



*Duke Mbështetur Qeverisjen e Mirë dhe Qytetarinë Aktive
Supporting Good Governance and Active Citizenry*

Corruption Monitor

Corruption figures in Kosovo - Anti-Corruption Statistics Platform
January-June 2013



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List of Acronyms / Abbreviations

ACA - Anti - Corruption Agency

DECC - Department for Economic Crime and Corruption

EULEX - European Union Rule of Law Mission in Kosovo

KJC - Kosovo Judicial Council

KP - Kosovo Police

SPRK - Special Prosecution of the Republic of Kosovo

ACS AP - Anti - Corruption Strategy and Action Plan

Introduction

Creation of policies against corruption, during this half-year, has been described by a clear controversial tendency while approving anti-corruption policies. In essence, the developments along the first six-month period of 2013 regarding anti-corruption clearly highlighted the lack of commitment and honesty of senior public officials in creating an effective anti-corruption framework.

Since the beginning of 2013, the Criminal Code of Kosovo is supplemented with new essential amendments, according to civil society, which sentence some corruption offenses. Issues of "false declaration of assets", "refusal to declare assets", but also "the prosecution of conflict of interest", were added to the Criminal Code of Kosovo as some of the acts against corruption. Prosecution of these acts, along with those, which have been previously included in the Criminal Code, is an achievement of Kosovo in closing the gaps in anti-corruption legal basis.

However, despite this progress in Kosovo legislation, whose results cannot be measured qualitatively yet, there was also an opposite tendency in the essence, regarding anti-corruption. A number of parliamentarians, senior public officials, but also officials of the State Agency for Protection of Personal Data, have argued in favor of not publishing the wealth declaration forms of senior public officials on the website of Anti-Corruption Agency. Although the main argument of supporters of not to publish the wealth declaration forms is based on the argument of infringement of individual privacy, despite that there was no single case reported in this regard, the Kosovo government is not interested in establishing effective mechanisms against corruption.

This platform of summarized Anti-Corruption Statistics of the relevant Institutions in this field, is the result of nearly three-year work in the field of anti-corruption of Movement FOL. This platform enables the public and public institutions to read themselves these summarized anti-corruption data in one place, and they can do this based on measurable data. Furthermore, this platform will help to better understand and analyze the performance and contribution of anti-corruption institutions, but also to see the weaknesses, which institutions face.

Movement FOL has already created a database which is completely new, not only in Kosovo but also beyond. These data will be updated continuously, and new categories will be designed to further develop this approach, which is vital especially for measuring the impact of law enforcement and anti-corruption policies in the country.

Kosovo Prosecution¹

During the reporting period from January-June 2013, the Departments of Serious Crimes of Kosovo Basic and Special Prosecutions have received 279 criminal charges against 637 individuals. From the previous year, Kosovo Prosecution has inherited 281 criminal charges, while at the end of the reporting period, 1140 criminal charges remained unsolved against 404 individuals.

During the same period, 359 cases have been solved, where criminal charges have been filed against 43 individuals, direct indictment have been filed against 18 individuals, investigations have been closed down against 112 individuals, and prosecutions filed charges against 47 individuals after the investigation procedure. Meanwhile, the investigations are ongoing against 177 individuals.

Corruption in numbers

281 remained from past year

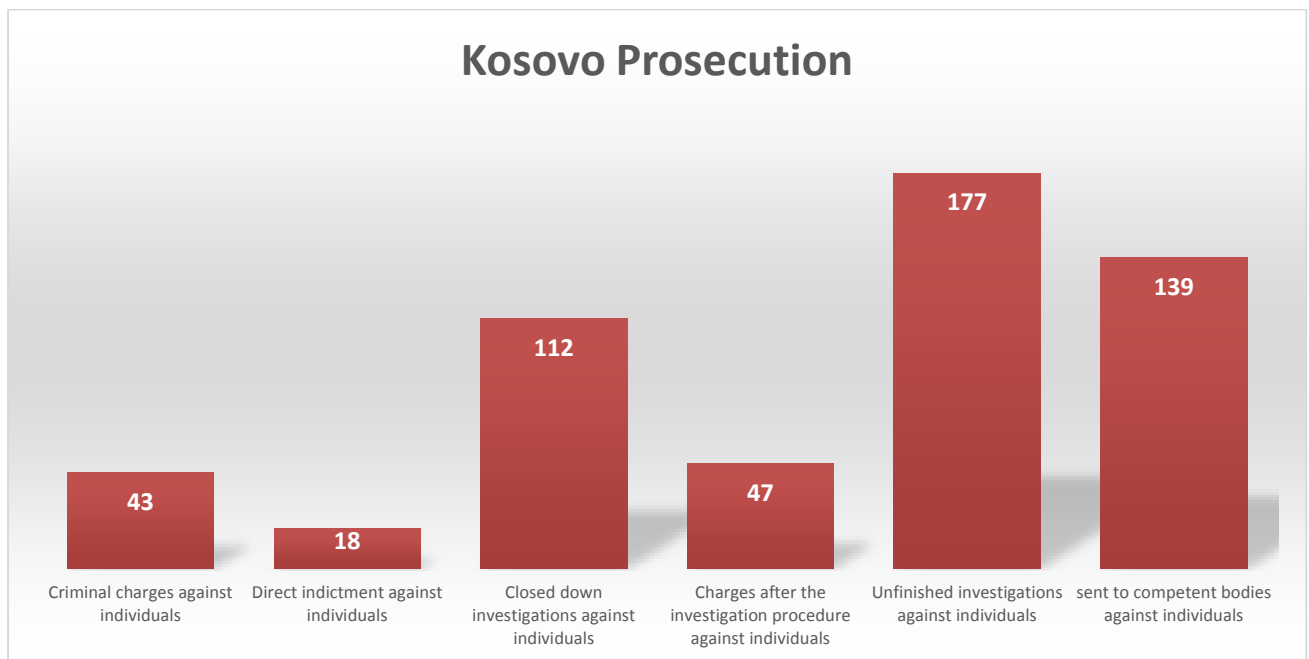
Criminal charges

279 filed

Criminal charges

1140 not solved

Criminal charges



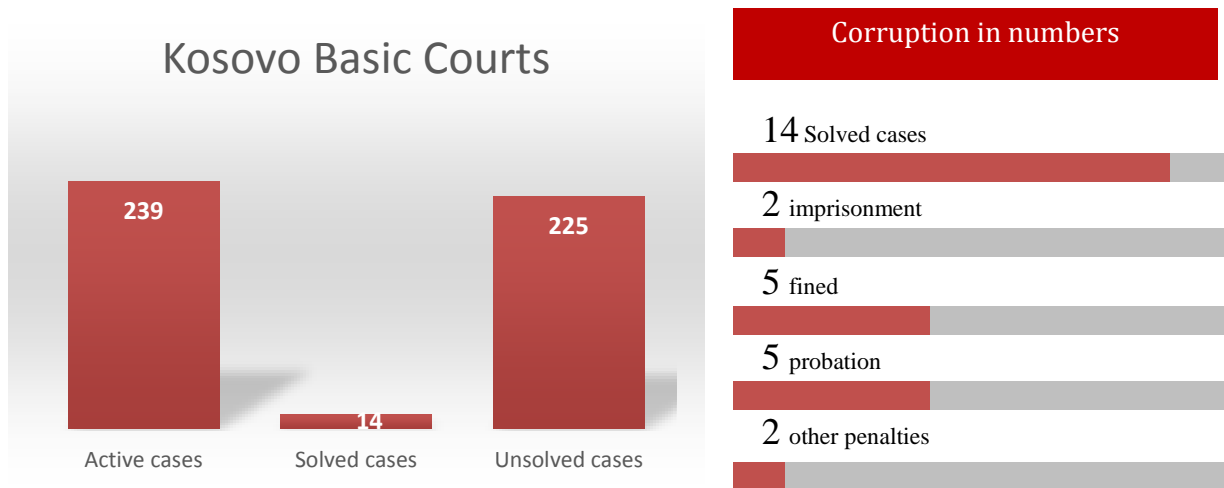
Graph. 1.0. The data of Serious Crime Department of Basic and Special Prosecutions of Kosovo.

¹ Within the Prosecution, we examine all the acts that are sanctioned according to Chapter XXIX of the Provisional Criminal Code of Kosovo.

Kosovo Judicial Council²

Basic Courts in Kosovo during the period we are reporting, have been dealing with 239 cases. Unlike the six-month period of 2012, where the municipal courts have solved a total of 64 cases, this year the number of solved cases is much lower, during the first six months of the year, only 14 cases have been solved; 2 cases were prison sentence; 5 cases fined; 5 cases on probation, 2 cases other penalties.

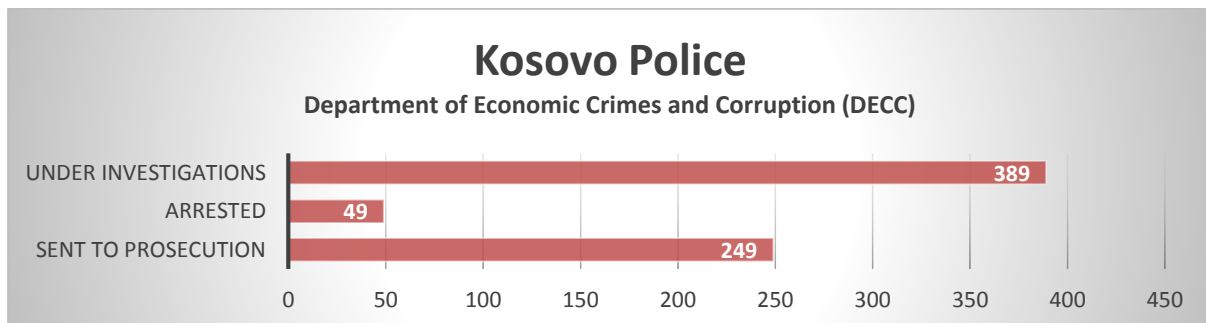
However, at the end of the reporting period the Basic Courts have 225 unsolved cases.



Graph. 1.1. The data of Kosovo Basic Courts.

Kosovo Police³

According to Kosovo Police statistics, respectively Department of Economic Crimes and Corruption (DECC) we find out that in the first six months of 2013, they have investigated a total of 389 cases and arrested 49 different public officials. In addition, DECC sent 226 cases to the Prosecution by known perpetrators, 5 cases with unknown perpetrators (N / N), and 18 cases with Prosecutor's Special Report and filed criminal charges against 389 suspects.



Graph. 1.2. The data of Department of Economic Crimes and Corruption.

² Within our regular monitoring of Courts of the Republic of Kosovo, we analyze only three main categories dealing with corruption offenses, abusing official position, taking and giving bribe

³ Within DECC statistics, we analyze the offenses under Chapter 25, 27 and 34 of the new Criminal Code of Kosovo

Anti-Corruption Agency

ACA during the first six months of 2013 has been focused on the publication of the annual report for 2012. In this report, ACA has provided statistics attempting to show its efforts in preventing and fighting corruption. The Agency report shows that in 2012, ACA has developed preliminary investigation procedures in a total of 244 cases, where 80 of them were transferred from previous year, and in 2012 they filed 164 new other cases. 52 of these cases have been sent to the prosecution and police for further processing, 7 cases were sent to competent administrative authorities with a request to initiate disciplinary proceedings, 114 cases have been closed, while 71 cases are pending⁴.

ACA during this reporting period has concluded the process of Declaration of Assets of Senior Public Officials. This year the number of senior public officials who were obliged to declare their assets was 3869. From this number, 3834 officials have fulfilled the legal obligation, while the number of those who have not declared their wealth is 30, compared to the previous year, 261 senior public officials have not declared their assets.

Anti-Corruption Agency during this period has issued also an analytical report, where in some ways has harmonized the statistics against corruption of the relevant institutions dealing with this phenomenon. The Agency has collected statistics of suspected cases of corruption by other relevant institutions; Kosovo Police (KP), Kosovo Customs (KC), Tax Administration of Kosovo (TAK), Prosecution and Courts⁵.

Government of Kosovo

Government of Kosovo, respectively its leader the Prime Minister Hashim Thaci since the beginning of the term has been repeating the phrase "Zero tolerance for corruption", but how true is this; it is better shown by the summarized statistics against corruption, especially if we analyze the decisions approved by government regarding this concern. If we make a comparison for the first six months of 2012, where the government has approved four decisions in the fight against corruption, this six month of 2013, the Government has approved 183 decisions but only one is "against corruption". If we look at the decisions approved by months, in January the government has approved 24 decisions, 32 decisions in February, during March 33, in April 39; in May 26, and in June 29 decisions.

⁴ Anti-corruption Agency, Annual report 2012, page 3. <http://www.akk-ks.org/repository/docs/Faktet%20kryesore%20te%20raportit%20vjetor%202012.pdf>

⁵ For further details see: [http://www.akk-ks.org/repository/docs/Raport_Analize_2012%20\(1\).pdf](http://www.akk-ks.org/repository/docs/Raport_Analize_2012%20(1).pdf)

The first and the only decision in the fight against corruption for this sixth month period, was approved in February, exactly February 13, 2013.⁶ With this decision, the Government has approved the Special Prosecution's request for compensation allowances and financial stimulation for employees of the Special Prosecution of the Republic of Kosovo in 2013. Additional finances for this body will be € 148,176.00. There are 10 local prosecutors working in SPRK and EULEX prosecutors as well. Meanwhile, the number of the support staff is 36.⁷



Graph. 1.3. Kosovo Government's decisions.

Assembly of Kosovo

Kosovo Assembly, as the highest representative and democratic body in the country, unlike the first six months of last year, this year proved to be more productive in preventing and fighting corruption.

From 26th plenary session held in total, in four of them has been discussed about the fight "against" corruption: a) Review of the Strategy and Action Plan against corruption for the period 2013-2017, b) Second reading of the Draft Law on enhanced powers about confiscation of the property illegally obtained, c) Review of the draft Strategy and Action Plan against corruption for the years 2013-2017 and d) Review of the performance report of the anti-Corruption Agency in 2012.

On January 21, 2013, the Assembly debated about the Anti-Corruption Strategy and Action Plan 2013-2017. After some criticism and recommendations, the strategy was voted on 11 February 2013, with 54 votes pro, 45 against and 2 abstentions, the strategy was approved by the Assembly. The results of this strategy will be measured in the following months and years to come.

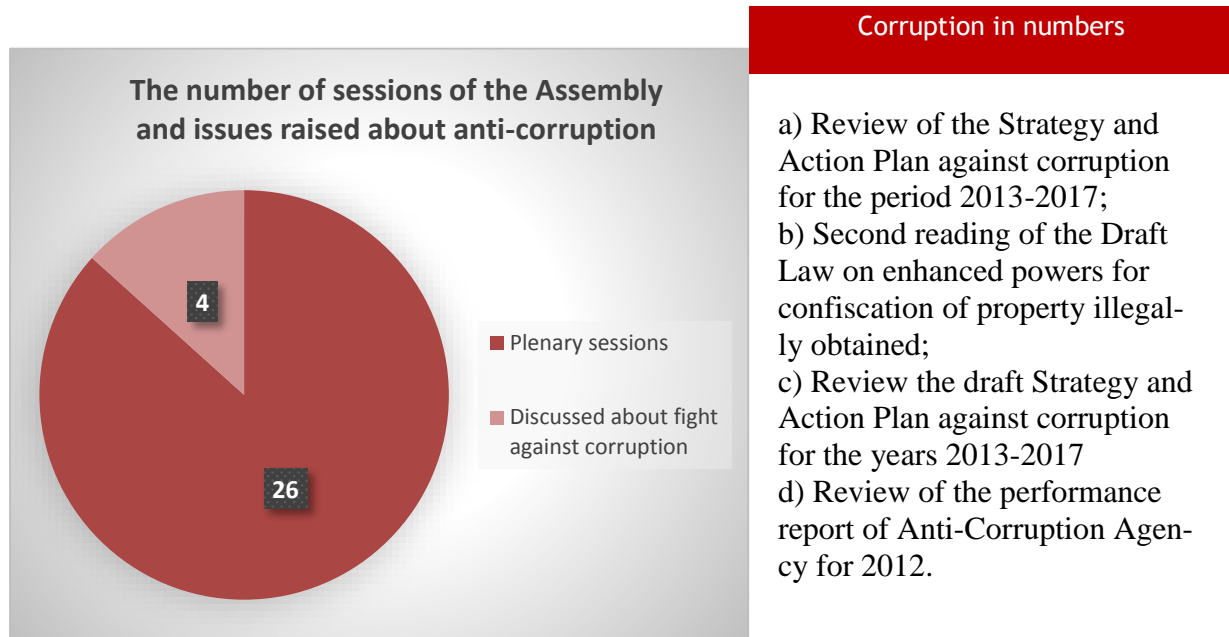
During the session of 11 February, the Parliament approved the Law on enhanced powers for confiscation of the property illegally obtained. This law was passed after many debates and criticism by the civil society as well as parliamentarians of the Assembly.

⁶ Government of Kosovo, decision no. 13/115 (13.02.2013)

⁷ Kosovo Special Prosecution, <http://www.psh-ks.net/?page=1,16>

On 06 June 2013, the Assembly discussed the Annual Report of Anti-Corruption Agency for 2012. This report was presented by Arben Gashi on behalf of the Committee on Legislation and courts. After some discussion, the report was voted, and with 33 votes in favor, 25 against and 3 abstentions, was approved by parliamentarians.

Despite that Parliament has discussed in these four sessions about corruption, regarding the quality there is no any serious impact on fighting corruption so far.



Graph. 1.4. The number of sessions of the Assembly and issues raised about anti-corruption

Acknowledgements

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All Movement FOL Reports on Activities of Public Institutions in the Fight against Corruption in Kosovo are published in this web site: www.levizjafol.org

About FOL

Movement FOL is committed to empower citizens' impact on decision-making, and responsible and efficient governance. FOL is deeply committed working to improve and achieve better levels of representation of citizens in public life. FOL works for good governance based on democratic principles, for responsible, transparent and accountable institutions, as well as law enforcement and participation in drafting laws. Therefore, the expenditure of public funds, conflict of interest, negligence and institutional responsibility and access to official information are the core components of FOL engagement. In fulfilling these objectives, FOL aims to fight apathy and indifference of citizens and make them more active and voiced citizens, make them an active part of the community interest and always willing to oppose abuse, misuse, corruption and other malpractices of government.