



Supporting Good Governance and Active Citizenry

The Corruption Monitor

Monitoring Report on Institutional Activities in the Fight Against
Corruption
May-June 2011



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OD AMERICKOG NARODA



INSTITUTE FOR
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List d acronyms/abbreviations

AAK - Alliance for the Future of Kosova

ACA - Anti - Corruption Agency

AKR - Alliance New Kosova

ECCID - Economical Crimes and Corruption Investigations Department

EULEX- European Union Rule of Law Mission in Kosovo

ISC - Institute for Sustainable Communities

KEK - Kosovo Energy Corporation

KJC - Kosovo Judicial Council

CEC - Central Election Commission

LDK - Kosovo Democratic League

WM - Well understanding Memorandum

MTPT - Ministry of Transport, Post and Telecommunication

PIB - Procurement Inspection Body

PDK - Kosovo Democratic Party

KP - Kosovo Police

DP - District Prosecution

PKRS - Kosovo Special Prosecution

PTK - Kosovo Post- Telecom

PR - Progress Report

TI - Transparency International

USAID - United States Agency for International Development

VV - Movement Vetëvendosje!

Executive Summary

Government of Kosovo during the months May - June has approved altogether 85 verdicts. Among these verdicts only two were on fight against corruption. With the first verdict, the government supported the request of Kosovo Special Prosecution for reimbursement and additional payments and financial stimulation for its employees. Meanwhile with the second verdict the government approved the draft-law (with changes) on public procurement.

Assembly of Kosovo during May and June held altogether 9 plenary sessions. 5 of them were held in May and 4 others in June. On May's plenary sessions were looked into several draft-laws, but none of them was against corruption.

According to Economical Crimes and Corruption Investigations Department (ECCID) statistics in May and June have been conducted 78 investigations: 17 cases in May and 61 cases in June. As a result of these investigations 32 officials have been arrested; 17 in May and 15 in June. During this period of time according to Police statistics, 49 cases have been sent to prosecution. Among these cases, 26 cases have been sent to prosecution with identified suspects and 0 cases with NN suspects. Meanwhile, 23 cases have been sent with prosecutors report; 8 cases in May and 15 in June. The supposed value of damages is €2,062,938.00 in May and €1854846 in June.

Anti Corruption Agency (ACA) during this time was focused in the process of wealth declaration of high public officials, publishing the annual report 2010 and its approval by Kosovo Assembly. The number of high officials who were obliged to declare their wealth to Anti Corruption Agency was 1830. From the total number 1746 or 95.40% fulfilled this lawful obligation. The number of those who didn't declare their wealth is 84 or 4.60% and 26 other officials didn't fill in properly the form as required by ACA criteria and standards. According to Annual Report 2010 published by the Agency, from the total number of cases filed in the Agency, the investigators of the Agency had ground suspicions for 139 cases to begin investigations; 27 cases against courts, 44 against government, 22 against municipal level, 3 against prosecutions, and 47 against other institutions - mainly public enterprises.

Kosovo Customs during these two months have announced altogether 7 disciplinary measures, 4 in May and 3 in June. Among these disciplinary measures 3 of them are written warnings, 1 is prohibition of promotion, one verbal warning and 1 reimbursement of customs' property damage. In Professional Standard Department are reported two cases; 1 in May for non-professional behavior and another in June for abuse of authority.

Introduction

The high level of corruption¹ and its wide spread in higher and lower instances of institutions make the main hazard in the process of state foundation², economical development³, democratic transition⁴, and good governance⁵. This conclusion is widely accepted from local and international segments. There is a general admittance that corruption is harming not only Kosovo citizens' interests but also Kosovo's integration process to European Union⁶. The high level of corruption and organized crime has also alarmed the parliamentarians of German Bundestag. Some of them have claimed that 'German citizens' money is being invested in Kosovan Politicians villas'⁷. Similar to this statement are international reports as well. They have shown a high level of corruption, organized crime and informal economy. Grounded on their findings Ko-

sovo is listed among the most corrupted states and failed states. While the heads of institutions have promised that in 2010 they will fight corruption and organized crime, the opposition has criticized, has accused and has been skeptic. Thus, being very concerned about this endemic phenomenon, Movement FOL, supported by USAID through the Empowerment of Civil Society Program implemented by ISC is implementing its project Corruption Monitor since January 2010. Through this project FOL attempts to bring to light the inactivity of institutions fighting corruption, trying to make this issue on the agenda of all institutions of Republic of Kosovo⁸. FOL considers that the fight against corruption should be converted from rhetorical to concrete actions, should have a serious approach and show obvious results. This is the only way for Kosovo in order to improve its internal and international legitimacy, to establish democracy, the state of rights and be comparable to western countries and free societies.

¹ Kosovo General Penal Code prevents 13 kinds of corruptive actions: abuse of authority, embezzlement while on duty, fraud on duty, unauthorized use of property, taking bribe, practice of influence, unlawful court verdicts, discovering official confidentiality, fraud of official documents, unlawful cashing and payments, unlawful release of detainee, unlawful embezzlement of property during harassment or execution of court verdicts.

² This theses is a result of empiric observations, because the high level of corruption seriously impairs the internal and international legitimate of Kosovo.

³ More on negative and harmful effects of corruption see: <http://www.oecd.org> and TI reports and website <http://www.transparency.org>.

⁴ James B. Jacobs: Corruption and Democracy, Kappa Phi Journal, Volume 84, 2004, p.21.

⁵ USAID – Fighting corruption: <http://www.usaid.org/our-work/democracy-and-governance/technical-areas/anti-corruption/>

⁶ Renzo DAVIDDI: Corruption is impairing Kosovo's integration process to European Union, Koha Ditore, 11 June, 2010, p.6

⁷ Florian HAHN, published in Koha Ditore: German Parliamentarians accuses Kosovo Government for crime and corruption, 11 June 2010, p.4

⁸ Hasan PRETENI - News show (19.30) RTK, 6 June 2010

Government of Kosovo

Government of Kosovo during the months May - June has approved altogether 85 (eighty five) verdicts. 2 were fighting corruption and 83 were on other issues.

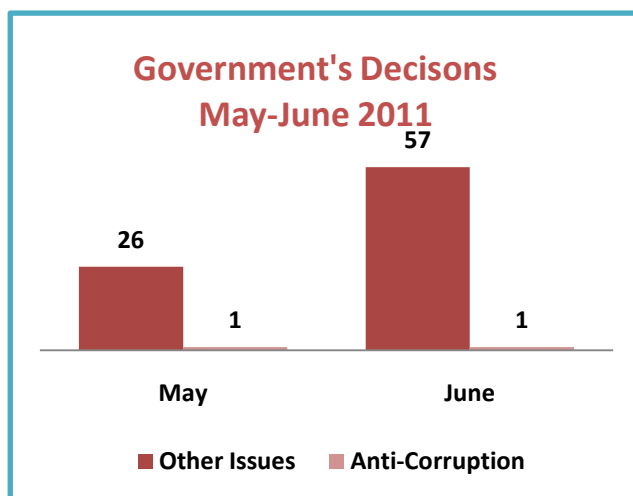
During May 27 verdicts have been approved, only one was in fight against corruption. With the first verdict, the government supported the request of Kosovo Special Prosecution for reimbursement and additional payments and financial stimulation for its employees. The amount dedicated for this purpose was 130,000.00 Euros according these categories:

- €900.00 for vice-prosecutor;
- €800.00 for nine special prosecutors;
- €130.00 for 12 officials;
- €100.00 for 21 persons as supporting staff⁹

During June 58 verdicts have been approved, only one of them related to completion of anticorruption legislation. With this verdict the government approved the draft-law¹⁰ (with changes) on public procurement. The change of this law came as a recommendation mentioned in Progress Report of European Commission and Civil Society.

⁹ For further details see the Governments verdict, no. 05/14, May 4, 2011, p.1

¹⁰ As above, No. 02/21, 29 June, 2011

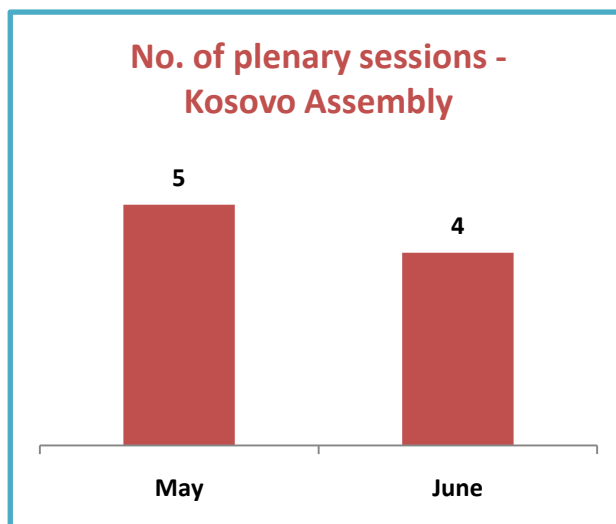


Assembly of Kosovo

Assembly of Kosovo during May and June held altogether 9 plenary sessions. 5 of them were held in May and 4 others in June. On May's plenary sessions were looked into several draft-laws, but none of them was against corruption. During this month the Assembly has approved also several international agreements, held an interpellation regarding Kosovo - Serbia talks, three parliamentary debates and approved several reports. Among these reports is the one of Anti Corruption Agency for 2010. In the first session of June are approved several draft-laws and was looked into the report on function of internal audit system in Kosovo public sector for 2010. According to the findings of this report, during 2010, 364 internal audits have been conducted and to improve the internal control system have been given 1987 recommendations.

53.35% are implemented, 28.23 % are in the process of implementation and 18.42% are not implemented.¹¹ In this session was also approved government decision of the assignment of a Public Procurement Inspecting Body member, Osman Kryeziu . Kryeziu was elected with 37 pro votes, 16 cons and 15 abstentions. It was the opposition (LDK, Vetevendosje and AAK) who rejected his election justifying his lack of professionalism and political interferences while he was assigned as chief prosecutor in District Prosecution in Prishtine (2002-2010). In the second session, mostly was discussed about the midterm frame of expenditures (2012-2015). The only parliamentarian who was concerned about the high level of corruption was the parliamentarian Haki Demolli of Democratic League of Kosova. In this session he mentioned the findings of Movement FOL Report on “wealth declaration of parliamentarians to ACA and CEC”. He evidenced clear discrepancies between declaration to Anti Corruption Agency and Central Election Commission. In this session have been approved several draft-laws, reports and have been elected several members of authorities and Kosovan agencies. In the third session was organized a commemorative meeting to honor the deceased parliamentarian Nekibe Kelmendi (LDK). In the last session of June have been approved draft-laws which principally have already been approved.

¹¹ Transcript of Assembly plenary session, June 3, 2011, p. 77

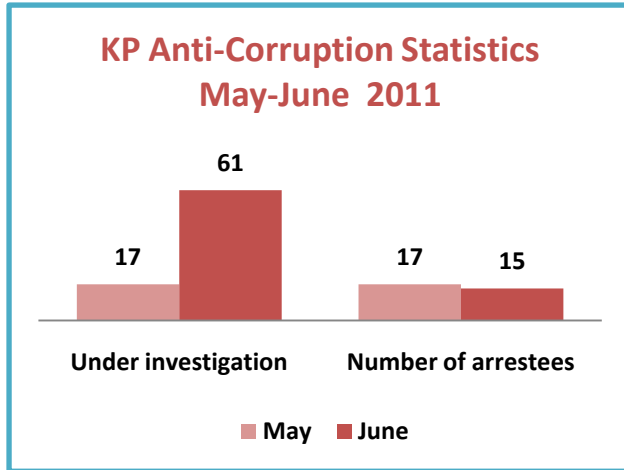


Kosovo Police

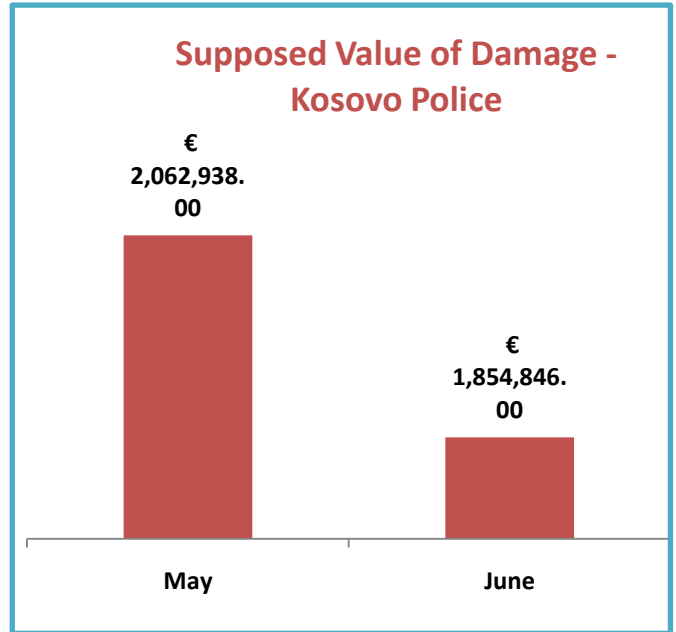
Kosovo Police keeps remaining the most credible and least corrupted institution according to citizens' observations. Even EULEX report has shown a progressive result of KP regarding the struggle against corruption and organized crime.¹²

According to Economical Crimes and Corruption Investigations Department statistics (ECCID) during May and June Kosovo Police has conducted 78 investigations: 17 cases in May and 61 in June. As a result of these investigations 32 official have been arrested; 17 in May and 15 in June.

¹² Program Report 2010: Joint Building of a Sustainable Change, EULEX, June 2010, p. 13-23

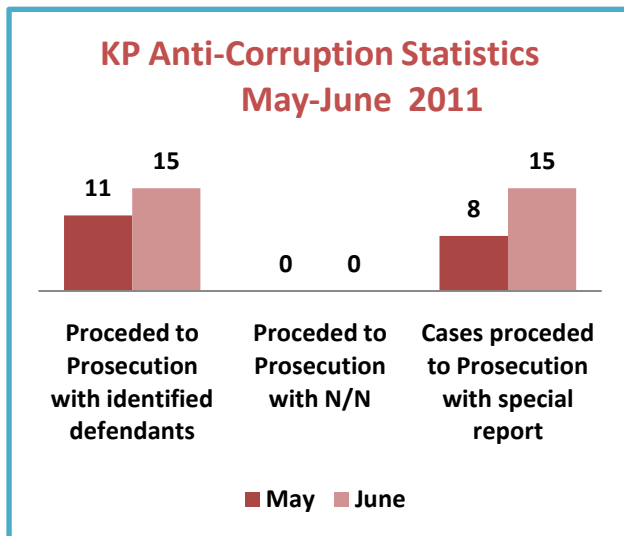


During this time, according to police statistics 49 cases have been sent to Prosecution, 26 cases have been sent to prosecution with identified suspects and 0 cases with NN suspects. 23 cases have been sent to prosecution with prosecutors report; 8 cases sent in May and 15 cases sent in June.



Anti Corruption Agency

Anti Corruption Agency (ACA) during this time was focused in the process of wealth declaration of high public officials, publishing the annual report 2010 and its approval by Kosovo Assembly. More than 95% of high public officials have declared their wealth to Agency against Corruption. According to Law on Declaration, Control and Origin of Wealth¹³ the number of high officials who were obliged to declare their wealth to Anti Corruption Agency was 1830. From the total number 1746 or 95.40% fulfilled this lawful obligation. The number of those who didn't declare their wealth is 84 or 4.60% and 26 other officials didn't fill in properly the form as required by ACA criteria and standards.



The supposed value of damages is €2,062,938.00 in May and €1854846 € in June.

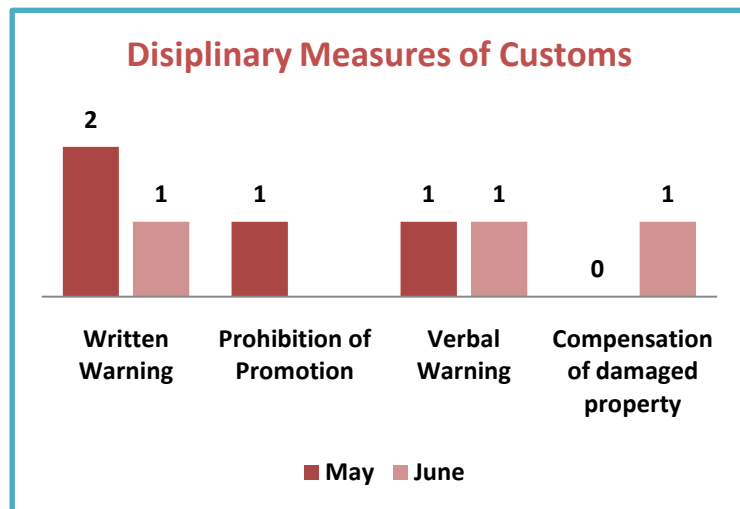
¹³ NO. 03/L-151, 11 February, 2010, Decret no. DL-008-2010, Date 02.03.2010

Differently, based in the article 16 of the mentioned law, ACA is obliged to initiate legal procedure against all 84 officials who did not declare their wealth. On the hand, regarding officials who did not fill in the form as defined by law, ACA must require them to do it within a time of 15 days, otherwise a legal procedure should be initiated against them as well.¹⁴ During this time ACA published the annual report 2010. From the total number of cases filed in the Agency, the investigators of the Agency had ground suspicions for 139 cases to begin with investigations. Among the reported cases and those investigated where the suspects were judges and staff members of **Kosovo Courts** were 17 cases. 47 cases were about corruptive affairs where the suspects were officials of **other institutions** such as: International Airport of Prishtina, Post and Telecom of Kosova, Electro energetic Corporation of Kosova, RTK, Kosovar Privatization Agency, former Public Enterprises, other Public Enterprises, Independent Institutions, NGOs, etc. Cases where the suspects were officials of **Kosovo Government** (ministries and agencies which function within certain ministries) suspected for corruptive affairs were 44 cases evidenced during the reporting time. In the Local Governance (Municipalities of Kosovo), respectively officials of local governance as suspected for corruptive affairs were 28 cases evidenced during the reporting period. In Kosovo Prosecutions have been evidenced 3 suspect

cases for corruptive affairs against prosecutors of public prosecutions.¹⁵

Kosovo Customs

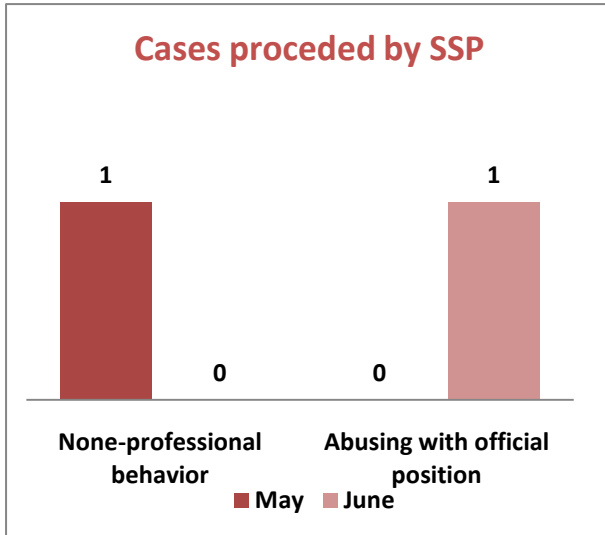
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In Professional Standard Department are reported two cases; 1 in May for non-professional behavior and another in June for abuse of authority.

¹⁴ For further details see <http://www.akk-ks.org/?cid=1,4,287>

¹⁵ Agency against Corruption: Annual Report 2011, p. 8



Acknowledgements

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About Movement FOL

Movement FOL is engaged to empower the civilian impact on decision - making process, responsible and efficient governance. FOL is deeply devoted to work on improvement and attainment of a better civil representation in public life. FOL works for a good governance and grounded on democratic principles, for responsible, transparent and accountable institutions, and for application and compilation of laws with participation. Therefore, expenditure of public funds, conflict of interest, negligence and institutional responsibility and access to official information, are the main components of FOL engagement. FOL attempts to fulfill these goals by fighting the citizens' apathy and indifference and make citizens more active and more voiced, in order to serve the community interests and always alert to oppose abuse, misuse, corruption and other malpractices of governance.

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