Roundtable discussion on civil field

ON 04 October 2007 Kosovo Judicial Institute organized a roundtable discussion with the topic the right to ownership, referring of cases adjudicated by Housing and Property Claims Commission (HPCC)" This working session has treated very important topics related to this field. The beneficial's of this seminar were judges of the civil field from all the regions of Kosovo.
The topics that were elaborated during this roundtable were more focused on issues that are related to referring cases adjudicated by housing and property claims determined by HPCC, the content of the package referred before the municipal courts and practical issues. Through the interactive debates and the explanation of the experts were achieved a harmonisation of issues that were discussed by participants.

After the last debate and in the end of this roundtable discussions were concluded as it follows:

- Kosovo Property Agency established by UNMIK regulation Nr.2006/10 date: 04.03.2006 related to the freehold property, private, agricultural and commercial modified by UNMIK regulation Nr.2006/50 date: 16.10.2006.
- The establishment of KPA related to the fulfillment of standard planning of Kosovo. Coordination and cooperation of the work of Kosovo Property Agency with the courts was appreciated as very necessary for the actual moment. However, different situation were discussed related to the cases which were or will be handed over to municipality courts in processing them.
- The main reasonability of KPA is the annulment of the property request bounded with the period of war dated from 27.02.1998 till 20.06.1999 as well as:
    - ownership claims with respect to private immovable property, including agricultural and commercial property
    - Claims involving property use rights in respect of immovable property, including agricultural and commercial property,
- Appeals versus KPA (The Property Claims Commission) apply to Supreme Court of Kosovo. This amendment in competences is in accordance with previous HPD and the same board has come with decision and decided for claim in favor of justice security in case of failure from the KPA side, the Supreme Court has the possibility to prevent the mentioned failure.
- The commission held two workshops where the number of solved claims is 1229 cases; it is expected to maintain the third session.
- It is important to present curtain information's of previous HPD-HPCC because most of the cases, KPA has inherited from them, where the number of claims was 29160, solved cases were 29160, implementing 29080 or 99.07%, whereas in implementing procedure were 80 claims.
- Pursuant to Article 15 UNIMK rule 2006/50 it is foreseen the possibility of determinate of the agricultural and industrial property, under the administration of giving it for rent after the powerful decision and with the approval of the owner.
- With the 85% of the requests were e excepted outside of Kosovo, respectively from the persons who claim to be violently displaced (In Serbia, Montenegro and Macedonia).
- Each case is individual case, whereas the composition of the decision related to these cases is in groups. Besides the group decision each request has an individual decision which maintains the names of the parties as well as the addresses of the property. On individual decisions exist the order of the commission for the concrete case and the section of the decision of the group where the claim makers should refer in order to understand why decision made on their cases

- Since the practice of group decision is not very extended in Kosovo, it requires a preliminary knowledge for analyzing the decision and identification of the concrete cases on the group decision.

Cases that are handed over to the courts with decision made in group have the exact reason of referring the cases to the court. ECT through the electronic material has all the reasons for every case separately.
The most often reasons of referring the cases are the request related to the:

a) Annulment or amendment of contracts of bargain the property
b) Disapproval of the request of category B (officialism into informal transactions)
c) Purchase of the residence:
d) Discrimination

- Other issues which are to be discussed through reviewing the referred cases are:

- Presentation of indictment of a claimant without waiting to deliver the case (this issue should be explained in the preliminary examination phase of the claim, respectively of the previous request)
- Claim examination, respectively if the request is understandable and contents all what is necessary for un action;
- The term of a claim, respectively request, having in consideration the day of making the request in the Directory of Property and Habitation Issues.
- Eventually providing the new parties' addresses.

- There also were presented the ETC data base, what will serve the judges in the future on improvement of the efficiency of their work, by abbreviating the delay of completing the files and necessary documentation

Simulation of the trial on civil field on District Court in Peja

ON 09 October 2007 Kosovo Judicial Institute organized a simulation with the topic: The contract of "liability". This training session was mainly focused on different aspect of this issue, the simulation was organized as a training form in order to increase the professional-practical skills – a simulation of an improvised trial. The beneficial's of this simulation were judges of civil matter of Peja region.

By opening this simulation initially Mr. Esat Shala, President of District Court of Peja, emphasized the importance of this issue for Peja District Court. He mentioned that they took this topic in regard to the dilemmas and questions needed in judicial practice, so in cooperation with KJI we organized this simulation of the trial in order to discuss related to the aforementioned topic. Initially the president elaborated very precisely the main concept upon the contract of liability, loan and usury, by categorizing the common and distinctive elements. Also with the very important inters were also the other interpretations of curtain provisions of CPL referring to the procedural actions related to the judicial hearing.

The simulation was prepared on very high level, the procedural actions that were presented on this simulation were very evident for the participants. During the debate were analyzed each procedural action with the pro et contra arguments.

The other issue that was précised was the application of the provisions of the civil procedure that certificate the actual factual state.

After the simulation were made an interactive discussion that result with the very useful recommendations:

- The usury agreement is a contract according to which a contract party by using the insufficient experience or unhandy situation made a contract for itself or for a third party which goes under utility of third party. The usury agreement is a jurisdiction work that made a very high benefit of financial crime and its products.
- The contract on usury is forbidden with the imperative provisions.
- The nonequivalent exchange between party to a contract can be followed not only from a usury contract but also at the contract on which exist the grievous damage (the over half damage), is should be a distinction between the usury agreement and those contract although they attempt to have the same treatment.
- On judicial practice we have plenty of cases of the contract on loan agreement but these maintain the juridical-obligation relation that sometime claim to be incorrectly.
- There were emphasized the creation elements of on usury agreement, the evidential disproportion of the party to a contract, the consequences that comes with the usury agreement and the disposal sanctions.
- According to the first concept, the usury agreement will be part of contract group of forbidden, illegitimate, unmoral and against the good habits to appeal the absolute sanctions (this attitude contain the German and Austrian Civil Code)
- According to the second contest the usury agreement will not be illegal or unmoral but will a contract bounded with the curtain defect where will be the infliction of the interest of contract parties but not be the infliction of the social interest. These contracts will have appeal the relative sanctions on the one-sided non-effective.
- The usury agreement at Principe has the consequences the absolute nulls according to the relative nulls compare to aforementioned concepts.
- The nulls sanction as a consequence has the reversion of the draft contract between the moneylender and the owner.
- Actually the usury agreement would be revoked from the moment of its connection, however it can be denounce for the future if that will be the best undertaken decision.
- Compare to the nulls sanctions which presume the very powerful means versus against the link of usury agreement, the revision sanction is more useful and efficient. The nullity inflicts the disappearance of the contract like it has never existed. The contract could not be disappear with the revision but it's possible to insert curtain changes that could come into force.
- The revision sanction of the usury agreement is foreseen with the legislation as well as the nulls sanctions (this is pursuant to Italian and Hungarian Civil Code). In obligatory relation code it is proposed this sanction as well as the nullity contract (Article 141 par. 3).

Simulation of the trial on Mitrovica District Court

On 17 October 2007 Kosovo Judicial Institute in District Cour in Mitrovica organized a simulation with the topic prevention on possession. This working session was focused different aspect of this topic, the simulation was organized as a training session for incensement of practical and professional skills - simulation of an improvised trial. The beneficial's of this training were the judges of civil filed of Mitrovica region.

Considering this simulation, initially Mr. Kapllan Baruti, president of District Court in Mitrovica, emphasized the importance of this topic District Court of Mitrovica. He mentioned that they took this topic in regard to the dilemmas and questions needed in judicial practice, so in cooperation with KJI we organized this simulation of the trial in order to discuss related to the aforementioned topic.

Initially Ms. Jelena Krivokapic, judge on District Court in Mitrovica, elaborated the conception of prevention on possession by giving a clear picture of the characteristics of the procedures related to the prevention on possession. With the same interest was also the interpretation of the provisions of CPL and the law on legal property bases, referred to the procedural actions in relation with the judicial hearing.

The simulation of a trial passed through the all procedural phases starting from the presentation of the parties and their claims, evidence procedure, final agreement of the parties and the decision of contested procedure.

After the simulation were made an interactive discussion that result with the very useful recommendations:

- The procedure on prevention of possession is regulated by law on contested procedure, whereas the procedure on factual state is regulated by fundamental law on property judicial relationship.
- The procedure is of the urgent nature
- The judicial proceeding should be limited only by confirming the factual state of prevention on possession, actually the factual state.
- On this procedure can not be depended for the right of the possession, fundamental law or possession with confidence or in bad faith related to the request of compensation of the damage.
- The court according to the official duties without taking in question the opponent party can indicate the temporary measures that will be applied on execution procedure with purpose of averting the risk against the damage or to prevent the irretrievable damage. Against this decision it is not allowed any special claimant.
- The terms are very short, the deadline to submit a claimant is 8 days. For important reasons the court can decide that claim can not delay the execution of the decision.
- Amongst the decisions coming out of this procedure the revision is not allowed.
- It can not requested the execution of the decision with whom the defended had been asked to accomplish a duty, if the request didn't appear in term of 30 days as it was prescribed on the ruling for termination of the curtain action.
- The prevention act of possession can not be any prospective actual action, however for the successes of the accuser on the procedure, should exist the violent prevention on possession. Prevention on possession should be factual, should have the negative consequences, to be real. It means that a person could not experience the prevention only in subjective matter.
- The prevention of the factual state can be on two ways: with the disturbance and assumption.
- For resolving of curtain contests which have to deal with the prevention and possession on impermissible, the competent body is the court and the impermissible can be found in its territory.
- Related to the statement of a claim should be decided with the ruling.
- In question that if the court should always appoint the expert of geodesy, the answer is yes, whereas in lack of the list of the geode expert list, it has been required from the management of the geodesy department to appoint one of the available geodes. It was also mentioned that in all the big cities on the region will approach to the competent municipal body (than they will appoint one of the experts on the list). It occurred very often the absence of the geode expert as for example the neuropsychiatries can be appointed immediately.
- The minutes that are made by three of fore sentences is known as a disadvantage followed by first instance than after should go on second instance. Even

though judges of the first instance are in advantage of drafting a final minutes because they have a chance to see the supplemental events. The view on occurrence place should be done by prescribing with details and direct arguments. The view on occurrence place it is part of the minutes.

- By distinguishing the outgo in the occurrence place (that is a technical issue) from the view of the occurrence place where the minutes are made (promulgate the ruling of promulgation of the evidences).
- The promulgate evidence that has been accepted once with or without any remark prescribed on the minutes can not be issued twice.
- The indictment could not be read always, it last the declaration of the defendant to sustain on what is required on the indictment.
- The minutes should not be allowed to be read to the parties that were present on the hearing with the decision of the event their voluntary signature.
- Site inspection is precede by the decision for going out on site inspection.

Seminar – Implementing the Anti-discrimination Law

On 30 October 2007 Kosovo Judicial Institute held a seminar with the topic: The Anti-discrimination Law (ADL)" this seminar was organized by European Centre of Human Rights in Budapest (ECHRB) & Roma & Ashkali Documentation Office Kosovo (RADC) and Kosovo Judicial Institute (KJI), on Implementing Anti-discrimination Law for judges and prosecutors in Kosovo.

The topics that were discussed during this training were the rights of the EU and other international tractates on anti-discrimination law, international obligations relating to discrimination including the European Centre of Human Rights (ECHR) and the general review on implementing the Kosovo anti-discrimination law.

In this seminar on behalf of the legal experts were the representatives of the European Centre of Human Rights in Budapest, Mr. Larry Olomoofe, Human Rights trainer, (ECHRB), and Mr. Andi Dobrushi, Senior representative (ECHRB), during this seminar were also discussed about the problematic issues regarding to the judicial practice with the purpose of advancing the knowledge in this field. Through interactive discussion and the elaboration of curtain issues, the experts achieved to harmonize the discussion of the participant on a very good level

After the debates and in the end of the seminar were given conclusions and recommendations as it follows:

- The year 2000 saw two landmark developments in Europe's struggle against racism. In June that year, the Council of the European Union adopted Directive 2000/43/EC "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin by mid-2003, all EU Member States must conform their legislation to the far-reaching anti-discrimination norms the Directive sets forth. In addition, as part of the *aquis communautarie,* (European community) the Directive must also be internalized by all EU candidate States aspiring to membership.
- Anti-discrimination legislation should expressly include both "direct" and "indirect" discrimination within the scope of prohibited action (EU Directive Art. 2). For the purposes of the EU Directive, "direct discrimination" is defined as having occurred "where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin" (EU Directive Art. 2(2)(a)), while "indirect discrimination" occurs "where an apparently neutral

provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary" (EU Directive Art. 2(2)(b)).

- The term “discrimination” shall also define the term “instruction” or “harassment” to discriminate against persons based on grounds such as those stated in (EU Directive Art. 2(4)/KNEFDR Art. 4(a) and (c).

In terms of the scope of discriminators, the law must apply to "both the public and private sectors, including public bodies" (EU Directive Art. 3(1)). As such, the law affirms that discrimination by a private employer or restaurant owner is as forbidden that practiced by a police officer or a social security agent.

In order for any anti-discrimination legislation to work effectively, victims of discrimination and their representatives should have the opportunity to genuinely access remedies through judicial procedures that are both easily accessible and effective.

As such, in addition to the range of traditional protections and powers afforded any court in overseeing litigation, anti-discrimination legislation should also specifically provide for the following procedures:

- Judicial and/or administrative procedures" for the enforcement of anti-discrimination obligations "available to all" (EU Directive Art. 7(1));
- The right of "associations, organisations or other legal entities" concerned with human rights to engage in legal actions and/or administrative procedures to enforce the rights granting protection against discrimination (EU Directive Art. 7(2)).

In the areas of burden of proof and standards of evidence, domestic legislation should ensure that it is practically feasible for victims to prove the discrimination they have suffered:

- By shifting the burden of proof in civil cases in which complainants "establish, before a court or other competent authority, facts from which it may be presumed that there has been direct or indirect discrimination." In such cases, as the EU Directive specifies, "It shall be for the respondent to prove that there has been no breach of the principle of equal treatment" (EU Directive Art. 8). This principle of shifting the burden of proof in *prima facie* cases of discrimination is all the more important in view of the fact that evidence of discrimination is generally in the hands of the discriminator;
- By permitting complainants to establish or defend their case of discrimination "by any means, including on the basis of statistical evidence" (EU Directive preamble par. 15 and Art. 8(2)). As a practical matter, this provision is of particular importance insofar as statistical evidence may be an important method of proving indirect discrimination (that is, of showing that an apparently neutral provision puts members of a minority group at a particular disadvantage compared with others).

Domestic law must further impose effective, proportionate and dissuasive sanctions for violation of anti-discrimination norms which should include "the payment of compensation to the victim" (EU Directive Art. 15). The EU Directive additionally mandates States to "take all measures necessary to ensure that they are applied".

This was the general view taking from the evaluation of the participants that the seminar was very beneficial, with such a debates and with the elaboration of the experts were achieved a very high evaluation of participants and the application of the European Convention and Anti-discrimination law of legal provision. The beneficial’s of this training session were judges, prosecutors and minor offences judges of all regions of Kosovo

Simulation of the trial on Criminal field

On 11 October 2007 KJI organized a simulation trial on Criminal field in Gjilani region. The beneficial's of this simulation were judges, prosecutors, professional clerks and the improvers of this region. The topic of this simulation was: the criminal act of illegal possession of weapons. The simulation was on very high level, the role players were much focused on their position that is part of their daily work, the simulation started and ended according to the procedures required by law, respecting the procedures, phases and the parties until taking the decision. After the simulation the participants discussed about all topics and they give their opinions, initially we will present the recommendation from presentation of Mr. Fejzullah Hasani, judge of Kosovo Supreme Court, which are linked to provisional of Article 237 and 328 of PPCK.

1. According to the qualification of this criminal offence (illegal possession of weapons), for the judges and prosecutors practice, in many cases we face the description of the all alternative acts that are foreseen by law. This description of the criminal offence is necessary to be written on entrance of the judgment, however on the order of the court shall be written only the alternative acts of real situations; if the defendant possess a weapon he will be impose only for possession, or when the defendant had bear a weapon he will be impose only for the possession but not with the all alternative sanctions foreseen by law.

2. The decision of the District Court related to the qualification of the defendant offence it has been said that: if the defendant in his sisters weeding pull the weapon from his wife's purse, for what only the wife of the defendant has the permission, where he shoots from the balcony and than after he put the weapon in his wife's purse, the court decided that the defendant possess the authorization for the weapon.

According to this description, this action can be qualified according to the respective Article 328 par. 2 of PPCK, because with this provision as an incriminated action beside the other actions it is foreseen also the **use of the weapon.**

3. Contrariwise of what is considered as a quantity of the weapons, the Supreme Court of Kosovo considered as a quantity of weapons the maintenance of the fifth (5) or more weapons and amount the four hundred (400) bullets.

4. Article 328 par. 4, as a criminal act has sanctioned also the non-appearance of every change on property, possession or unauthorized weapon.

It has been considered that the instance of the law-maker has been present on every change that has to do with the divesting of the property, possession or gun control, to call the police in case of: **losing gun, theft of the gun, arm robbery, liquidation, etc**.

Code of Ethic

On **02.10.2007** KJI organized a seminar on Code of Ethic dedicated to judges and prosecutors of all levels for Prishtina Region.

In this training session were given these conclusions:

- The judge has a very important role on cases managing,
- The main stage on case managing that judge should approach with professionalism and by being impartiality are: when is loaded with cases, the beginning of the judicial hearing, compilation of the court decision and handing that to the parties,
- Judges and prosecutors should be correct on their work and to approach with professionalism his work because every thing that is in contradiction with the Code of Ethic is violation of the law.
- If the prosecutor or a judge doesn't respect the Code of Ethic, he nevermore doesn't gain the image of good judge or a prosecutor.

- If judges and prosecutors professional conduct is not in accordance with the Code of Ethic than these behaviors doesn't violate only the personal integrity but also the institutional integrity,
- Undeveloped since 2003, as result of this the new cases will be drag on which also is a violation of Code of Ethic,
- The risk of the their description,
- In curtain courts and attorney's office; have a work delay which is a part of violation of the Code of Ethic,
- The deficiency of the equipments on the courts is a big problem,
- Non-acceptance of the new improvers and the indication of the professionals clerks with administrative issues.

From the judicial inspection data base is known that from 2001 were done 1634 submissions against the judges and prosecutors, from those 634 submissions are known as ungrounded. Toward this it is known that if the Code of Ethic would be applied in a strict way, the law will not be violated. However it has been required from judges and prosecutors to be correct and professionals, to be more careful on their work in order to have a good background of the courts.

Anti-trafficking Grounds and empowering of Judicial and Institutional Structures

ON 04-05.10.02007 KJI in cooperation with IOM organized a training session with the topic**:** Anti-trafficking Grounds and empowering of Judicial and Institutional Structures. In this seminar were discussed about Trafficking of Human Beings, the situation and tendency in Kosovo. By mentioning curtain organizations and institutions was emphasized the role of IOM, and the objectives of preventing this type of criminality. During the seminar were given statistics based on what has been noticed that this occurrence has been very extended also in Kosovo, which after the war was just as a transit place, than after is has become a destination place for trafficking of Human Beings. The main motivation of this occurrence is the economical conditions, low level of education and domestic violence, whereas the general reasons are economical conditions and social conditions, the afflux of the migration, the presence of the structure of organized crime on the region, tendentious frontier check up, security forces on consolidate phases, etc.

In this seminar were also treated technical and tactical methods for combating this type of crime by mentioning the difficulties that they face **(Anti-trafficking Sector- ATS)** because the trafficking of human beings is very organized crime, by considering the frontier legal entrance, labour permit and working contract that Traficant's possess. In this training it has been known the approval of Kosovo anti-trafficking plan, which as a main target have: prevention, protection, criminal prosecution, standard procedures of operation, which is very specific regarding to the trafficking victims of foreign countries and the local victims that will be lodged under the Ministry of Justice –ISF, and OJQ, and a sheltering of juveniles, all these shelters are of close type, where after this phase will bee working on their repatriation and their integration. As other structure is also the among institutional which is compound from Ministry of Justice, Ministry of prosperity and social work, IOM, OSCE, NCSN, and some other non-governmental organizations that coordinate the issues related to the war against trafficking. There also was presented a documentary for trafficking victims and a short film which was also about trafficking victims, Traficant's, what methods they use and which is their main purpose.

Juvenile Justice

On **19.10.2007** KJI in cooperation with INICEF organized a seminar with topic: **Juvenile Justice** dedicated to the Gjilani region. In behalf of experts was Mr. Direk Helmken, juvenile justice prosecutor from Germany. The beneficial's of this seminar were judges, prosecutors, Social Work Center, Probation Service and police officers of this region. The subjects presented for discussion during the aforementioned training was the Juvenile Justice, which was elaborated through the practical cases where the minor is delinquent. Where were categorized all the procedural subjects starting from police, prosecutor, judge, Probation Service, Social Work Centre and the proceedings undertaken for this procedure. Seeing that the criminal law for juveniles is modern and advanced and we still face the difficulties on its implementing, the law should be made and functioning as soon as possible the supporting institutional infrastructure. During the presentation of each procedural subject for their actions undertaking on this procedure were made a curtain comparison regarding to the choices that the Juvenile Justice Code of Kosovo and Juvenile Justice Code of Germany offered.

From the information given by chef prosecutor of Gjilani Municipal Prosecutor Office, we may see that on this year till September were 218 criminal reports for juveniles. Toward this was concluded that to fulfillment of the legal gaps and for implementation of this law it's necessary to have the professionalism of all aforementioned subjects. Thus, in the future to have more juvenile judges, juvenile prosecutors and disciplinary centers which deficiency causes enough problems and difficulties on implementing the law.

European Convention on Human Rights

On 22-23.10.2007 was held a two days seminar on European Convention on Human Right and Fundamental Freedom, dedicated to the judges and prosecutors or **Prizren region.** The topics treated on this seminar were Article 2 and 3 of European Convention. Was clarified that the European Convention is a living instrument which changed with the development of society and relationship of the society. The analytic point of view of many ad judgment of Strasburg court, where the court founded a violation of liberty and human rights as are: the Boso case, Gungaz against Ukraine, Kaja case and also the case of Ramshai against Holland for whom the Strasburg court still didn't take any decision. This case was given as an practical exercise for participants that were present on this seminar in order for them to give their opinions that if there was a violation of Article 2 or not. During these two days were presented many cases of ill-treatment during the arrest, on imprisonment centers but also for the other centers outside the prison, aero ports, borders and cases form illegal crossing, etc. Was also emphasized that besides the European Convention against the torture as a criminal offence, it has been established the European Committee for preventing the torture and inhuman treatment (ECT), according to Convention of Council of Europe of 1987 with the same name ("Convention"). According to Article 1 of the Convention it is said: To Establish an European Committee for preventing of torture, punishment or inhuman treatment ("Convention"). Through visits, the committee will analyze the treatment of persons with the confinement custody, by increasing their protection against humiliation and inhuman treatment. The ECT applies its function by visiting both cases – periodic and ad hoc. The periodic visits are made regularly in all member states of the Convention. The ad hoc visits were organized on the same states where those are needed to the committee as a "requirement based on the circumstances"when the ECT does an visit, it has all the competencies according to the Convention: Entrance on the interested state and the right for unpaid movement; the possibility to visit all the places where are the deprivation persons, including the unpaid movement within these countries; the possibility to take information

related to the places where the deprivation persons are and the every other information that parties have and that is necessary for the committee to fulfill his duty.

The committee has also the right to have a meeting without a witness, with every person who may give any necessary information.

The visit can bee in any place where the persons are in deprivation liberty form the "public" authority. The mandate of ECT relay beyond the prison institutions and police commissariat, to include the psychiatric institutions, limited areas on military cantonment, Centers for forbiddance of asylums postulants or other categories of foreign people, places where the juveniles can be derivate of liberty with the court decision or administrative decision.

Two fundamental principles regulate the relation between ECT and the Convention parties: cooperation and confidentiality. Related to this should be underlining the role of that the Committee is not the conviction of the states, but it is more helping with purpose to prevent the humiliation and violation of the deprivation persons.

After every visit, ECT made the report on and present the ascertain facts with other advices and necessary recommendations, based on which, based on which will bee decided the dialog of interested states. The visit report of the committee in Principe id confidential, although all the member states have decided to eliminate the rule of confidentiality and they decided to publish the reports. Furthermore in this seminar were discussed also about the extradition and deportation foreseen by this Convention. Where were presented the case of Mr. Zaim Alili citizen of Macedonia, for what Macedonia has made a request for the extradition, this case is not still finished and it is in the procedure.