



7th Report | Report for August 2010

CORRUPTION MONITOR

Monitoring Report on Activities of Public Institutions in the Fight against Corruption in Kosovo

*“...The corruption is a terrible disease that
destroys every country from inside...”*

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ACRONYMS' LIST

AAK – Alliance for the Future of Kosovo

AKK – Anti-Corruption Agency

BQK – Central Bank of Kosovo

BE – European Union

DHKEK – Investigation Department for Economic Crimes and Corruption

EULEX – European Union Rule of Law Mission in Kosovo

ISC – Institute for Sustainable Communitities

KDI – Kosovo Democratic Institute

LDD – Democratic League of Dardania

MPB – Ministry of Internal Affairs

PDK – Democratic Party of Kosovo

PK – Kosovo Police

SSP – Section of Professional Standards

SUMMARY

From 34 decisions taken from the Government of Kosovo during August, none was taken in order to fight corruption and organized crime. This is the weakest month regarding the activities on the fight against corruption;

The Special Prosecution of Kosovo is investigating on 73 corruption cases, of which 38 belong to the high profile. In North of Kosovo, 25 cases are under investigation of which 6 are considered to be of particular priority related to the organized crime and corruption;

The Kosovo Judicial System during July has been able to solve only 3 cases related to the corruption affairs and 270 other cases have remained unsolved by demonstrating this way a very weak functioning of the system;

The Kosovo Police during only two months (July-August) received 67 cases of abusing with the official position, 16 cases of appropriation during the official duty, 11 cases of bribery and only 1 case of given bribery.

From 35 newspapers' articles (Koha Ditore, Zëri, Kosova Sot and Express), only 21 have been written as topics, 9 as news and 5 were interviews. While, Koha Ditore and Zëri were mainly focused on criticizing the Executive and the public enterprises, the criticism of Kosova Sot was mainly focused towards the Judicial System of Kosovo. The newspaper Express, spoke mainly of ministers' failure that are part of LDK and Prishtina Municipality;

In the Kosovo Customs were presented 2 cases: 1 for having abused with the official position and 1 for having damaged the property of Kosovo Customs;

The "Speak Up" Movement has published its own report called "The Bermuda Triangle" by presenting the lack of inter-institutional cooperation (Prosecution, AKK and EULEX) in the fight against corruption and organized crime.

INTRODUCTION

The corruption is estimated as the main challenge for the Kosovo society during 11 years of transition. It continues to remain a common concern for all: politicians, civil society and media. The international institutions address the issue in their reports/annual assessments and declarative attitudes. The European Union with the Progress Reports, and the U.S. Department of State with periodic reports on specific issues, remains public remarks that Kosovo gets almost regularly during the last years. The Reports from international non-governmental organizations in Kosovo, have been constant and often more severe in addressing corruption.

Natives remain divided on the approach to corruption and the fight against it. While authorities pledge to 'zero tolerance of corruption and organized crime', the opposition addresses the contrary calling the "government – the head of corruption". Their positions on this issue vary with the shift of the power, even with the shift of their roles. During the governance under the administration of UNMIK, and after the declaration of independence, the Kosovar public in the role of the spectator in Kosovo could follow the confusion of power and almost the empty rhetoric about fighting corruption. This issues of status and state building, have become the main issues after which the Kosovo politicians are constantly hidden.

Two years after the declaration of the independence, the investigative media reporting on corruption, the installation of the Mission of EU for the Rule of Law, EULEX, and the strengthening of calls of the civil society have prioritized 'the fight against corruption'.

Although the arrest of 'big fishes' is replaced with toddlers, even at the municipal level, the expectations that the international community, and the Prime Minister Thaci have created for the citizens, for a long period of time will accompany the daily policy in Kosovo.

The "Speak Up" Movement continues the monitoring of activities of public institutions in combating corruption. It is clearly seen the lack of activities from the Government on fighting corruption, during the seventh consecutive periodic in the month of August. According to the statistic from the Judicial System, this branch didn't show any high level of responsibility or professionalism in solving cases related to corruption. Whereas, the Kosovo Police and Kosovo Customs are proving to be more serious in fighting corruption and organized crime.

THE GOVERNMENT OF KOSOVO

The Government of Kosovo during all the August has been completely focused on the serb draft-resolution for Kosovo by leaving apart the fight against corruption and organized crime. The debate on corruption is weakening as a result of macro-politic issues such as: sovereignty, territorial integrity, north Kosovo and the integration in the international structures. At this point, during the entire month of August, the Government attempted and engaged in opposing the serb draft-resolution on Kosovo. Even though, there were 34 approved decisions, none of them was taken against corruption affairs, by making this month the weakest one in the anti-corruption sphere. Although, Mr.Thaci has declared himself to be the guide in fighting corruption, very less has been done in this direction. Mr.Thaci declares to be the guide of this fight in one side, and on the other side he declares that the Justice is responsible for such a fight. If fighting corruption is a responsibility of the Justice, than how can the Prime Minister declare himself of being the guide of this fight? So, the Government must be serious in fighting corruption, without limiting this fight just in declarations: by not undertaking any concrete action and by not being serious in its commitment to dismiss the officials involved in corruption affairs. The fight on corruption must be firmness, because this phenomenon is a risk towards the good governance, sustainable economical development¹ and damages the democratic processes.²

Besides the lack of activities from the Government during August, the opposition wasn't more active to

¹ About negative effects of Corruption see <http://www.oecd.org>

² James B. JACOBS: Corruption and Democracy, Kappa Phi Journal, Volumi 84, 2004, pg. 21

condemn the abusing practices and corruption affairs of the Government of Kosovo. The only thing that can be outlined is the accusation from the AAK towards the Government of Kosovo, respectively the Ministry of Internal Affairs, for having abused with millions of euros in the tender for the number plates and vehicles. On the other hand, the Mission of the European Union for the Rule of Law in Kosovo, EULEX, had warned that there will be arrestments in the northern Mitrovica. The deputy chief of this mission, Roy Reeve, admitted that some people from the northern Kosovo will be arrested and that a task force from this Mission is investigating in order to reach results in this sphere. He admitted also that, EULEX inherited different cases from UNMIK that will be analyzed and will bring results.³ It remains to be seen during the month to come, if such commitments will be kept in order to continue with these premonitory activities and arrestments.

JUDICIAL SYSTEM

One of the most important powers, of any political system, is also the judicial power. This ruling, if it is impartial and independent, then a priori it provides and limits every sort of possibility of misuse of public money or the misuse of official position. In this context, one of the reasons why corruption and organized crime has spread all over the institutions is the immersion of the judicial system in corruption and its fall into the trap of political pressures and interfering. This is confirmed in the last Report of the EULEX, which declares that the Judicial System in Kosovo is still weak. Further is declared that, interfering in different levels and different forms are evident⁴ The Judicial System continues to be the institution of which the citizens are less satisfied

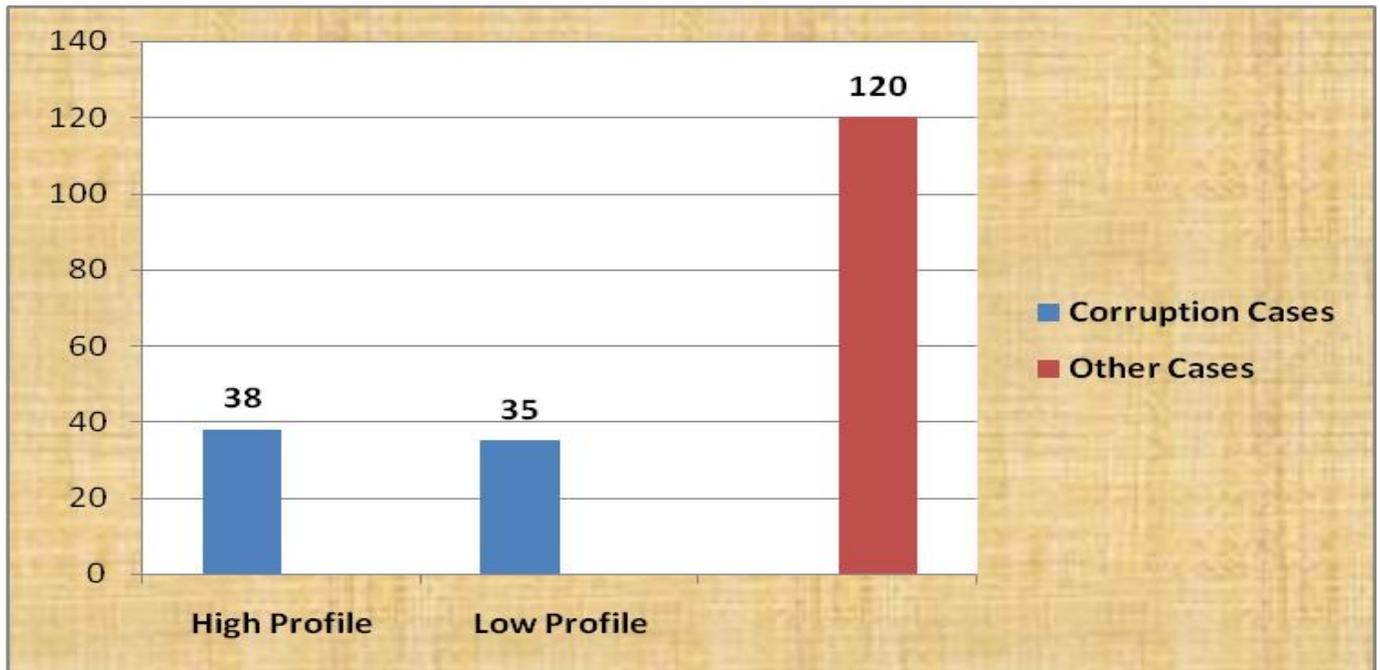
³ This declaration was given for the radio "Kontakt Plus", taken from newspaper Express, dt. 21 August 2010, pg. 3

⁴ Report Program 2010: Building a Sustainable Change, EULEX, June 2010, pg. 9

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with. The Early Warning Report has registered a decrease of 10% that is the lowest level ever registered⁵ If we consider the fact that no democracy can stand without a Judicial System, because it checks and balances the powers, than Kosovo must undertake serious and immediate actions to profoundly reform it. During the August, the Special Prosecution of Kosovo is dealing with 193 cases, of which 73 are related to corruption. From this number of cases, 38 are considered to be of high profile. In Northern Kosovo, 25 cases are under investigation, of which 6 are considered to be of particular priority related to: organized crime, corruption, smuggling, homicide and homicide temptation (Kosova Sot).

The Special Prosecution, especially the Anti-Corruption Task Force must seriously engage in fighting corruption. Since the foundation of this Task Force, we have seen only one action that was undertaken in arresting the Governor of the Central Bank of Kosovo. We consider that, the cases which are under investigation must be proceeded faster in order to, so this Task Force can justify its mission and existence.

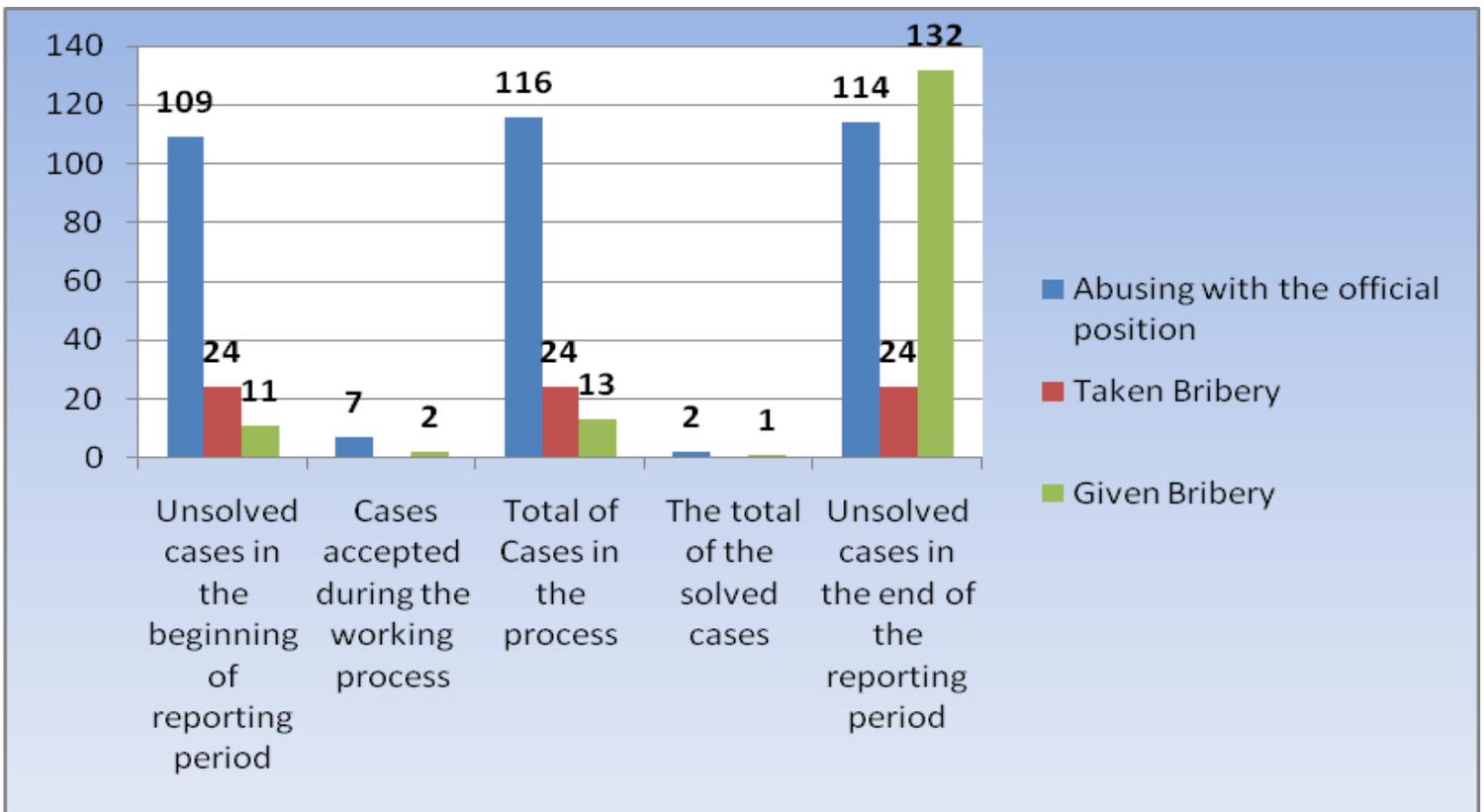


Tab (1) Anti-Corruption statistics of the Special Prosecution of Kosovo

⁵ Early Warning Report, UNDP Kosovo, 27 March, 2010, pg. 2

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According to the statistics from the Judicial Council of Kosovo, during July only 3 cases related to corruption were solved and the rest of 270 remain unsolved. This is an indicator of weakness of the Judicial System by not solving cases related to corruption affairs. According to the table no.2, the categories of abusing with official position and bribery giving are the most notable ones in ambit of the Judicial System of Kosovo. Always according to this data, the majority of cases related to corruption consist of these two categories with 246 cases still to solve.



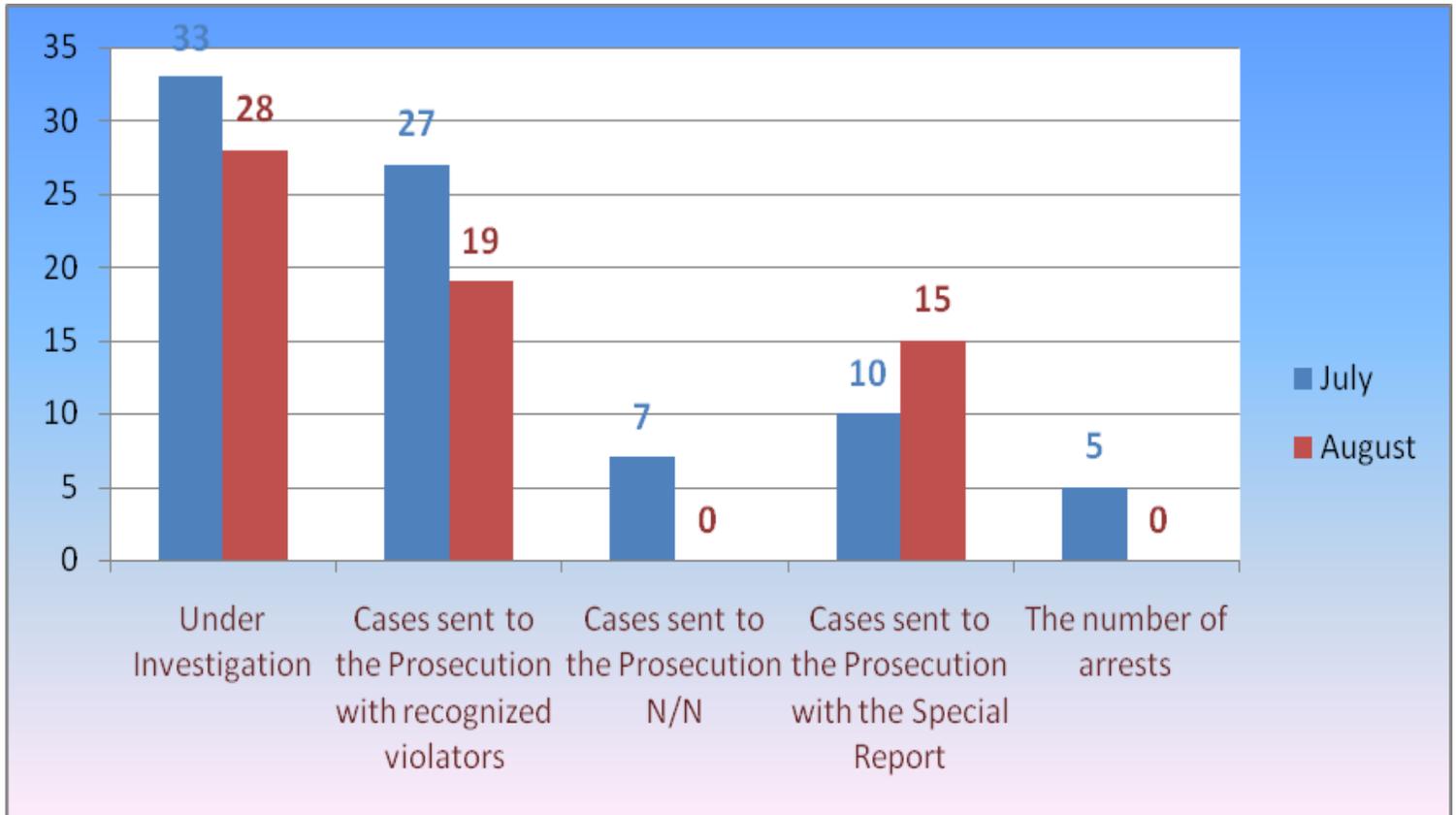
Tab (2) Anti-Corruption statistics from the Kosovo Judicial Council – Month of July 2010

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KOSOVO POLICE

Kosovo Police continues to be considered the most credible and less corrupted institution by the Kosovo citizens. Around 76% of the interviewed citizens (contrary to 72% in September 2009), expressed their satisfaction with the work of Kosovo Police and only a low percentage thinks that corruption is present within Kosovo Police. The last Report of EULEX shows signs of progression from the Kosovo Police in fighting corruption and organized crime⁶. During two months (July and August) the Kosovo Police has realized a number of activities in its fight against abusing with the public authority.

According to the statistics from the Investigation Department for Economic Crimes and Corruption results that Kosovo Police is investigation on 33 cases, 27 cases sent to the Prosecution of identified persons, 7 cases of N/N, 10 cases by Report to the Prosecution and 5 arrestments. The statistics for the August show that 28 cases were under investigation, 19 sent to the Prosecution of identified people, 15 by Report to the Prosecution and none arrestments. According to these statistics, the number of cases related to bribery, bribery giving and abusing with the official authority has been higher during July than during the month of August.

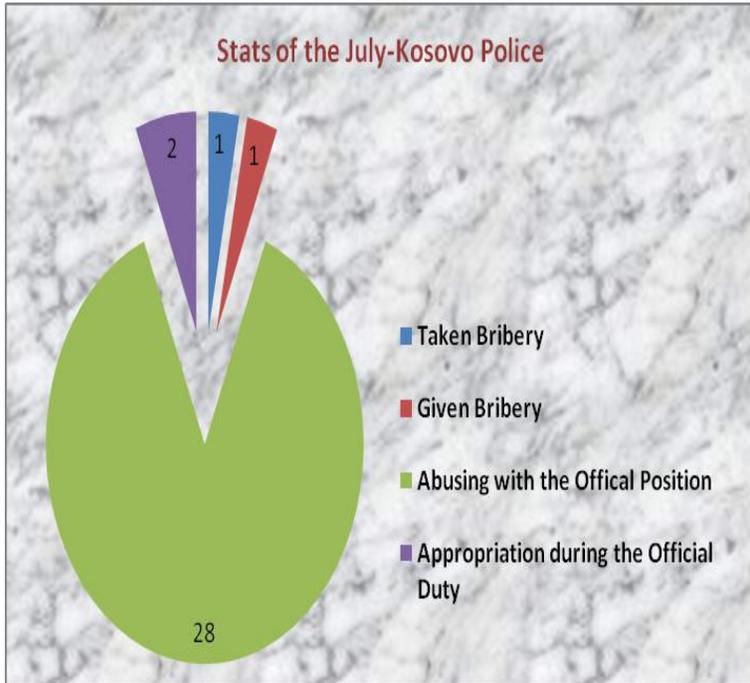


Tab (3) Period July-August, Anti-Corruption statistics from Kosovo Police

⁶ Report Program 2010: Building a Sustainable Change, EULEX, June 2010, pg. 13-23

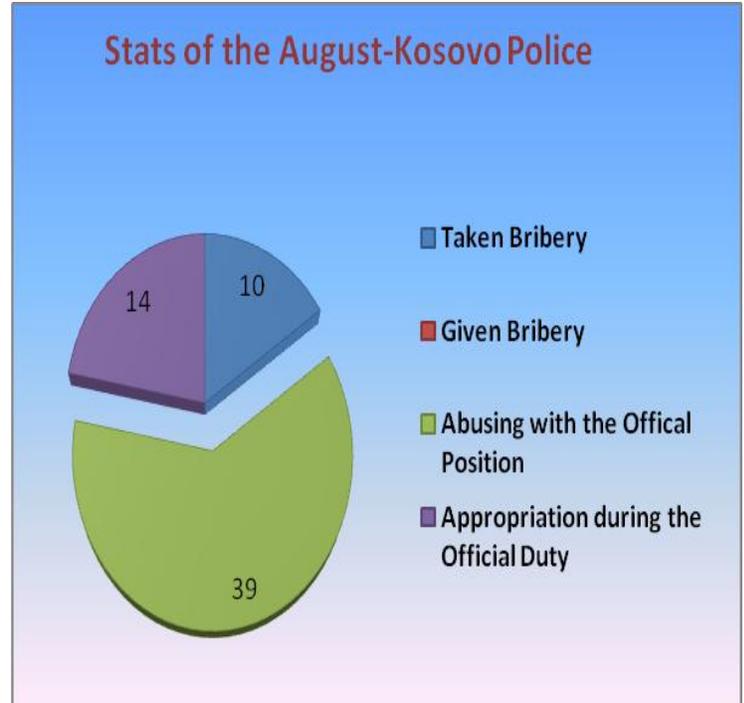
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As for the other categories of corruption affairs, the statistics show that the category of abusing with the official position had the highest number with a total of 28 cases; 4 cases of appropriation during the official duty; 1 case of bribery and 1 case of bribery giving.



Tab (4): Anti-Corruption statistics of Kosovo Police – month of July 2010

The statistics for the month of August show that, in ambit of the category of abusing with the official position have been reported 39 cases, 14 cases of appropriation during the official duty, 10 cases of bribery receiving and no case of bribery giving. If we compare these two month, than we see that August was “richer” regarding the cases of corruption affairs with a total of 63 cases towards 32 cases during May.



Tab (5): Anti-Corruption statistics of Kosovo Police- month of August 2010

KOSOVO CUSTOMS

The Anti-Corruption statistics from Customs show that, no disciplinary measures have been undertaken during August. In the Professional Standards Section have been initiated cases for having abused with the official position, for having caused damages to the property of Customs and against another person for coming late at work. Contrary to the previous month, the month of August testifies that corruption is fought seriously from Customs authorities in Kosovo, which gives us a hope that these prevention measures will continue in the future.

Stats of the Corruption - August



Tab (6): Month of August – Anti-Corruption statistics of Kosovo Customs

NEWSPAPERS' REPORTS

All the newspapers monitored from the “Speak Up” Movement and that represent the general developments in Kosovo, talk of a high level of corruption and organized crime. Even if, the majority of newspapers publish only news, some of the newspapers do publish different topics, by debating later on these topics. From 35 daily newspaper articles (Koha Ditore, Zeri, Kosova Sot and Express), 21 were realized as topics, 9 as articles and only 5 interviews. The necessity of realizing topics and interviews would be a substantial contribute to the fight against corruption and organized crime. Koha Ditore and Zeri were focused mainly on the Government and Public Enterprises of Kosovo. Kosova Sot was mainly focused with its critics towards the Judicial System and less on the Government and Public Enterprises, while newspaper Express was focused at the local level: 27 news and 21 topics. A similar ascertainment has been published in the Report of the Reporters without Borders, according to which, Koha Ditore and Zeri were the first ones to have kept their

journal independence ⁷



Tab (7): Newspapers' Anti-Corruption reports – Month of August 2010

REPORTS FROM THE CIVIL SOCIETY

The civil society in Kosovo, which is widely accepted that is essential for the democratization process in our country, has undertaken a range of activities in the fight against corruption and other corrupt practices. The purpose of activities of the civil society, namely non-governmental organizations, has been the denunciation of corruption practices and bad-distorting government. In this context, during the month of June there have been two different activities from two different organizations.

The “Speak Up” Movement has published its own report called “Bermuda Triangle”. This report outlines the weakness in the cooperation between EULEX, Prosecution and the Anti-Corruption Agency of Kosovo. According to this report, the situation of inter-institutional coordination is worryingly and it's

⁷ For more, see Olivier BASILE: Kosovo- it's never too late for the freedom of speech, Reporters without borders, 6 July 2010

recommended that the institutions responsible of fighting the corruption must be more active, in order to reduce much more the corruption level that exists within public institutions.

ACKNOWLEDGEMENTS

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ABOUT “SPEAK UP”

The “Speak Up” Movement is committed in empowering the citizens to influence on the decision making for responsible and effective governance. The “Speak Up” is deeply committed to work in improving and achieving better levels of citizen representation in public life. “Speak Up” works for good governance based on democratic principles, for responsible and transparent institutions and law enforcement and participatory mapping. Therefore, the expenditure of public funds, conflict of interest, negligence and institutional responsibility, also the access to the official information, constitute the main issues of the “Speak Up” work. In fulfilling these goals, the “Speak Up” aims to combat civic apathy and indifference, to make more active and more obedient the voice of citizens, make it an active part of community interest and always willing to oppose the abuse, misuse, corruption and other forms of distorting government.

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