information may only be disclosed to authorized persons in the Prosecutor's Office in connection with the fulfillment of his or her duties in accordance with the law and/or the internal rules of the Prosecutor's Office.

Staff is forbidden from obtaining or attempting to obtain information that it is not authorized to have or gain access to.

All measures should be taken to ensure security and confidentiality of information for which he/she is responsible or possesses knowledge of.

The duty to maintain confidentiality extends not only to work hours, but also to non- working hours. Confidentiality shall be maintained even after the staff is no longer employed by Prosecutor's Office.

Article 6 *Impartiality*

Staff of the Prosecutor's office shall be impartial in carrying out their professional duties and objectively observe the procedural rights and guarantees of all parties.

Impartial treatment by the staff shall be exhibited regardless of the person's national origin, race, sex, religion, disability, age, economical status or political interest.

A staff member has a duty to inform a supervisor, administrator or Chief Prosecutor if circumstances arise that may influence the staff member causing him or her to lack impartiality.

Article 7 *Prejudice*

Staff shall perform their duties without bias or prejudice and shall not manifest by words or conduct bias or prejudice based upon national origin, race, sex, religion, political affiliation, age, disability or economic status.

Article 8 *Abuse of Position*

Staff is prohibited from using its official position to obtain privileges, exemptions or advantages either for oneself or another.

Staff shall not use misuse assets, documents, or information with which it is entrusted for the fulfillment of its professional duties.

Staff shall not attempt to take advantage of access to closed or pending investigations or case files to further any personal interest in a case or engage in related ex-parte discussions with judges.

Article 9 *Gifts and Favors*

Gifts or favors shall not be requested or accepted by staff for fulfilling their professional obligations.

Staff shall not dispense special favors to anyone, whether or not remuneration is offered.

Article 10 *Attempts to Influence*

A staff member shall immediately report to the appropriate authority any attempt at influence by offers of gifts, favors, special privilege, advantage or other means.

In fulfilling its professional duties, staff should refrain from any conduct that might make it vulnerable to outside influence or that could impede the independence of the Prosecutor's Office.

Staff shall avoid improper influences from persons, business, family, political party or others. Additionally, relationships and activities that would impair one's impartiality and independent judgment and would bring into question the dignity of the Prosecutor's Office should be avoided.

Article 11 *Conduct within and outside the Prosecutor's Office*

Staff shall behave patiently, politely and courteously with prosecutors, peers, witnesses, lawyers and others with whom contact is made either directly, telephonically, or electronically.

In its interaction with prosecutors and peers, staff shall behave in a respectful manner and in good faith. Staff shall not express its opinion regarding the professional or moral aptitude of prosecutors and other peers.

At no time is staff allowed to speak with the media or comment on any decision or order issued by the Prosecutor's Office on any closed or pending case.

Staff is prohibited from publicly expressing its opinion on the legality and validity of decisions or orders issued by the Prosecutor's Office – especially those opinions which may affect the prestige of the office.

There shall be no displays by the staff of discontent towards any of the individuals with whom it comes in contact in its official position. Instead, staff shall show moderation in its communications with individuals.

Staff shall not make or repeat remarks about a pending case or investigation in the Prosecutor's Office that might jeopardize the integrity, affect fairness or outcome of the case or investigation.

Conduct which affects the image or prestige of the Prosecutor's Office should be reported to a supervisor, administrator or chief prosecutor of the office.

Article 12 Legal Advice, Assistance and Referrals

Staff is prohibited from providing legal advice to parties or non-parties.

Staff shall not provide any interested parties recommendations for lawyers, experts, mediators, or any other persons who carry out activities related to justice.

Legal assistance should be limited to providing information on procedural matters and in understanding and complying with prosecutorial directives such as invitations and summons to appear in the Prosecutor's Office, as required, as part of the staff's official position.

Article 13 Communications with Courts

Staff is prohibited from communicating personal knowledge about the facts of a pending case or investigation to court staff including judges, clerks and other court staff.

Article 14 Conflict of Interest

Prosecution staff should manage personal and business matters so as to avoid situations that may lead to conflict or the appearance of conflict, in the performance of their duties.

To avoid conflict of interest, staff is required to:

- Inform the appropriate supervisor of any potential conflict of interest involving their duties.
- Withdraw from any involvement in a pending investigation, case or prosecution office related activity which may specially benefit or harm a personal interest, the staff's relative or friends.
- Refrain accessing or receiving documents or information on an ongoing investigation or pending case where the staff has a personal, business or family interest that may actually or appear to influence the outcome of the investigation or case and seriously undermine the public's confidence and trust in the Prosecutor's Office.

Article 15 *Impropriety*

Staff shall refrain from improprieties including the following conduct:

- Violating the law;
- Soliciting funds on the job;
- Receiving or requesting gifts or favors related to official duties;
- Accepting outside employment that conflicts with the duties of the Prosecutor's Office;
- Recommending private legal service providers; and
- Any other conduct that would be considered an impropriety that could damage the honor and dignity of the Prosecutor's Office.

Article 16 *Appearance of Impropriety*

Staff should not engage in any activities that raise issues of propriety in carrying out duties of the office.

Staff should avoid both the impropriety and the appearance of impropriety.

In the event of a conflict or appearance of one, staff has a duty to recuse itself from any involvement in the case in question.

Article 17 *Harassment*

It is prohibited to make sexual advances to other staff and insinuations that are inappropriate and offensive.

Staff shall avoid engaging in conduct that could be perceived as harassment which can be verbal, physical and psychological.

Supervisors are obligated to conduct a prompt and thorough investigation of any allegation of harassment.

Article 18 *Involvement of Actions before the Prosecutor's Office*

Staff shall notify the appropriate supervisor whenever he or she, anyone in his or her family, or anyone with whom he or she has a close professional relationship has been arrested, named in pending investigation, or is otherwise formally involved in any action pending in any of the prosecution offices.

Article 19 *Professional Relationships*

Prosecutor's Office shall recruit, select and advance personnel based on a demonstrated knowledge, skills, abilities and other work-related factors, but not on favoritism.

All attempts should be made to avoid supervising a family member. In the event that a staff member works directly with a family member, assessments should be made regularly to rectify the situation.

Article 20 *Technology*

Information retained in electronic files should be treated like any other prosecution office document by the staff. The same rules apply regarding the need for confidentiality of electronic information where access is limited to authorized persons.

Staff shall refrain from transmitting electronic data that would embarrass the Prosecutor's Office.

Staff should avoid using prosecution office electronic equipment for non-prosecution office business.

It is forbidden to install personal software or equipment without prior approval of the Administrator of the respective Prosecutor's Office.

Article 21 *Misconduct of Others*

Prosecution staff should expect other staff members to obey the law and internal rules of the Prosecutor's Office governing professional and personal conduct. A staff member shall report to the appropriate authority the behavior of any staff who violates this code including, but not limited to, potential conflicts of interest involving official duties and any attempts to inappropriately influence the performance of those duties.

Article 22 **Outside Employment**

Except as provided by law or Prosecutor's Office, staff shall not engage in any business or outside activity or secondary employment that:

- Is conducted during the staff's normal working hours;
- Reflects negatively upon the Prosecutor's Office;
- Conflicts with the performance of the staff's official responsibilities;
- Involves an organization or private employer that regularly conducts business with the Prosecutor's Office;
- Places the staff in a position of conflict with his or her official role in the Prosecutor's Office;
- Gives the impression that the employment or activity is on behalf of the Prosecutor's Office;
- Requires use of Prosecutor's Office equipment, materials, supplies, telephone services, office space, computer or facilities.

Article 23 **Former Employees**

Staff interacting in a professional capacity with a former employee (former prosecutor or staff) of the Prosecutor's Office shall refrain from conducting official business in a manner that could give the appearance of partiality or favoritism towards the former employee.

Article 24 **Political Activity**

The Prosecutor's Office is neutral and impartial in political matters. Staff may be a member of a political party, but refrain from active engagement in political activities.

Staff should refrain from conduct that would give the impression that the Prosecutor's Office itself endorses political candidates or supports political causes, including the development of propaganda for or against any political party.

The following conduct is forbidden in relation to political activity:

- During schedule work hours, staff shall not display literature; badges; stickers; signs; or other political advertisements on behalf of a political party or candidate for political office;
- Staff shall not use their official authority or position directly or indirectly to influence or attempt to influence any other staff to become a member of a political party or support a candidate for political office; and
- Staff shall not discriminate or favor any subordinate or applicant for employment with the Prosecutor's Office on account of any political party affiliations.

Article 25 *Financial Disclosure*

Staff shall dutifully disclose all financial interests, dealing and transactions required by law, rules or regulations.

Article 26 *Working Hours*

Staff shall respect the work hours of the respective Prosecutor's Office.

Staff shall perform only prosecution office related activities during work hours.

Article 27 *Dress Code*

Staff shall wear appropriate business attire and shall present a tidy appearance during work hours. Types of dress which are **not appropriate** while performing duties:

- Shirts and blouses which do not cover the entire midsection of the body.
- Skirts of an inappropriate length which can be considered improper and inconsistent with the serious nature of work of the Prosecutor's Office
- Transparent clothes, jeans, tights, short pants, t-shirts, sportswear including jogging suits, and tennis shoes.

Article 28 *Final Provision*

Violation of provisions of this Code, laws and regulations including the Civil Service Code may subject the offending staff member to disciplinary sanctions which can result in suspension or dismissal from the Prosecutor's Office.