
Le Président

The President

Mr. Hashim Thaçi

President

Ndërtesa e Kuvendit

Sheshi “Nëna Terezë” p.n

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Your Excellency,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE) which represents the bars and law societies of 45, and through them more than 1 million European lawyers. The CCBE represents European bars and law societies in their common interests before European and other international institutions.

Among the CCBE’s most important missions are the regulation of the legal profession, the defence of the rule of law, human rights, and democratic values.

Law on Civil Procedure Code

We wish to reiterate our full support to the amendments proposed by the Kosovo Bar to Article 86 of the Law No. 03/L-006 on Contested Procedure.

Currently, Article 86 provides that “an authorized representative [in civil court proceedings] may be any person that has full capabilities to act”. The Kosovo Bar proposed the rewording of this provision saying that an authorised representative of the party may only be a Bar-registered lawyer, free legal aid officials, next-of-kin blood relatives if they have capacity to act; it also said that legal entities may also be represented by non-Bar registered lawyers with whom they are in a regular working relationship.

We fully support the Kosovo Bar’s proposal. As mentioned in our letter of 23 March 2014, the CCBE has specifically considered the issue of representation by lawyers in court proceedings over recent years. The CCBE believes that lawyers who are qualified to appear in court serve best the interest of the administration of justice. They have the necessary competences, skills and knowledge to efficiently deal with the rules of procedure and representation, which are designed to ensure a smooth functioning of the legal system. This will be of benefit to clients, who are ensured of qualified advice, and to society as a whole. Representation by non-lawyers could mean more errors (unsatisfactory legal representation) and more work for the courts. This could even lead to ‘wrong judgments’. A copy of the CCBE letter of March 2014 is here attached.

For the reasons set out above, we urge you to give consideration to these proposals which will help to ensure the safety and high quality representation of parties in court proceedings.

Law on Judicial Council and Law on Prosecutorial Council

The Kosovo Bar Association has also brought to our attention their concerns regarding the Law on the Judicial Council and the Law on Prosecutorial Council. They have pointed out that representation of lawyers on the Judicial Council and the Prosecutorial Council is threatened by provisions in both the Laws as they require that the representative of the Bar to suspend his/her professional activities during the five-year mandate as member of these Councils. These provisions specifically discriminate against lawyers, contrary to other representatives on these Councils.

The CCBE finds that such provisions are problematic and will dissuade lawyers to become members of these Councils, a right otherwise provided by the Constitution.

The CCBE will continue to follow the situation of the legal profession in Kosovo closely and as an international professional association, we are always available for consultation and assistance in providing expertise.

Yours sincerely,

A handwritten signature in black ink that reads "Ruthven Gemmell". The signature is written in a cursive style and is centered within a light gray rectangular box.

Ruthven Gemmell WS

CCBE President

[Annex – Letter of the CCBE President of 31 March 2014](#)