



8<sup>th</sup> Report | Report for SEPTEMBER, 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

From 37 verdicts of Kosovo Government taken in September only one was on struggle against corruption and organized crime. This month along with the last month, are the poorest months regarding governmental activities on struggle against corruption;

Kosovo Assembly has held four plenary sessions. During these sessions altogether 16 parliamentary questions on corruptive issues were raised. The most active parliamentarians were Driton Tali with five questions, Naim Rrustemi with four questions and Xhylnaze Sylja with three questions;

Judicial Council of Kosovo during the third trimester has solved 13 cases about corruption, whilst at the end of September there were 156 unsolved cases, 115 of them are about malpractice of authority, 21 on taking bribe and 10 on giving bribe;

Kosovo Police conducted investigation on 51 cases during September. 2 persons were arrested and 32 cases were sent to prosecutor's office. Among the cases sent to prosecutor's office 24 cases are on malpractice of authority, 11 cases on misappropriation while on official duty, 7 cases taking bribe and 1 case giving bribe;

From 68 notices published on daily papers (Koha Ditore, Zëri, Kosova Sot and Express), 20 were realized as reports, 41 were as news and 7 as interviews. Koha Ditore and Zëri were mostly focused on criticizing the country's executive and public ventures, Kosova Sot was more focused on criticizing Kosovo Juridical, whilst Express was focused on failures of LDK Ministers and Prishtina Municipality failures;

Movement FOL has published its Report "Bermuda Triangle", which reflects the lack of inter-institutional cooperation (Prosecutor, ACA and EULEX) on struggle against corruption and organized crime and has presented the Analysis on Weaknesses of Interests Conflict Prevention Law. KDI has organized a Round Table presenting its analysis on Enforcement Law of Wealth Declaration, Control and Origination. IPOL has organized a Table on Transparency and struggle against corruption;

European Union Rule of Law Mission in Kosovo has arrested six 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 8<sup>th</sup> periodical report, for September, it is obvious the lack of activities against corruption by government. Based on Juridical statistics, it is noticed that this pillar is not showing a satisfied level of responsibility solving cases on corruption. Meanwhile Kosovo Police and Customs are showing a greater seriousness and devotion fighting corruption and organized crime.

## THE GOVERNMENT OF KOSOVO

The Kosovo Government in the month of June has repeated the pledge according to which it will guide the fight against the corruption and the organized crime. Even though this pledge from the high state officials has been repeated continually, there is still a lack of outstanding results.

The lack of activities against corruption is explained because of the fact that the debate on corruption is fading away as a result of macro politics affairs: sovereignty, territorial integrity, North of Kosovo, international recognitions, "the Sejdiu case" and the strategy for privatization of Kosovo Post Telecom. From altogether 37 verdicts taken, only one was on corruption and organized crime. Although we are on October, the government is not thinking over it seriously as it is destroying effective governance and developing processes of building the country. Prime Minister Thaçi, in the session of September 15<sup>th</sup> has praised accomplished projects of his government. Despite that Prime Minister Thaçi declared himself bearer of the struggle of corruption affairs, he is doing very little to fulfill his pledge. On one hand he states he will lead this struggle, on the other he stresses that it is judicial system issue. If fighting corruption is up to Justice, then how come Prime Minister declares himself bearer and leader of this struggle? Therefore, the Government of Kosovo should deal seriously with corruption and reduce this struggle on only speeches: not taking any concrete

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actions, no serious approach and no termination of any suspected officers for corruption. Struggle against corruption should be steady because this phenomenon jeopardizes the good governance, economical sustainable development<sup>1</sup> and affects democratic processes.<sup>2</sup> Whereas European Union Rule of Law Mission in Kosovo, EULEX, warned about arrestments in North Mitrovica. Deputy Chief of this mission, Roy Reeve, alleged there would be some arrestments in North Mitrovica and his teams are doing some investigations and soon there would be some results. He also stated that EULEX had been charged with plenty UNMIK cases, they were going to review them and do something concretely.<sup>3</sup> As these pledges are concerned, EULEX, arrested six people in September but these cases were smuggling and organized crime.

## KOSOVO ASSEMBLY

In the Kosovo Assembly during the month of June has taken place four plenary sessions. During these sessions there was not seen any real engagement from the members to deal with the corruption cases. Kosovo Assembly during September has held four plenary sessions. In these sessions, parliamentarians were not that dedicated to rise/report any cases on corruption. During the session on September 15<sup>th</sup>

<sup>1</sup> On negative effects of corruption see <http://www.oecd.org>

<sup>2</sup> James B. Jacobs: Corruption and Democracy, Kappa Phi Journal, Volume 84, 2004, p.21

<sup>3</sup> Such a declaration was made on the radio “Kontakt Plus”, taken from Express paper, date 21 August 2010, p.3

when Privatization of Kosovo Post and Telecom was on agenda, the parliamentarians argued a lot if privatization of PTK was a must. When asking parliamentary questions, there were 16 questions on corruption and 17 questions on other issues.

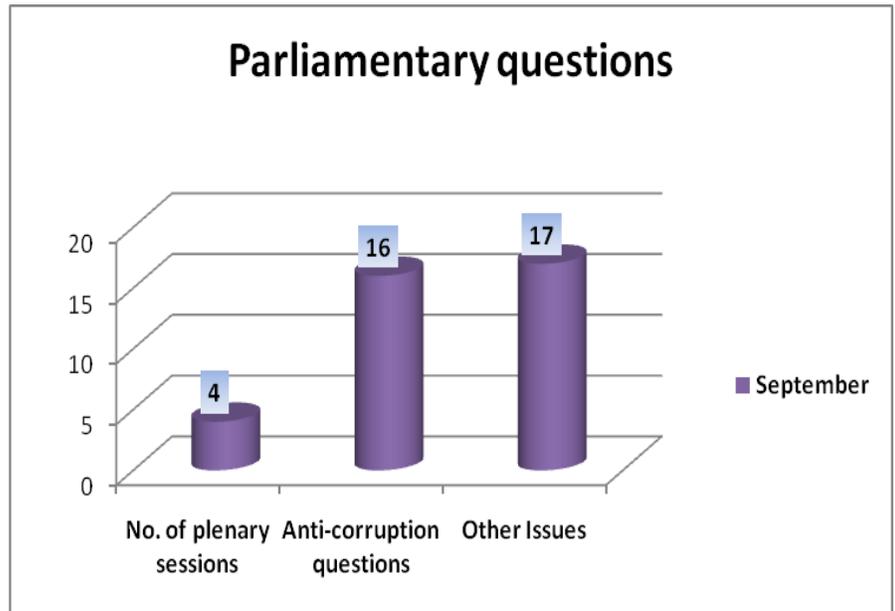


Table 1: (Kosovo Parliament) Number of parliamentary questions against corruption affairs - September

According to the article 26.1 of Assembly Work Regulation<sup>4</sup>, the time limit for making questions is 50 minutes; this duration is almost “similar” with parliamentary interpellations where parliamentarians can express concerns regarding citizens. But the absence of ministers is making the function of article 26<sup>5</sup> impossible – this article provides a sufficient time for interested parliamentarians to apply questions to ministers. As

<sup>4</sup> The article 26.1 of Assembly Work Regulation, approved on 20 May 2005, and modified on 1 June 2006

<sup>5</sup> Ibid, article 26

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a matter of fact this made a lot of parliamentarians to give up questioning or go on with their repetition.

During the time for parliamentary questions, the most voiced and interested to report corruption cases were the parliamentarians Driton Tali with five questions, Naim Rrustemi with four questions, Xhylnaze Sylja with three questions, Riza Smaka with one question, Zylfie Hundozi with one and Synavere Rysha with one question.

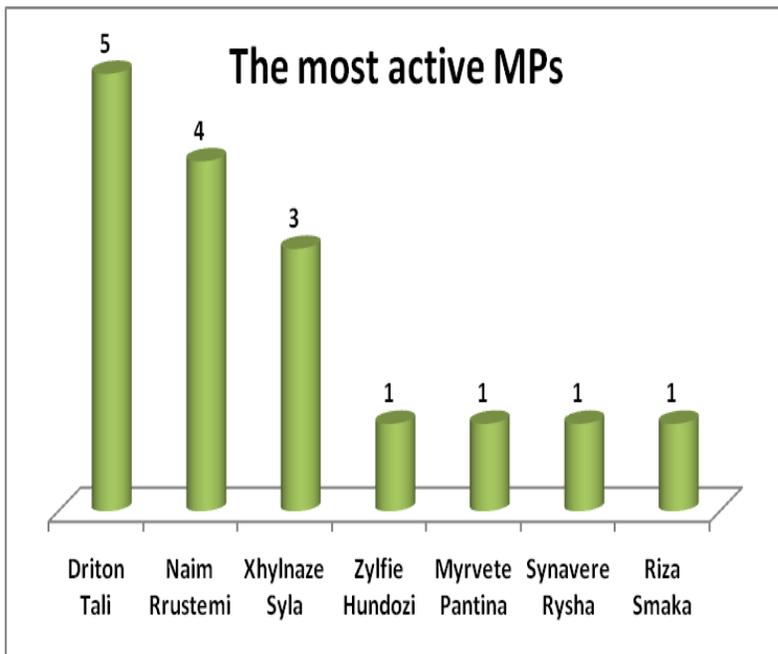


Table 2: (MPs) The number of questions raised by deputies – September

According to statistics diagram shown above we may conclude that parliamentarians didn't apply that much to citizens' concerns. A great concern about Kosovo Assembly is the disapproval of Political Parties Financial Law, anti-mafia Law, and money laundering and financing terrorism law.

## JUDICIAL SYSTEM

One of the most important powers of every political system is the judicial power. If this power is impartial and independent, then it assures and limits every possibility of public money abuse or the abuse of public position. In this ambit, one of the reasons why the corruption and organized crime has extended all over the institutions is the submergence of the judicial system into corruption and its pitfall in front of the pressure and political interferences. Such evaluation derives from the last report of the EULEX, which underlines that the system of justice in Kosovo is showing signs of weakness. It is mentioned further that, the interferences from different levels and forms has continued.<sup>6</sup> The Judicial system of Kosovo continues to be the institution of which the citizens are less satisfied. The Prior Warning Report has registered a decrease of 10% that marks the lowest level ever registered.<sup>7</sup> So far, having in consideration that the democracies cannot function without a judicial system because it guarantees and controls the other powers, then Kosovo must undertake serious paths to reform this system.

**The Kosovo Judicial Council**, which assures the independence, professionalism and impartiality of Courts in Kosovo, did not undertake any important activity in a fight against the corruption. According to JCK statistics, during the third trimester has solved only 13 cases on corruption, while 146 cases are unsolved. This indicates a very low level of Kosovo Judicial System, by not solving cases dealing with corruption. As we can see at the chart diagram misappropriation of authority and giving bribe are two highest categories in the system.

<sup>6</sup> Report Program 2010: A common work for a sustainable change, EULEX, June 2010, pg. 9

<sup>7</sup> Prior Warning Report, UNDP Kosovo, 27 March, 2010, pg.

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## KJC statistics on corruption affairs

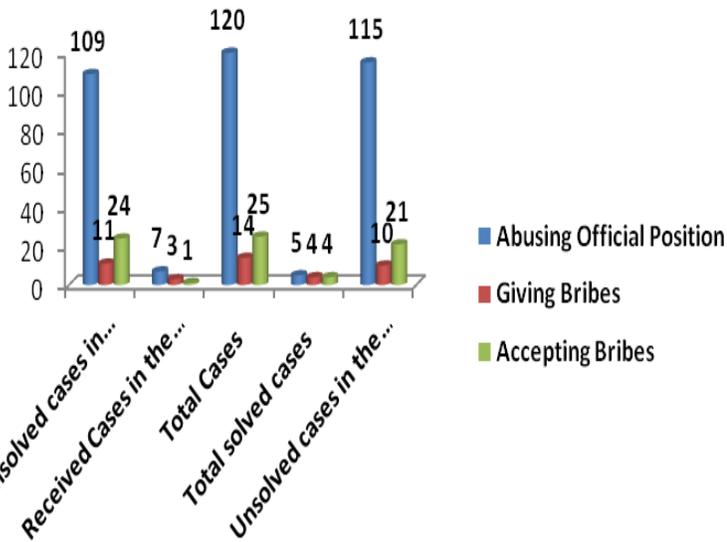


Table 3: (Kosovo Judicial Council) Number of cases during September

### KOSOVO POLICE

The Kosovo Police continues to be evaluated the most credible institution from the citizens and the less corrupted one. Around 76% of interviewed citizens (contrary to 72% in September 2009) are satisfied with the work of the Kosovo Police and only a short percentage believes that corruption is present within the Police. The EULEX report shows a progress scale from the Kosovo Police in fighting the corruption and organized crime<sup>8</sup>. The director of the Kosovo Police has made known that there will be promotions for them who demonstrate satisfied results in their job and demotions for them who do not perform well

their job.<sup>9</sup> During September Kosovo Police conducted several actions against abuse of public authority. According statistics of Investigations Department of Economical Crimes and Corruption there are 51 cases under investigations, 11 cases were proceeded to Public Prosecutor's office with identified felons, 7 cases N/N, 12 cases with completed reports and two arrestees. Based in these statistics, cases on misuse of authority were larger in amount comparing with other cases on corruption.

## Kosovo Police Stats on Anti-corruption

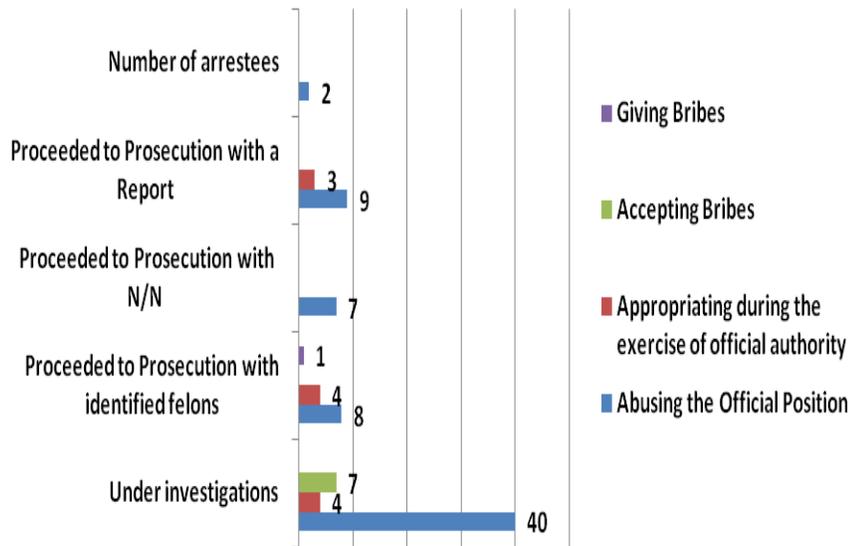


Table 4: (Kosovo Police) Number of cases during September

<sup>8</sup> Report Program 2010: A common work for a sustainable change, EULEX, June 2010, pg. 13-23

<sup>9</sup> Behar SELIMI: Cleansing in the Kosovo Police, Kosova Sot, 21 June 2010, pg. 9

## 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. From 68 notices published on daily papers (Koha Ditore, Zëri, Kosova Sot and Express), 20 were realized as reports, 41 were as news and 7 as interviews. Thus we consider writing reports and conducting interviews on actual issues is needed and essential and will be a great contribution fighting corruption and organized crime. Koha Ditore and Zëri were mostly focused on criticizing the Government and public ventures; Kosova Sot was more focused on criticizing Kosovo Juridical and less the Government and public ventures, whilst Express was focused on local level. A similar conclusion had also the report of Reporters without Borders; according to them Koha Ditore and Zëri were more concerned to maintain their journalistic independence.<sup>10</sup>

## REPORTS FROM CIVIL SOCIETY

The civil society in Kosovo, which is widely accepted to be essential for the democratic processes, has undertaken a number of activities in a fight against the corruption and other issues related to the corruption. The goal of the civic society activities, respectively of the NGOs, used to be the denunciation of the corrupting practices that led to the bad governance. In this ambit, during the month of June, two different activities from two different organizations took place.

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<sup>10</sup> For further details see Olivier BASILE: Kosovo – it is not yet late for freedom of speech, Reporters without Borders, 6 July 2010

**The Speak Up Movement** - has published its Report "Bermuda Triangle", which reflects the lack of inter-institutional cooperation between EULEX, Prosecutor's office and Anti-Corruption Agency. According to this report, the inter-institutional coordination is a concern thus it is recommended that all institutions in charge to fight corruption should merge their activities in order to reduce the high level of corruption within public institutions of Kosovo. During September an analysis has been published regarding Law preventing interest conflict, the report brings out the weaknesses of the law and law gaps that exist which actually make impossible fighting properly interest conflicts and corruption as well.

**The Kosovo Democratic Institute** - KDI has organized a Round Table on Enforcement Law of Wealth Declaration, Control and Origination. IPOL has organized a Table on Transparency and struggle against corruption. Findings of KDI analysis show that 68 officials have not declared their wealth in time, most of the forms are filled in improperly. According to this analysis it is found out the insufficiency of the recourses of AKK to apply this law.<sup>11</sup>

**IPOL** - has organized another round table on International Day of Democracy "Struggle against Corruption and Transparency".<sup>12</sup> During this meeting concerns and recommendations were given away from participants in order to intensify and strengthen efforts against corruption and decline the number of corruption cases.

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<sup>11</sup> Express: 68 officials have delayed declaration of wealth, 15 September 2010, p 11

<sup>12</sup> This meeting was held on 28 September 2010

## ACKNOWLEDGEMENTS

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## 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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## CONTACT US:

Andrea Gropa 29, 100000 Prishtinë,

Republic of Kosova

Mob: +377 (0) 44 131 542

Web: [levizjafol.org](http://levizjafol.org)

E-mail: [info@levizjafol.org](mailto:info@levizjafol.org)