



THE OMBUDSPERSON OF THE KOSOVO SPECIALIST CHAMBERS



OMBUDSPERSON

Pietro Spera (Italy)

Mr Pietro Spera was appointed Ombudsman of the Kosovo Specialist Chambers in May 2018. He has been serving as Judge in the Court of Genoa since 2010 where he presides over trials and facilitates mediation and conciliation. As former International Judge with the War Crimes and Organized Crime Chambers of the Court of Bosnia and Herzegovina (Sarajevo), Ombudsman Spera has extensive international experience. He previously served as the Head of the Italian Justice Project in Afghanistan (Kabul), where he delivered justice reform projects designed to promote and ensure compliance with international human rights law.

Ombudsman Spera has published on various subjects including case management and judicial efficiency. He is a member of the Roster of Experts for UN Sanctions Monitoring, as well as an expert for the EU project "Strengthening Efficiency, Accountability and Transparency of the Judicial and Prosecutorial System in Kosovo."

WHAT DOES THE OMBUDSPERSON DO?

The Kosovo Specialist Chambers (KSC) and Specialist Prosecutor's Office (SPO) are required to uphold fundamental protections enshrined within Chapter II of the Constitution of Kosovo and to act in compliance with international human rights law.

The Ombudsman, though placed within the Registry, acts independently to **monitor, defend and protect** the fundamental rights and freedoms of persons interacting with the KSC and SPO. He has exclusive responsibility as Ombudsman in relation to both institutions (the KSC and SPO).

Without intervening in cases or other legal proceedings before the KSC, except in cases of unreasonable delays, the Ombudsman may make recommendations in his area of activity and may refer laws to the Specialist Chamber of the Constitutional Court.

LEGAL FRAMEWORK

The Ombudsman's mandate and official functions are detailed in Constitutional Amendment No. 24, in the Law on Specialist Chambers and Specialist Prosecutor's Office in Rules 28 and 29 of the Rules of Procedure and Evidence of the Kosovo Specialist Chambers, as well as in Rule 26 of the Rules of Procedure for the Specialist Chamber of the Constitutional Court.

The establishment of the Office of the Ombudsman within the structure of the KSC and SPO is distinctive in that it provides an additional layer of human rights protection for persons interacting with the KSC and the SPO.

CONTACT

You can contact the Office of the Ombudsman at: ombudsperson@scp-org,
 visit www.scp-ks.org or write to:

Office of the Ombudsman, Kosovo Specialist Chambers
 P.O. Box 47
 2501 CA, The Hague, The Netherlands



FUNCTIONS

Among other functions, the Ombudsperson may:

- Receive complaints from persons interacting with the KSC and SPO alleging human rights violations.
- Conduct inquiries into admissible complaints.
- Enter and inspect detention facilities.
- Propose and facilitate mediation and reconciliation, where appropriate.
- Make recommendations and propose actions to the President of the KSC and the SPO on matters falling within their functions.
- Make referrals to the Specialist Chamber of the Constitutional Court.
- Participate as *amicus curiae* (friend of the court), upon invitation by an individual Judge or a Panel.

CONFIDENTIALITY

In the exercise of its functions, the Office of the Ombudsperson upholds the highest standards of confidentiality and diligently conforms to policies and procedures of the KSC.

The Office of the Ombudsperson shall ensure the protection and security of confidential information received or to which the Office is given access.

COMPLAINTS

The Ombudsperson's activities include the power to conduct inquiries into complaints received. To this end, the Ombudsperson issued the **Complaints Procedure** setting out the various applicable steps and procedures. In addition, the **Complaints Form** issued by the Ombudsperson is the form which must be completed by individuals wishing to make a complaint asserting a violation of their fundamental rights by the KSC or SPO.

For more information, please see the **Guide to the Complaints Procedure** and the **Complaints Procedure** available on the KSC and SPO websites.

OMBUDSPERSON'S CODE OF ETHICS

The Ombudsperson adopted and published the **Code of Ethics for the Ombudsperson**, which regulates professional standards applicable to activities of his Office.

The Ombudsperson is required to perform his duties with independence, impartiality, professionalism and to act consistently with the high moral character required by the Constitution of Kosovo, the Law on Specialist Chambers and Specialist Prosecutor's Office and the Rules of Procedure and Evidence.

HOW TO SUBMIT A COMPLAINT

*For all information relating to submitting a complaint, please see the **Complaints Form**, **Complaints Procedure** and the **Guide to the Complaints Procedure** at: www.scp-ks.org.*