



4th Report | Report for May, 2010

Corruption Monitor

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

The publication of this Report was made possible by the USAID through the Kosovo Civil Society Strengthening Program implemented by the Institute for Sustainable Communities. The opinions expressed in this Report do not reflect the views of USAID or the ISC.



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THE ACRONYMS' LIST

AAK – Alliance for the Future of Kosovo

AKK – Anti- Corruption Agency

AKR – New Kosovo Alliance

ANP – International Prishtina Airport

EULEX – European Union Rule of Law Mission in Kosovo

ICO – International Civilian Office

ISC – Institute for Sustainable Communities

KEK – Kosovo Energy Corporation

KGJK – Kosovo Judicial Council

KQZ – Central Election Commission

LDK – Democratic League of Kosovo

MASHT – Ministry of Education, Science and Technology

MTPT – Ministry of Transport, Post and Telecommunication

NCAPF – National Committee on American Foreign Policy

PDK – Democratic Party of Kosovo

PTK – Post Telecom of Kosovo

SHIK – Kosovo Information Service

USAID – United States Agency for International Development

YIHR – Youth Initiative for Human Rights

ZPD – Office of the Disciplinary Council

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INTRODUCTION

The Corruption, 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 this 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. Whereas the reports from international non-governmental organizations in Kosovo, have been constant and often more severe in addressing corruption. Adding to this the declarative positions of international technocrats, it can easily be concluded that corruption and the fight against it, anywhere and in anytime is not completely eradicated.

Natives remain divided on the approach to corruption and the fight against it. While the 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. The issue 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. In the fourth consecutive periodic in the month of May, there has been an activity more concise at least declarative from the public institutions, particularly from the Kosovo Government. The arrest of some officials at the municipal level is all that May marks in the regular periodic of 'Speak Up' Monitor Corruption', regarding the handcuffing of corrupted people. The Anti-Corruption Agency has signed an agreement with the Kosovo Police for the purpose of coordinating work in the fight against corruption. Some non-governmental organizations, one American and the other local, has addressed corruption through reports.

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SUMMARY

- The Government of Kosovo has not done any concrete activity in the fight against corruption. Commitments of the Prime Minister - Hashim Thaci and his subordinates for 'zero tolerance towards corruption' has marked the month of May, even by transforming into rhetoric. 'The Corruption Monitor' considers a positive effort the Government's decision, that for each tender, with an amount over nine thousand Euros, to be signed from three officials, including the Minister;
- The Assembly of Kosovo during the May has held two plenary sessions. In the Legislative agenda is not addressed any issue of corruption. The Kosovo deputies have done almost the same. Their only concern is focused on the delays in approval of the relevant laws, and naturally there were disagreements between the ruling deputies and opposition on issues of daily politics. Unlike the period of May, the 'Monitor of Corruption' in April reported on the main activities of the Assembly of Kosovo, especially deputies, in addressing the fight against corruption;
- The Anti-Corruption Agency (read: AKK) has undertaken a series of actions according to its commitments and constitutional obligations. Besides the compiling of records of senior officials with statements of their property, AKK has signed an agreement with the Kosovo Police for the purpose of coordination of inter-institutional activities in the fight against corruption. At the same time, this institution has raised allegations for the misuse of millions of Euros in PTK. The 20 million Euros for billing software, which will be prepared by the "Amdocs" company from Cyprus, in order that Telecom and Vala to operate with separate billing platforms, are being investigated by the Agency. The evidences for the case are expected to be sent to the Prosecution of Kosovo;
- The Kosovo police have arrested three municipal officials in Prizren, under suspicion of the abuse of office, bribery and fraud;
- The Monitor Corruption during the May has identified a number of critical statements of the officials of the ruling party, PDK, towards the reports of several non-governmental organizations: the National Council on American Foreign Policy, the Initiative of Youth for Human Rights and ÇOHU-. The report of the American Organization addresses many criticisms about corruption and organized crime, which according to it, undermines the process of state building and democratization of the country. Similar views have addressed also the reports of two other organizations;
- In the framework of civil society activities, the "Speak Up" movement has published a list of officials that contrary to law, hold dual positions in public institutions constituting a conflict of interest. The Organization "Çohu" has published its report about the weaknesses and failures of the legal framework in the field of fight against corruption;
- The Prosecution of Kosovo is working with 69 cases, which deal with financial crimes.

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THE GOVERNMENT OF KOSOVO

The Government of Kosovo, taken in its totality, has not undertaken any remarkable activity in the fight against corruption. This fight, if it can be called as such, is reduced only within the declarations and statements by the senior government officials. Therefore, the discourse for "zero tolerance to corruption, commitment and ruthless fight against it", has just remained an empty word and did not affect the liquidation of this "devil of Kosovo society."¹ After the raid of the EULEX in MTC and in the private property of Mr. Limaj and Mr. Krasniqi, Kosovo's government, instead of presenting publicly to explain the reasons for such a raid, preferred more the silence and hiding in the corner! During this time, the opposition was more active, which has consistently criticized the government of Kosovo, stressing that "Kosovo's independent is led by corrupt and compromised institutions."² Finally, after a long silence, the Prime Minister Thaçi in an interview on RTK, threw a mountain accusations towards international structures, which according to him, were led by the idea of political lynching and knowhow the investigations were near to corruption and organized crime.³ However, from the perspective of the opposition, "the way how the EULEX had launched its investigation of corruption has shown the powerlessness of Government of the Prime Minister Thaçi, who

has already testified the powerlessness and the lack of will in dealing with the threat of corruption, which firstly is located in the governing bodies, at all important international reports.⁴ Even by the EULEX optics, this process of investigations for the major cases of corruption is not done for political reasons. Furthermore, the deputy head of EULEX, Roy Reeve, warns that in the coming weeks will clarify that there is not an objective for targeting only the senior officials or ministers of Kosovo Government. Reeve said that the investigation into the one of the ministries of the government of Kosovo is just the beginning of "a long and ongoing battle" and common with the institutions of Kosovo, in order to combat corruption in government institutions or private ones.⁵ The Prosecutors of this mission, along the investigations into the Limaj case, is also investigating six other cases of the organized crime, involving senior officials, whereas the number of corruption cases at lower levels is even higher. According to this mission, the number of cases suspected for corruption at all levels, including the local level exceeds 100.⁶ But, within a short time, the criticism of the Prime Minister against the international structures was strongly derailed and, consequently, the discourse has shifted towards corruption and organized crime, claiming that "Kosovo institutions have a close cooperation

¹ Marcus BENTLER – Interview. Newspaper: Kosova Sot, May 31, 2010, pg. 3

² Besnik KRASNIQI – Haradinaj: Kosovo is being ruled by corrupted institutions. Newspaper: Koha Ditore, May 3, 2010, pg. 4

³ Interview of PM THAÇI on "Limaj Case" in RTK, May 3, 2010

⁴ Blerim SHALA – Damaging the State. Newspaper: Express, May 10, 2010, pg. 3

⁵ www.koha.net, - EULEX is committed on investigating corruption affairs, May 26, 2010

⁶ Arben AHMETI – EULEX warns a "hot summer". Newspaper: Koha Ditore, May 30, 2010, pg. 2

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with the ICO and EULEX in the fight against corruption.⁷ However, in the end of May, the Prime Minister Thaçi has started intensified efforts in fighting corruption. He started by issuing an administrative decision, which stipulates that signing of the contracts worthy over 10 thousand euro, except by the Director of Public Procurement, will be also by the Permanent Secretary, the highest administrative officer and the Minister. However, from the AAK prism, this decision will not reduce the opportunities for corruption, but it will just increase those, as the minister is given the opportunity to intervene in the affairs of administration and to decide in the end to which the tender is awarded.⁸ Such an attitude shares also the deputy of AKR, Riza Smaka according to whom this instruction is not a help in the fight against corruption.⁹ However, from the government's perspective, this decision is conceived as a concrete step and as a battle in the fight against corruption.¹⁰ In addition to this decision, the Prime Minister of Kosovo has also a joint meeting with the Minister of Internal Affairs, the Chief Prosecutor of the State and the Director of State Police. In this meeting, is allocated to coordinate institutional activities in the fight against corruption, in which case, the Prime Minister had stated that "the government will strongly support all the institutions in the fight against corruption, so that the tolerance to

corruption will continue to be zero.¹¹ Also, due to the high level of corruption and after the negative evaluations given from the European Commission, to the public procurement system, the Kosovo Government has confirmed that it has decided to intensify the reform process and undertake a number of measures which will transform fundamentally the procurement system. In this context, the Government of Kosovo is rewriting the Procurement Law, Law on public-private partnerships and for the concessions and appointing new boards of the major organ of procurement.¹² In this report is important to underline also the Prishtina Airport Concession. After the accusations of some small companies that the ANP's concession is manipulated, the internationals have taken the responsibility to protect this process. Beside the ICO's chief, Peter Feith, in defense has come also the advisory team leader NACO/, Hans Mohrman, who had claimed that "since the first day this process is managed with an absolute transparency and professionalism, without any political interference.¹³ Even the American ambassador in Kosovo, Christopher Dell, stated that the concession of the APP represents a shift of the paradigm for Kosovo showing the world that Kosovo is able to act with responsibility, transparency, and professionalism.. So the Kosovo government and the winning consortium must be congratulated.¹⁴

⁷ Such a statement has been declared in a meeting with the Mr. Feith. For more details see <http://www.koha.net>, May 31, 2010

⁸ Vatra QEHAJA – European Commission asks for new Boards in the procurement institutions. Newspaper: Koha Ditore, May 3 2010, pg. 8

⁹ Ahmet ISUFI – Skeptics on reforms. Newspaper: Express, May 31, 2010, pg. 10

¹⁰ Ibid, pg. 10

¹¹ <http://www.kryeministri-ks.net>, May 26, 2010

¹² Ibid, May 31, 2010

¹³ Agon SINANAJ – Non political process. Newspaper: Express, May 17 2010, pg. 10

¹⁴ <http://albanian.pristina.usembassy.gov>, May 19, 2010

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KOSOVO ASSEMBLY

During the May, the Assembly of Kosovo has held only two plenary sessions. In these sessions there was not seen any prominent willingness by the deputies to discuss the corruption affairs. Concerns that are raised primarily were related to the disapproval of the relevant laws and for the numerous dilemmas for the privatization process. However, if we compare the first session with the second one, it results that, in the second session, it was discussed for corruption and organized crime, which is identified on a broad spectrum of deputies who have raised their concerns about the abuse of public money by the Government. The only question from the first session, submitted during the parliamentary question time, which is connected with the denunciation of the corruption affairs, was asked by Driton Tali. The questions were about the equipping of schools with computing technology, which is given 24 million more expensive by the MASHT.¹⁵ But, the lack of presence of the ministers, especially of the Minister of Education, Science and Technology, is preventing and in some way, disabling the operation of the 26 Article of the New Rules of the Assembly¹⁶ - which creates a solid space for the interested deputies to submit parliamentary questions addressing to the Cabinet. However, during the discussion for public companies, initiated with the motion of 11 Deputies of the Assembly of Kosovo, the Kosovo Government has not brought a report on the situation in these companies, on the grounds that the audits have

¹⁵ Transcript of the plenary session. Kosovo Assembly, May 13 and 17, 2010, pg. 11

¹⁶ Article 26 of Kosovo Assembly Regulation, approved in May 20, 2005 and modified in June 1, 2006.

not completed yet, so it was impossible to draft a report. The initiator of the parliamentary motion, Driton Tali said that since the beginning of its mandate, the Government has not done anything to change the situation in these companies. Regarding KEK, he said that in this company still continues the trend of awarding tenders to the incompetent and criminal companies. According to him, there is not a better situation in PTK.¹⁷ Such a concern has expressed also the "PA Consulting" company, consisted of a group of advisors of the Energy Corporation who are funded by the U.S. Agency for Development, USAID. The company had estimated that the budget of Kosovo is affected millions of Euros through tenders for import of electricity conducted by KEK. According to the consultants of this company it has been impossible to persuade the cousin of the Prime Minister of Kosovo, Njazi Thaci, for not signing the contracts with Serbian companies "EFT" and "Rudnap, with prices of 20 percent higher. From these contracts is estimated that the budget of Kosovo is damaging for 8 million Euros.¹⁸ However, in the second session, the deputy Naim Rustemi, has raised the issue of tender for virtual operator, which according to him, is another trick, because the two bidders – Dardafone and Dardafone.net are a single one company, but the aim is to deceive the public eye, and even the way how the tender is given is completely unacceptable and obviously there were great offenses to the award of this tender.¹⁹

¹⁷ Vatra QEHAJA – Non governmental parties accuse the Government for corruption affairs in the public entrepreneurship. Newspaper: Koha Ditore, Ma 14, 2010, pg. 9

¹⁸ Parim ULLURI – PM Cousin damaged state budget for millions Euros. Newspaper: Koha Ditore, My 13, 2010, pg. 8

¹⁹ During the monitoring of Kosovo Assembly by the staff of "Speak Up" Movement", May 27, 2010

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The independent deputy, Driton Tali, has repeated the same question from the previous session but the question remained unanswered, as the Minister Enver Hoxha was not present. On the other hand, the deputy of AKR, Riza Smaka, has addressed many criticisms to the courts and the judiciary, as according to him, there are thousands of unsolved cases, including those dealing with corruption affairs. However, the debate got "fueled" about corruption and the organized crime, when the deputy of the AAK, Shkumbin Demaliaj, has expressed his anger for "emasculatation of Kosovo institutions by EULEX, in the case of raid of MTPT. The immediate reaction was from the Prime Minister of Kosovo, Hashim Thaçi, who has claimed that "his government is the first one that has started the fight against corruption. Further, he argued that fighting corruption would not only include the period of his ruling, but the whole post-war period, so it will clarify all the cases of corruption and organized crime"²⁰. Thaçi, in this case, has said that government will be carrying this fight, while the EULEX will help and will have the role of facilitator.

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 apriori 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 in the judicial system of corruption and his fall into the trap of political pressures

²⁰ Ibid

and interfering. Therefore, since the democracy can not function without the judicial system, as guarantees and controls other powers, Kosovo should take serious steps for rapid and thorough reform of this branch, which is the guarantee and the control of other powers, especially of the Government.

Kosovo Prosecution, which operates within the judicial system, has made just a few activities against corruption. Now it is dealing with 69 cases, which has to do with financial crimes.²¹ Also, Kosovo Chief Prosecutor, Ismet Kabashi, has accomplished a meeting with Prime Minister to get his support in the fight against institutional corruption and abuse any way with official duties. However, its Agreement with AKK, which was meant to be signed during May, was signed only in the beginning of June. In the end, we see the Prosecution has not taken any serious action towards the fight against corruption.

Kosovo Judicial Council, which provides that courts in Kosovo to be independent, professional and impartial, has failed so far to collect statistics on cases related to the taking of bribes, giving bribes and abuse of official duty.²² It was reported also that KJC has continued to pull away about 40 cases filed by the Office of the Disciplinary Prosecutor. Only during April, KJC has received a total of 30 disciplinary complaints and 10 of them in May. However, ZPD has not received any written decision by the Disciplinary Committee for review of any case. Officials of the body repeatedly reacted to the negligence of the KJC in reviewing the cases

²¹ Jeton MUSLIU – 69 cases are being investigated. Newspaper: Express, May 14, 2010, pg. 8

²² We have been told by the officials of this institution that they'll provide the stats in the end of June; hence we'll put them in the Report for June.

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that they address to resolve. Coordinator's ZPD, Kadri Begolli, said that the Disciplinary Committee for a long period of time has been dysfunctional, as well as its KJC here. Furthermore, according to him, these cases are not solved in order, because there is concern about abuse. Further, he states that if that happens KJC shall make prescription of these cases, then this issue will go to the Constitutional Court.²³

ANTI CORRUPTION AGENCY

The Major commitments of the Anti Corruption Agency throughout the month of May have been oriented on encouraging the public officials for the declaration of their wealth. These efforts, however, are finalized at the beginning of June, when it was published a list of the all officers who have declared their wealth, and those who have not. At the same time, AKK, at the beginning of the last month has alleged misuse of millions of Euros in PTK, as PTK has allocated 20 million Euros for billing software, which will be prepared by the company "Amdocs " from Cyprus in order that Vala and Telecom to operate with separate billing platforms. According to the Agency, allegedly that the Kosovo budget was damaged for millions in this case²⁴, so it is promised by it that this case will be explored as a whole and the gather of evidence and relevant facts, would be sent to the Prosecutor , which can conduct further investigations. The agency also conducted a series of activities that, according to us, will impact directly on improving its position towards fighting corruption and organized crime. In this context, in the wake of

²³ Betim MUSLIU – Sleeping on the files of judges and prosecutors. Newspaper: LAJM, May 31, 2010, pg. 8

²⁴ Parim ULLURI and Agron HALITAJ – Anti-corruption Agency suspects for misuse of millions of Euros in PTK. Newspaper: Koha Ditore. May 9, 2010, pg. 5

deals carried from the AKK with other institutions, is illustrated and the agreement with the Kosovo Police, which is expected to help in the coordination of institutional activities in the fight against corruption and organized crime. Under this agreement, the parties shall provide each other with information about issues that are of mutual interest:

a) communication and data exchange, b) coordination of work and joint activities to detect and investigate corruption in law no. 03/L- 159 c) providing advices in solving mutual problems of different nature anti-corruption; d) The Kosovo police, at the request of the Agency will make available to the Agency the required documentation, related the detection and investigation of corruption; e) if the nature of criminal acts as well as their performance exceeds the powers of the AKM, then the file will pass into PK f) The Kosovo Police may seek assistance in AKK investigating cases submitted by the Agency; g) When The AKK face difficulties in collecting information, it may require the assistance of Police²⁵

Therefore, this agreement will have direct effects on the production of significant results by AKK. In addition, it will also create greater space for inter-institutional cooperation, because the fight against corruption as it is known, requires and presupposes the coordination of the activities of all institutions that are responsible for fighting corruption.

KOSOVO CUSTOMS

The Statistics of Kosovo Customs for anti-corruption for the month of May show that only a disciplinary measure has been undertaken. However, this measure has been only a verbal warning - because of the non-professional

²⁵ Anti-Corruption Agency – AKK and Kosovo Police signed the Memorandum of Cooperation. Published: <http://www.akk-ks.org>. May 28, 2010

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conduct. Even in the Professional Standards Section it has been initiated a case (official procedural subject) due to the damage of official vehicle of the Customs.²⁶ Whereas, the internal auditors of Kosovo Customs, have asked from the chief of custom- Naim Huruglica to deal with the million losses, caused by the issuance that has done to the importer of tobacco companies. However, the latter has "handed on" the competences to EULEX for dealing with the problem of payment of excise from tobacco corporations.²⁷

KOSOVO POLICE

Also during the May, the Kosovo Police officials did not express their willingness for cooperation. Although the movement "Speak Up", since January 2010 has addressed several official requests for access and cooperation in the Office of Public Relations, it has not received any response yet - neither positive nor negative. However, in a meeting that has held the staff of "Speak Up" with the senior officials of Police, is promised by them that during the month of June their doors will be open to see the efforts and activities of the Kosovo Police in its fight against corruption. However, the Kosovo police, during the last month has conducted a series of activities related to the fight against corruption and organized crime. It should be emphasized the signing of the memorandum with AKK, a joint meeting with the Prime Minister, Minister of Internal Affairs, the Chief Prosecutor of State, and the arrest of the three officials for abuse of

²⁶ Statistikat e Doganave të Kosovës – Raporti për muajin Maj 2010

²⁷ Parim OLLURI – EULEX-i heton 2 milion eurot kontestuese të Doganave, Koha Ditore, 11 Maj 2010, fq. 8

official duty, bribery and fraud. The first two points are already discussed, so it is important to underline only the third activity. According to Kosovo Police, the arrested persons Ibrahim A. and Mehmet S. (Cadastre Directorate officials in Prizren) have allegedly received 90,000 Euros from victims on behalf of parcel number 142 / 2 Petrove cadastral zones – in the municipality of Prizren, which is now in the database of the Cadastre in Prizren property listed as "KBI PROGRESS", and another suspected, L. Ajsela (Working in the Directorate of Cadastre, which is responsible for issuing possession sheets) has received 10,000 Euros bribe to issue a paper possession, suspected to be counterfeit.²⁸

INTERNATIONAL REPORTS

All the Assessments and the International Reports that reflect and draw on the overall development of Kosovo, unveiled a high-level of corruption and organized crime. Then, a numerous international institutions, on the basis of these reports, articulate and express their concerns about the high extent of corruption, which, in fact, is seriously threatening the democratization processes in our country. Therefore, Kosovo, not infrequently, is listed alongside "failed states" – with the extraordinary level of abusing public money and abuse of public authority too. Similarly, two recent reports, published by the National Committee on American Foreign Policy and the Youth Initiative for Human Rights, have the same opinion and simultaneously strengthen such a conclusion. Both of these, stand out for critical voice and as direct to local authorities, which are authorized to fight corruption and organized

²⁸ <http://www.kosovopolic.com>, 28 Maj 2010

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crime but unfortunately, they are involved in the affairs of corruption and organized crime. Therefore, our institutions, but also the society in general, must seriously commit in fighting corruption and organized crime. So that the future reports, both local and international, would represent Kosovo with an optimistic and hopeful view, and not through a dark and gloomy aspect. Of course, this is not an easy and short journey; rather, it is full of difficulties. But, facing the great needs and demands of society, these obstacles must be overcome for the public good.

THE NATIONAL COMMITTEE ON AMERICAN FOREIGN POLICY²⁹

According to this report, the government officials are elected in the main positions of the procurement and judiciary, who are responsible for fighting corruption. Further, it is emphasized that a narrow clique of government, friends and families of executives, control the procurement contracts – and of course, they get them. The perceptions of corruption and abuse of public authority, according to the report, are an indicator of the government and show reluctance to take action against high-profile offenders, including ministers, deputy ministers and political party nomenclature.³⁰ In the wake

²⁹ The National Committee on American Foreign Policy was founded in 1974 by Professor Hans J. Morgenthau and others. It is a nonprofit, activist organization dedicated to the resolution of conflicts that threaten U.S. interests. Toward that end, the National Committee identifies, articulates, and helps advance American foreign policy interests from a nonpartisan perspective within the framework of political realism. Even its own founder, Hans J. Morgenthau, is considering the founder of political realism in the context of International Relations. For more information about this publication, you can visit their website: <http://www.ncafp.org>

³⁰ David L. PHILLIPS – Realizing Kosova's Independence. National Committee on American Foreign Policy. New York. May 1, 2010, pg. 7

of the numerous critics of Kosovo Government, the report underscores the fact that the organized crime is present in the structures of government and political parties. SHIK, the informative service of PDK, is reported that it receives 200 million dollars per year, through bribery, extortion, and defense services. The report states also that Kosovo not only lacks the will to eradicate corruption, justice and organized crime, but also the legal basis is insufficient - as a result of legal gaps, because Kosovo does not have yet the anti- Mafia "or a law that would confiscate the assets obtained illegally."³¹ However, according to NCAFP, the responsibility for fighting corruption lies with the Government of Kosovo, where fighting should start from the highest levels of government. According to this committee, the government can prove itself by dismissing or arresting the ministers involved in the corrupt actions. They should empower the Kosovo Anti-Corruption Agency and implement the plan and the National Strategy .EULEX also should press the Government of Kosovo to be more proactive and, if it hesitates, then it should lead in this process...even diplomats can punish corrupt actions.³² Meanwhile, at the end of this report, namely to the recommendations, the apology is made to the Institutions of the Republic of Kosovo for engaging authentically to combat these phenomena, which are deeply damaging Kosovo and the process of democratization and state-building.

³¹ Ibid, pg. 8

³² Ibid, pg. 11

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YOUTH INITIATIVE FOR HUMAN RIGHTS³³

Besides NACFP Report, published in May, there is also a separate report on developments in Kosovo by the YIHR. This report, in fact, addresses more the issues of freedom of speech within the public space, but of course, including issues related to governance, or better saying bad governance in our country. During this evaluation YIHR, reflects a view about the distorting argumentative processes that are likely distorting the reality of Kosovo and, realistically, are seriously damaging the process of state-building and democratization. Even the Initiative Report, as well as that of NACFP, addressing criticism about corruption and organized crime, in particular addressed to the SHIK, which absorbs funds illegally by the Institutions, and although there are not within the government, they have a huge impact in the government.³⁴ The report criticizes the ruling parties (the government of Kosovo) for such corrupt practices which are damaging the public space of the Republic of Kosovo. Furthermore, allegedly that millions of euro are being abused from the procurement practices.³⁵ However, with regard to responsibility for such a descent, according to this Initiative, should not blame only the parties who are in Government, because these bad governance practices are inherited from the previous governments. Therefore, there is no evidence that replacing the

³³ It is a Regional NGO, founded in 2003. Its activities extend to the territories of Serbia, Kosovo, Montenegro and Bosnia-Herzegovina.

³⁴ YIHR – State of Constriction? Governance and Free Expression in Kosovo. Published: Maj 24, 2010, Prishtinë, pg. 16

³⁵ Ibid, pg. 51

parties in power with other parties in opposition may be accompanied by an improvement at the same time; thus no political force does not seem able to win elections and change the current system.³⁶

REPORTS FROM 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 the activities of civil society, namely non-governmental organizations, has been the denunciation of corrupt practices and bad-distorting government. In this context, during the month of May there have been two different activities from two different organizations: The “Speak Up” Movement, which has reported a list of some officials who hold dual positions in institutions and public enterprises and “Çohu”, which, in a roundtable discussion with relevant actors, has published the weaknesses of the legal framework that regulates the scope of institutional fight against corruption.

THE MOVEMENT “SPEAK UP”

During the May, the Movement “Speak Up” has published the names of seven officials who hold dual positions in public institutions of the Republic of Kosovo. According to the “Speak Up” movement, these officials are in a clear conflict of interest, since all the legal provisions prohibit officials to hold other commitments in public institutions and enterprises, which may

³⁶ Ibid, pg. 51

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have a clear interest conflict.³⁷ The above mentioned names are Xhevdet Smakiqi - the legal adviser of the Transport Ministry- Fatmir Limaj and also the legal official in Kosovo Telecom Communications, Gani Koci – a deputy and a legal officer at KEK. Besa Gaxherri – deputy and PTK official – in Peja branch; Slobodan Petrovic - deputy and coordinator in the Office of Community in PTK; Gani Buqinca – deputy and editor of the RTK, Nesrin Lushta - President of the KQZ and the judges of the Supreme Court; Florian Dushi - General Secretary in the Ministry of Justice and at the same time a member of KQZ by LDK. These names, according to the “Speak up” Movement, are clear conflicts of interest, so it must immediately resign from one position, and not holding both positions. The publication of these names, has been a positive influence and it has an immediate effect, as one of the names mentioned, respectively Nesrin Lushta , in a meeting with the KQZ members, informed them for her resignation from this position.³⁸

“ÇOHU” ORGANIZATION

During the May, the “Çohu” Organization for democracy, anti-corruption and dignity has made the introduction of flaws and failures of the legal framework against corruption, prevention of conflict of interest, and declaration, origin and control of property and gifts. Institutions of Kosovo have recently approved the new legal framework against

corruption. According to “Çohu” new laws against corruption, despite the fact that mark a breakthrough in terms of minimum legal codification of the fight against corruption, still do not provide an adequate and effective basis for preventing and combating corruption.³⁹ In addition, the legal framework against corruption emphasizes preventive aspects of the fight against corruption, bypassing those punitive. In this publication, also it was expressed the concern that this frame sets the Anti Corruption Agency of Kosovo in an inferior position towards the level of presence, type / form of performance and of the sectorial extent of corruption. This is because new laws against corruption, mainly allow the Agency powers to combat the so-called (soft corruption /), while combating (high corruption/Political corruption) becomes extremely impossible.⁴⁰

ACKNOWLEDGEMENTS

The publication of this report was made possible by USAID through the Program for Strengthening Civil Society implemented by ISC - Institute for Sustainable Communities.

This Report is also a product and a result of the contribution of a dedicated team, by the staff of the “Speak Up” Movement, but also by external collaborators. In this context, the “Speak Up” Movement publicly thanks all those who worked to provide information and preparation of this Report. All the Reports of “Speak UP” on Activities of Public Institutions in the fight against corruption are published in this website: www.monikorr.org

³⁷ For more information see Law on Preventing the Conflict of Interest (2007/02-L133) and the Law on Anti-Corruption (2004/34), because both of them prohibit officials to exercise dual functions in public institutions and public entrepreneurship as well.

³⁸ <http://www.kospress.com>, May 31, 2010

³⁹ Lorik BAJRAMI – Presentation on Legal Framework against Corruption. Presented: Grand Hotel, Prishtinë, May 28 2010

⁴⁰ For more information see the publication in this website: <http://www.cohu.org>

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 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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