



8th Report | Report for OCTOBER, 2010

Corruption Monitor

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

*"... Corruption is a terrible disease that
destroys every country from inside..."*

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THE ACRONOMYS' LIST

AAK – Alliance for the Future of Kosovo

AKK – Anti- Corruption Agency

AKR – New Kosovo Alliance

DHKEK – Directorate Against Corruption and Economic Crimes

EULEX – European Union Rule of Law Mission in Kosovo

IKS – Kosovo Initiative for Stability

ISC – Institute for Sustainable Communities

KDI – Kosovo Democratic Institute

KGJK – Kosovo Judicial Council

LDD – Democratic League of Dardania

MASHT – Ministry of Education, Science and Technology

MM – Memorandum of Understanding

PDK – Democratic Party of Kosovo

PK – Kosovo Police

UNMIK – United Nations Mission Interim in Kosovo

ZAP – Office of the General Auditor

SUMMARY

The Government of Kosovo during October has taken eight (8) verdicts but none of them was on struggle against corruption and organized crime. This month is the poorest month regarding governmental activities fighting corruption.

Kosovo assembly has held three (3) plenary sessions. During these sessions, twenty-five (25) parliamentary questions were raised, ten (10) of them were on corruption. Most active parliamentarians were Driton Tali with four (4) questions, Naim Rrustemi with three (3) questions and Riza Smaka with three (3) questions.

Daily papers (Koha Ditore, Zëri, Kosova Sot, and Express) published 66 writings, 20 of them were subject-matters, 41 news and 7 interviews. Koha Ditore and Zëri were mainly focused criticizing the Executive of the country and public ventures, Kosova Sot applied critics toward Kosovo Juridical, whilst Express stressed the failures of Ministries ran by LDK and the failures of Prishtina Municipality.

Non-governmental Organization published The Progressive Report in Albanian during October; this report is a Kosovan version about Kosovo. This report offers an alternative review of the progress in Kosovo, exposing a viewpoint and evaluation of Kosovan civil society organizations on essential domains of state governance.

European Union Rule of Law Mission in Kosovo has taken into custody two persons for organized crime and smuggling.

INTRODUCTION

The corruption is considered to be the principal challenge for the Kosovo society during the 11 years of transition and continues to be the principal preoccupation for all, including: politicians, civil society and the press. The International Community addresses this issue in its annual reports/evaluations and declarations. This is done by the European Union in its Progress Reports and American State Department in its periodical reports on particular issues; all these are public remarks that are directed to Kosovo every end of the year. Besides this, the reports from the International NGOs have been presented continually and were more severe in addressing the corruption issues.

The locals are divided regarding the modality and the fight against the corruption. While the Officials pledge ‘zero tolerance to the corruption and organized crime’, the opposition declares otherwise, by calling ‘the government - head of the corruption’. Their position regarding this issue changes with the alternation of their role and power. During the government under the UNMIK administration and after the declaration of independence, the Kosovo public was able to observe the alternation of the power and the empty rhetoric on the fight against the corruption. The status issue and the state foundation have been used as an alibi for the Kosovo politicians to hide the real problems continually. Two years after the declaration of independence, investigation reports by the press, the deployment of

the EU Rule of Law Mission EULEX and issues addressed from civil society have shaped the ‘fight against the corruption’. Besides the fact that the arrest of the ‘big fish’ is substituted with the small one, including the Municipal level, the expectations promised by the internationals and the Prime Minister Thaci will accompany the daily politics in Kosovo.

“Speak Up” Movement continues to monitor public institution’s activities against corruption. On the 9th periodical report, for October, it is obvious the lack of activities against corruption.

THE GOVERNMENT OF KOSOVO

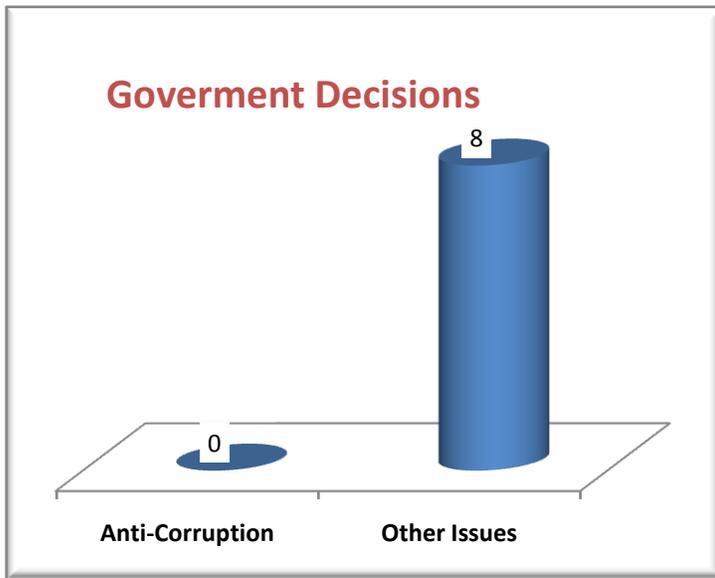
Kosovo Government established by a large coalition between PDK and LDK in 2008, was stricken down by the withdrawal of LDK from the governmental coalition. This withdrawal was as a result of the Kosovo Constitutional Court verdict, which stated that there was a violation of the constitution by the president Sejdiu himself.¹ The decision to abandon the assembly was taken by the headship of LDK party, although according to this party, they will be “highly devoted to contribute in every democratic processes” and in the best interests of Kosovo.² In this contexture, such on goings in the government were the main cause not to undertake any activities against corruption. This month, there were only 8

¹ Kosovo Constitutional Court: Case number KO 80/10, 7 October 2010

² For further details see <http://balkanweb.com>, 16 October 2010

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verdicts taken in the assembly which is a very small number compared with the other months where a much higher number of verdicts were taken. From all these verdicts taken, none of them was on fighting corruption and organized crime.



Tab (1): Verdicts of the Government – October 2010

Among these verdicts, one is about apportionment of a sum of money of €50,000 per month dedicated to an international company called PATTON BOGGS, LLP from Washington D.C. which promotes and protects the interest of Republic of Kosovo abroad. Grounded in this verdict, hundred thousands Euros will go in account of this company as a result of errors of Kosovo Government in procurement procedures. In this contexture, the government should be careful with bidding and fiscal processes because it causes vast losses to Kosovo and encourages the increase of the level of corruption in higher public instances and lower ones as well. Thus corruption endangers good governance, stable

economic³ development and harms democratic processes.⁴ Meanwhile, European Union Rule of Law Mission in Kosovo, EULEX, has taken into custody two persons in Northern Mitrovica under the charges of illegal possession of weapons, blackmail and disturbing while on official duty.⁵ EULEX also raised charges against officials of Medicus, under the accusation of trafficking human organs, organized crime, illegal medical activity and abuse of authority.⁶ During this month a new chief of EULEX was assigned, Xavier Bout de Marnhac. During a visit to Substitute President, Jakup Krasniqi, Marnhac stated that his priority is “rule of law in Northern Mitrovica, and fighting corruption and organized crime”.⁷

KOSOVO ASSEMBLY

Kosovo assembly held three plenary sessions during October. During these sessions there was no parliamentarians' high devotion to raise/report any cases of corruption. During parliamentary questions, 10 were on corruption and 15 on other issues. According to the article 26.1 of the Work Regulation of Assembly, the time limit to ask questions is 50 minutes. This duration is almost the same with

³ On negative impacts of corruption see <http://www.oecd.org>

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

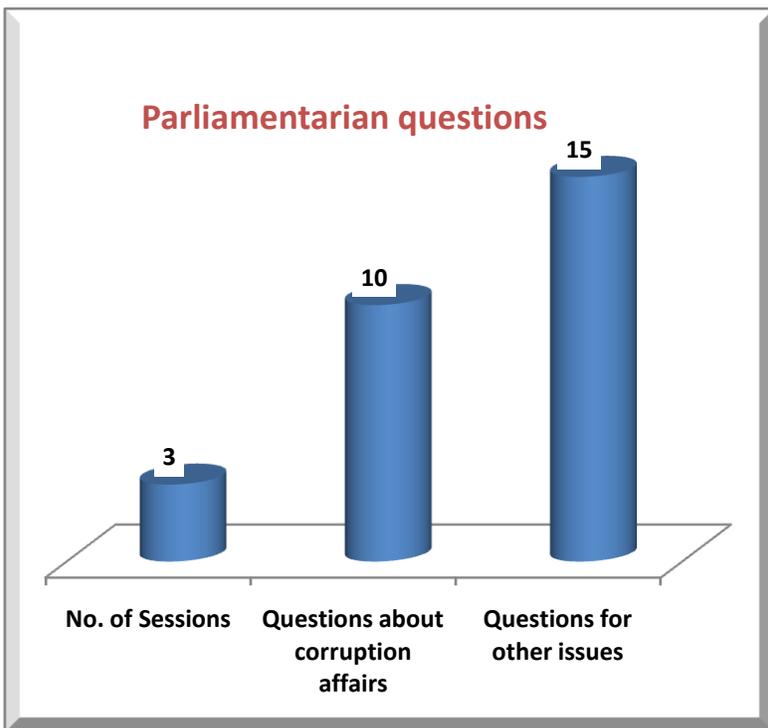
⁵ EULEX: <http://www.eulex-kosovo.eu>, press release, 4, 6 October 2010

⁶ Ibid., Charges of Clinic Medicus, 15 October 2010

⁷ Ibid., New chief of mission assigned, 15 October 2010

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parliamentary interpellation, when parliamentarians can express the concerns of Kosovo citizens. The absence of ministers disables the proper function of the article 26 of the New Regulation of Assembly⁸ - even it provides sufficient time to parliamentarians to ask parliamentary questions applied to ministries, they often give up questions or they have to repeat the same questions time after time. According to statistics shown below, parliamentarians were not that active in addressing citizens' issues.

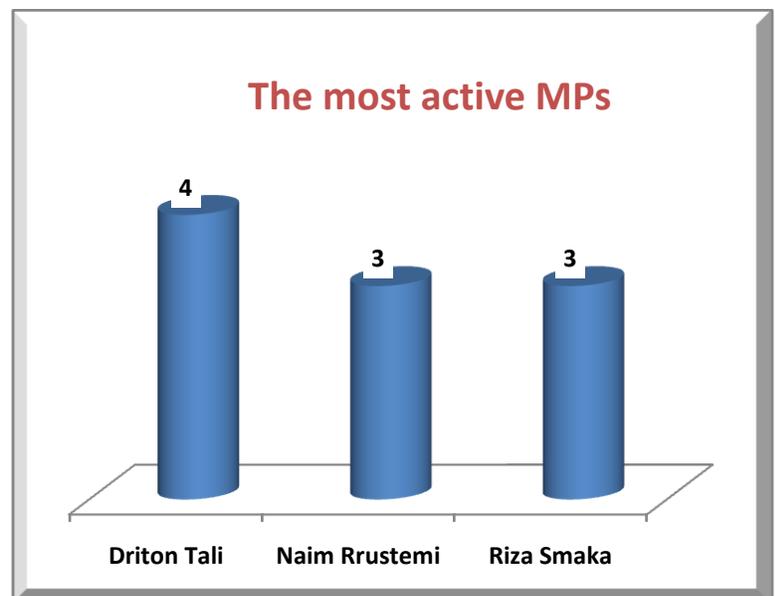


Tab (2) Number of Parliamentary questions – October

During the time of questions, the most voiced and interested to report different corruption cases were these parliamentarians: Driton Tali with 4

⁸ Article 26.1 of Work Regulation of Kosovo Assembly, approved 20 May 2005, updated 1 June 2006

questions, Naim Rustemi with 3 questions and Riza Smaka with 3 questions. These parliamentarians, not only in this month but also in previous months have been more active in initiating debates on cases suspected to be corruption. It shows that non-party parliamentarians are freer to talk about concerns of Kosovo citizens; meanwhile parliamentarians with imperative mandatory are more limited to raise questions about corruption.



Tab (3) Statistics about parliamentarians who asked parliamentary questions on corruption cases – October

NEWSPAPER REPORTS

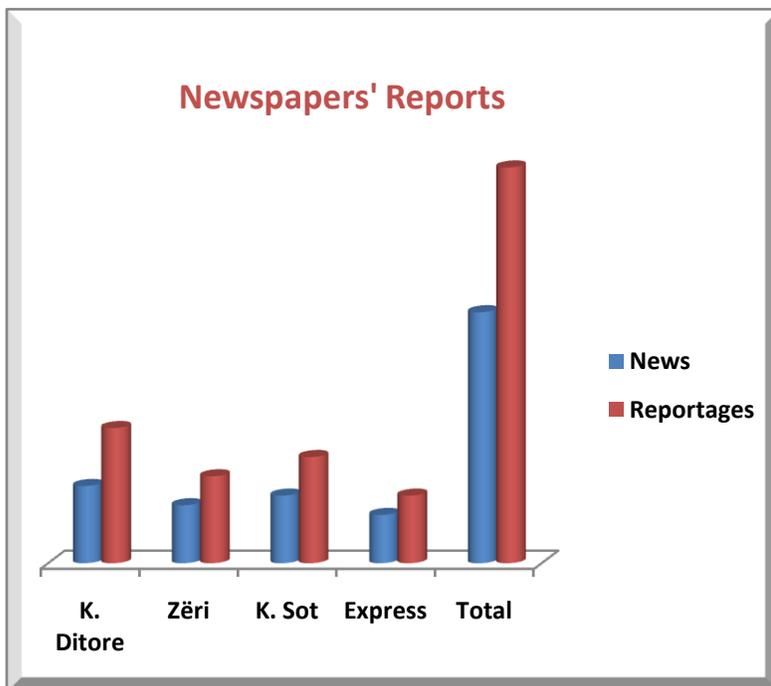
All papers monitored by Movement FOL staff, which deal with overall developments in Kosovo, bring to light a high level of corruption and organized crime. Even though most of the papers' reports are news, among them there are some papers which realize topics in certain spheres which later are made debate

topics. Daily papers (Koha Ditore, Zëri, Kosova Sot, and Express) published 66 writings, 20 of them were subject-matters, 41 news and 7 interviews. Koha Ditore and Zëri were mainly focused criticizing the Executive of the country and public ventures, Kosova Sot mostly applied critics toward Kosovo Juridical, and less toward Government and public ventures, whilst Express stressed the municipal failures. Similar conclusions were made also on the Report of Reporters without borders, according to that report Koha Ditore and Zëri showed a more journalistic independence.⁹

REPORTS FROM CIVIL SOCIETY

The civil society in Kosovo, which is considered widely as essential to democratic processes, has undertaken several activities in struggles against corruption and other malpractices affairs. The goal of civil society activities, respectively nongovernmental NGOs, was to report corruptive and distorted practices of misruling. In this context, a Progressive Report in Albanian was published by non - governmental organization in October, which is an Albanian version in expectance of European Commission Progressive Report on Kosovo. EC Progressive Report offers an alternative review of the progress in Kosovo, reflecting viewpoints and evaluations of kosovan civil society organization on essential spheres of governance.¹⁰

The Speak Up Movement - During this month, Movement FOL has published its quarterly report about institutional activities fighting corruption. This report was presented in a round table meeting “Corruption: Between Struggle and Rhetoric”. In this meeting participated the anticorruption coordinator Drita Hajdari. Concerns that follow the struggle against corruption were identified during this meeting, and the possibilities to intensify this struggle in order to lessen the opportunity to abuse the authority and public money. During this month FOL



Tab (4): Anti-corruption reported statistics on newspapers – October 2010

⁹ For further information see Olivier BASILE: Kosovo – It is not late yet for freedom of expression, Reporters without Borders, 6 July 2010

¹⁰ For further information see <http://levizjafol.org>, 25 October 2010

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reacted also against the high level of corruption which was estimated by transparency International report. According to this report, Kosovo was listed the 110th among the most corrupted and failed countries in the world.

The Kosovo Democratic Institute - KDI has published its monthly report on monitoring the Kosovo assembly. They have figured out disadvantages and disorder which harms the effectiveness of this institution. In this report they accused the Prime Minister Thaçi for political interference in the assembly.

IPOL - IPO has organized a round table in Ferizaj on subject “Struggle against corruption”¹². In this meeting, concerns were addressed and recommendations were given from the participants in order to intensify and strengthen the struggle against corruption, thus to lessen the possibility of corruptive affairs.

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

ABOUT “SPEAK UP” MOVEMENT

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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