IMPLEMENTATION OF THE WORK PLAN OF THE KOSOVO PROSECUTORIAL COUNCIL (KPC) AND THE STATE PROSECUTOR (SP) FOR 2020

MAY 2021
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ACRONYMS

KPC - Kosovo Prosecutorial Council
KJC - Kosovo Judicial Council
PS - State Prosecutor
BP - Basic Prosecution
SPRK - Special Prosecution of the Republic of Kosovo
OCHSP - the State Prosecutor's Office
PPRU - Prosecution Performance Review Unit
VAAO - Victims Assistance and Advocacy Office
CMIS - Electronic Case Management System
HRMIS - Human Resource Management Information System
KFMIS - Kosovo Financial Management Information System
SEMDP - Electronic Prosecution File Management System
KKLKE - National Coordinator for Combating Economic Crime
CBK - Central Bank of Kosovo
TAK - Tax Administration of Kosovo
The Work Plan of the Kosovo Prosecutorial Council (KPC) for 2020, including the KPC Secretariat and the Prosecutors’ Performance Review Unit (PPRU), foresaw the realization of 26 objectives, while the Work Plan of the State Prosecutor (SP) for 2020 foresaw the realization of 6 objectives.

In order to achieve these objectives, in these work plans were foreseen to be undertake a series of activities, most of which with a deadline of December 2020.

Although faced with various difficulties and challenges as a result of the spread of the COVID-19 pandemic in March 2020, the realization of the activities and objectives that these institutions had set for themselves in order to increase efficiency and performance, was considerably achieved in a way.

According to the data received from KPC, out of 177 activities that were foreseen to be realized in the Work Plan of KPC for 2020, KPC had managed to fulfil 143 of them, while 34 other activities had not managed to be finalized within the time as foreseen in this plan.

The level of fulfilment of the KPC Work Plan for 2020 as a whole (based on the data received from the KPC) is presented graphically in the table below.

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*Chart 1. Level of fulfilment of the Work Plan of the Prosecutorial Council for 2020.*
Special importance in drafting the objectives of the KPC Work Plan was given to accountability, control and strengthening the integrity of prosecutors, advancing the system of evaluating the performance of prosecutors, advancing the technological system, handling cases transferred, cooperation with local institutions and international partners, as well as transparency and communication with the public and the media. Also, special importance in this plan was given to the treatment with priority for corruption and economic crimes.

Meanwhile, the fulfilment of the Work Plan of the State Prosecutor for 2020 was planned to be done through several mechanisms / actions, for which no closing deadline was foreseen. These objectives included advancing the professional work of the State Prosecutor for the investigation and representation of cases, strengthening public confidence in the SP Institution, strengthening the fight against corruption and organized crime, digitizing the work of the SP, increasing sequestration of assets acquired through criminal offenses, as well as strengthening the independence and impartiality of the work of prosecutors.

According to the SP, the realization of these objectives was foreseen to be done through 32 activities, 31 of which had managed to be fully realized, despite the difficulties caused by the spread of the COVID-19 pandemic.

The level of fulfilment of this plan as a whole (based on the data received from SP) is presented graphically in the table below.

**IMPLEMENTATION OF THE WORK PLAN OF THE STATE PROSECUTOR (SP) FOR 2020**

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According to SP, among the main challenges that this institution has faced in fulfilling this work plan were:

- organization of work and human resources to deal with the COVID-19 pandemic,
- implementation of the Electronic Case Management System (CMIS),
- large number of different criminal cases and those with unknown perpetrators (PPN, PPP) inherited from previous years,
- strengthening the professional capacities of prosecutors and staff in specific profiles, etc.

Regarding the publication of the realized activities of these plans on the official website of the Prosecutorial System, during the research on this website, from 143 realized activities of the KPC Work Plan, we have managed to find data on publication of only 18 activities.

Meanwhile, from all realized activities of the SP Work Plan for 2020 (31 activities), we have managed to find data for the publication of only 2 activities.

2. INTRODUCTION

Given the importance and the great weight of the responsibility of the holders of the institutions of the prosecutorial system, the monitoring and analysing the work of these institutions in terms of efficiency and results achieved is of particular importance. In this regard, in order to implement the project “Kosovo Justice Sector, Accountable, Reliable and Transparent”, and with the support of the Bureau of International Narcotics and Law Enforcement Affairs (INL), FOL Movement has analysed the level of implementation of the Work Plan of the Kosovo Prosecutorial Council (KPC) and the State Prosecutor (SP) for 2020.

This report aims to create an overview regarding the level of fulfilment of objectives and activities set out in these work plans. In this regard, the findings of the European Commission Progress Report for Kosovo for 2020 should be mentioned, where among other things it is stated that in general these documents define only the general objectives and should be accompanied by detailed annual action plans to achieve these objectives.\(^1\) This report also mentions the need for a comprehensive strategy for the rule of law sector which would contribute to strengthening the independence, impartiality, integrity, accountability, and overall capacity of the judiciary and prosecution.

\(^1\) European Commission, Progress Report for Kosovo for 2020.
Based on Law no. 03 / L-225 on the State Prosecutor, the State Prosecutor is an independent institution, competent and responsible for prosecuting persons accused of committing criminal offenses and other offenses defined by law. In the Work Plan for 2020, the State Prosecutor had foreseen the realization of 6 specific objectives, as well as a series of activities and mechanisms for achieving these objectives. Thus, as a priority it has defined the advancement of the professional work of SP, strengthening the public trust in SP as a professional, transparent, accountable institution, digitalization and modernization of work, strengthening impartiality and integrity, si dhe rritjen e shkallës së aseteve të fituara me vepër penale etj.

The data contained in this research report have as a source the official website of the Kosovo Prosecutorial System, which includes the data of KPC and SP. Also, in order to accurately measure the fulfilment of objectives and the implementation of activities from these work plans, FOL Movement has drafted a questionnaire regarding the level of achievement of each objective presented in these plans. In this way, from the answers and data received, FOL has made the structural summary of the data, the analysis in terms of achieving the fulfilment in the foreseen time, as well as the calculation of the results based on the measuring indicators. Also, the report contains data regarding the level of publication of the activities carried out on the official website of the Prosecutorial System.

Given the premise that this report seeks to statistically reveal the level of fulfilment of annual work plans, it should be made clear that this report does not aim to measure the quality of objectives and activities met by these plans, or the effectiveness, but only the quantitative aspect of fulfilling these plans is analysed.

3. IMPLEMENTATION OF THE KPC WORK PLAN

The Work Plan of the Kosovo Prosecutorial Council (KPC) for 2020, including the Secretariat of the Prosecutorial Council and the Prosecution Performance Review Unit (PPRU), foresaw the achievement of 26 objectives. Each of these objectives envisaged the achievement of specific goals in terms of strengthening the prosecutorial system in general, in accordance with the mission and vision of this institution.

In order to meet these objectives, this plan provided for the undertaking of a large number of activities, for which a deadline was set.

In the continuation of this report are elaborated data regarding the level of realization of the activities of each objective of this plan, as well as how many of the realized activities are published on the website of the Prosecutorial System.

3.1 STRENGTHENING THE LEGAL FRAMEWORK AND ORGANIZATIONAL STRUCTURE OF THE PROSECUTORIAL

Within the first objective of KPC, it was foreseen the realization of 14 activities, most of which with a deadline of December 2020. Of which, KPC had realized only 6 activities, while the other 8 activities were not still finalized.

According to the response of KPC, the completed activities of this objective were:
- Development of the platform for the process of functional review of the justice sector;
- Amendment of the Regulation on Kosovo Prosecutorial Council
- Drafting the Regulation on the Performance Evaluation of Prosecutors;
- Drafting a Regulation for archiving and documentation;
- Drafting a guideline for the engagement of interpreters and translators;
- Drafting a regulation for the professional development of prosecutors and administrative staff.
Meanwhile, activities that had not been completely implemented were:

- Approval of the Regulation on Internal Organization and Functioning of the State Prosecutor;
- Drafting the Regulation of the PPRU,
- Drafting the Regulation on prosecutors’ files;
- Review of the Regulation on SPRK;
- Amendment of the Regulation on transfer and promotion of prosecutors;
- Establishment of a mechanism for drafting recommendations for legislation;
- Drafting the Regulation on the administration and distribution of cases in the Office for Protection and Assistance to Victims;
- Drafting the Strategy for the priority treatment of corruption and economic crime 2020 -2022.

According to the information received from the KPC, the situation created by the COVID-19 pandemic has led to delays in initiatives for legislative changes regarding the transfer and promotion of prosecutors, and have prevented the implementation of other activities of this objective.

During the research on the official website of the Prosecutorial System, we found data regarding 4 activities carried out by this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Chart 3. Percentage of realized and unrealized activities of the first objective of the KPC Work Plan for 2020.
3.2 SYSTEMATIC ACCOUNTABILITY AND CONTINUOUS CONTROL OF THE WORK OF PROSECUTORS

This objective included the implementation of 5 activities and the one with a deadline of completion until December 2020. Of these activities, KPC had implemented 4 activities, while only 1 activity had not even started.

According to the information received by the KPC, the activities carried out were:
- Evaluation and drafting of analysis in the function of accountability;
- Defining the new system of supervision of the work of prosecutions and prosecutors;
- Reporting of Chief Prosecutors of Prosecution Offices;
- Reporting of Chief Prosecutors and Prosecution Offices as well as reports of standing and ad-hoc commissions

While the activity that had not yet been realized was:
- Establishment of a mechanism for assessing the dismissal of criminal charges for criminal offenses against official duty and economic crimes.

During the research on the official website of the Prosecutorial System, from this objective we found data published only for 1 activity carried out.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

![Chart 4. Percentage of realized and unrealized activities of the second objective of the KPC Work Plan for 2020.](image-url)
This objective included the implementation of 3 activities, which according to the response of KPC, were fully fulfilled by this institution.

- The activities foreseen in this objective were:
  - Assessment of the current system for verifying the integrity of prosecutors;
  - Strengthen the control mechanism of prosecutors and administrative staff;
  - Strengthening accountability mechanisms.

According to the data received from the Kosovo Prosecutorial Council, KPC has continuously contributed to the process of functional review of the rule of law and the working group on “Accountability modalities with the involvement of Vetting in the justice system in Kosovo”, sending comments and provided information which is included in these documents relating to accountability and integrity.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.
3.4 ADVANCING THE SYSTEM FOR EVALUATING THE PERFORMANCE OF PROSECUTORS

The fourth objective of KPC includes the implementation of 4 activities, which were also fully implemented by KPC.

These activities included:
- Reviewing the criteria for evaluating the performance of prosecutors and drafting recommendations for necessary legal changes;
- Drafting the concept document for the evaluation system of prosecutors, drafting analyses for the performance evaluation processes of prosecutors;
- Drafting analyses for the performance evaluation processes of prosecutors;
- Strengthening the link between the annual evaluation and the three-year evaluation.

Based on the data received from KPC regarding the implementation of these activities, KPC has made the analysis of the preliminary regulation, the challenges have been identified and together with the international partners, the basic principles on which the regulation and the new system of evaluating the performance of prosecutors. The council has established a working group which has drafted the regulation which was approved by the council.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Chart 6. Percentage of realized and unrealized activities of the fourth objective of the KPC Work Plan for 2020.
Objective 5 of the KPC Work Plan includes the implementation of 6 activities, some of which have a deadline of June 2020. Of these 6 activities foreseen in this period, KPC has managed to realize only 1 of them.

The realized activity of this objective was:
- Long-term analysis of the needs for recruitment of prosecutors and recruitment of prosecutors as needed;

The activities that failed to be finalized were:
- Review of the process of recruiting prosecutors;
- Proposal-recommendations for legislative changes;
- Advancement of mechanisms for recruitment of prosecutors;
- Advancing the evaluation criteria during the exam and recruitment;
- Recruitment of new prosecutors.

Based on the data provided by the KPC, the main reason for non-fulfilment of these activities was the situation created after the spread of the COVID-19 pandemic in March 2020, where as a result of the large number of candidates for evaluation, other stages of evaluation have been hampered and many legislative change initiatives have stagnated.

During the research on the official website of the Prosecutorial System, from this objective we found data for the realization of 1 activity (which included the publication of competitions for the recruitment of new prosecutors, which due to the pandemic could not be further processed).

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

![Chart 7. Percentage of realized and unrealized activities of the fifth objective of the KPC Work Plan for 2020.](image-url)
3.6 ADVANCING THE INSTITUTIONAL ROLE IN BUDGET AND FINANCIAL PROCESSES

In this objective was foreseen the realization of 7 activities, which were fully fulfilled by KPC.

The activities of this objective were:
- Consultations for budget planning with the prosecution;
- Budget planning based on strategic needs and orientations;
- Budget review for 2020 that reflects the needs and eventual changes of the system;
- Approval of the MTEF and the budget for 2021-2023 based on the needs and strategies of the prosecutorial system;
- Supervising the implementation of the budget as planned;
- Regular evaluation of expenditures as well as ensuring budget execution as planned;
- Advancing the supervision and control process.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Chart 8. Percentage of realized and unrealized activities of the sixth objective of the KPC Work Plan for 2020.
Objective 7 of the KPC Work Plan includes the implementation of 3 activities, which were also fully fulfilled by the KPC.

These activities were:
- Establishment of investigative panels based on the law and the relevant regulation for disciplining prosecutors;
- Preparation and support to panels for the review of disciplinary cases;
- Conducting disciplinary hearings related to allegations of disciplinary violations against prosecutors.

During the research on the official website of the Prosecutorial System, from this objective we found data for the implementation of 1 activity (which included the decision of the KPC to establish investigative panels for the investigation of disciplinary cases).

According to the response received by the KPC, during 2020, investigative panels were established depending on the number of requests for initiation of disciplinary proceedings, as defined by law.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Objective 8 of the KPC Work Plan includes the implementation of 1 activity, which had not been achieved during 2020.

This activity was:
- Regulation of the recruitment process, classification, transfer, evaluation and improvement of the administrative staff of the prosecutorial system.

According to the response of the KPC, after the decision of the Constitutional Court regarding the law on public officials, the KPC is still waiting for the amendment of this law which gives the KPC the right to reorganize the administration, therefore the implementation of this activity is impossible.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

3.9 TRANSPARENCY AND COMMUNICATION WITH THE PUBLIC AND THE MEDIA

This objective included the implementation of 7 activities, 6 of which were fully implemented, while 1 of them failed to be met in due time.

The realized activities of this objective were:
- Creating access to a unique portal of the prosecutorial system;
- Development of intranet for internal communication;
- Holding regular meetings with civil society and the media - developing a meeting plan;
- Organizing information campaigns - developing a campaign plan;
- Drafting a manual for standard operating procedures for effective communication with the public;
- Review of the strategy for communication with the public and the media.

Meanwhile, the activity that was not completed was:
- Standardization and unification of internal and external information of prosecutions.

Regarding the unrealized activity, according to the data received from KPC, the drafting of this document has started in cooperation with the international support project, but it has not been finalized yet.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Objective 10 of the KPC Work Plan included the implementation of 2 activities, which were fully fulfilled by the KPC.

The activities that were carried out foreseen in this objective were:
- Reaching cooperation agreements with the KJC, the Ministry of Justice, the Academy of Justice, the Kosovo Police and other law enforcement institutions;
- Holding roundtables and various meetings with the non-governmental sector.

According to the KPC response, during this time 8 Memorandums of Understanding were signed with various law enforcement institutions, and meetings were held with the non-governmental sector according to the requirements and needs for meetings.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

This objective included the realization of 8 activities, 6 of which were realized, while the rest of the 2 activities had not been fully fulfilled.

The realized activities of this objective were:
- Setting priorities for the European integration process;
- Establishment of a coordination / liaison mechanism;
- Evaluation of the results achieved from past projects;
- Active participation in coordination forums with donors at the national level, as well as the continuation of the implementation of current projects;
- Assessment of donor support needs;
- Establishment of a coordination / liaison mechanism.

Meanwhile, the activities that had not been completed in the allotted time were:
- Holding coordination meetings with donors;
- Concluding agreements with institutions and forums which exercise the same mandate.

Based on the data received by the KPC regarding the activities that failed to be implemented, joint meetings with all donors were not conducted during 2020 due to the situation with the COVID-19 pandemic and that cooperation agreements for this issue has not been signed, but projects have been signed.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

![Chart 13. Percentage of realized and unrealized activities of the eleventh objective of the KPC Work Plan for 2020.](chart.png)
This objective envisages the implementation of 3 activities, 2 of which have been fully implemented, while 1 activity was not yet finalized.

The activities that were carried out were:
- Equipping the Council and Prosecutions with adequate inventory and equipment for work;
- Establishment of adequate facilities, including accompanying infrastructure for KPC and the Office of the Council of State Prosecutor, SPRK, BP of Gjakova and needs assessment for other prosecutions.

Meanwhile, the activity that was not fully realized was:
- Providing parcel for construction of the Mitrovica Basic Prosecution.
- According to the information received from KPC, due to the urban plan not approved by the Local Municipal Assembly, the provision of the plot for the construction of the Basic Prosecution Office of Mitrovica has not been finalized.

Meanwhile, during the research on the official website of the Prosecutorial System, we managed to find data for the realization of 1 activity of this objective (approval of the budget request).

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.
For the implementation of this objective, 7 activities were planned to be realized, which were fully fulfilled by the KPC. These activities were:

- Providing adequate information technology for digitalization of work processes;
- Construction of a standard system of archives (physical, electronic) in the State Prosecutor;
- Designing training programs and organizing trainings;
- Advancing the database for electronic files of prosecutors;
- Implementation of the electronic application system for new prosecutors;
- Full application of HRMIS;
- Development and application of internal databases for the management of work processes in the prosecutorial system.

According to the information received from the KPC, all prosecutors were supplied with IT equipment, based on the equipment distribution plan. Movable shelves have also been installed in Gjilan, Prishtina, Gjakova, Prizren and Appeal. There is only SPRK left due to renovation, while Ferizaj and Peja have completed it during 2019. Also, according to this information, the electronic system for the management of prosecutors’ files has been fully advanced, including the part of application and online testing for the position of prosecutor.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Chart 15. Percentage of realized and unrealized activities of the thirteenth objective of the KPC Work Plan for 2020.
Objective 14 of the KPC Work Plan included the implementation of 5 activities, 3 of which were completed, while 2 were not finalized yet.

The realized activities were:
- Long-term evaluation of transfers and promotions;
- Establishment of mechanisms for transfer and promotion;
- Determining the criteria for transfer and promotion based on the results of the work.

While the unrealized activities were:
- Review of bylaws on transfer and promotion procedures;
- Review of the transfer process;

According to the response received by the KPC, the impossibility of carrying out these activities was as a result of the situation created by the COVID-19 pandemic, which has led to the postponement of initiatives for legislative changes regarding the transfer and promotion of prosecutors.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find data on any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

3.15 TREATMENT OF TRANSFERRED CASES

This objective of the KPC Work Plan included the implementation of 6 KPC activities which were fully fulfilled by the KPC.

These activities were:
- Evaluation and analysis of the state of the transferred cases;
- Analysis of materials related to criminal cases;
- Evaluation of orientation rate;
- Evaluation of trends in new subjects;
- Treatment of cases prescribed;
- Transfers of prosecutors according to the needs of the prosecution.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity from the realization of these activities.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Chart 17. Percentage of realized and unrealized activities of the fifteenth objective of the KPC Work Plan for 2020.
This objective foresaw the implementation of 2 activities, which were completed in full by the KPC. These activities were:
- Defining training policies (3 years);
- Linking the recruitment system, performance and training.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find data from the implementation of these activities.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Chart 18. Percentage of realized and unrealized activities of the sixteenth objective of the KPC Work Plan for 2020.
4. SECRETARIAT OF KOSOVO PROSECUTORIAL COUNCIL

4.1 STRENGTHENING COORDINATION, COOPERATION, COMMUNICATION AND ACCOUNTABILITY

The first objective of the KPC Secretariat included the implementation of 11 activities. Of these activities, according to the information received by the KPC, only 1 activity had not been realized.

The realized activities of this objective were:
- Organizing teamwork in a comprehensive manner;
- Timely planning and implementation of work processes;
- Support in providing services according to the needs of KPC and SP bodies;
- Interactive communication and transparent, qualitative and quantitative provision of external information for the prosecutorial system;
- Standardization of work processes;
- Preliminary control of procurement processes, finances, general services and personnel (leaders of organizational units, auditor, certifiers and Legal Office);
- Providing support to KPC and SP regarding the coordination of partners and donors for institutional development;
- Drafting the procurement plan according to the assessment and identification of needs for the prosecutorial system;
- Continuous supervision of the implementation of the procurement plan;
- Implementation of recommendations from internal and external audit.

Meanwhile, the activity that was not realized was:
- Review of the organizational structure of the administration of the prosecutorial system.

According to the data received from KPC, due to the situation created by the COVID-19 pandemic, the plans for the review of the administration structure have been postponed to 2021. Meanwhile, all the works for which the need for group work is expressed have been realized through the establishment of commissions or working groups which in full coordination have carried out the activities for which they were established.
Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

![Chart 19. Percentage of realized and unrealized activities of the first objective of the KPC Secretariat for 2020.]

**4.2 STRENGTHEN BUDGET PLANNING, SECURITY, MANAGEMENT AND SPENDING ACCORDING TO THE NEEDS OF THE PROSECUTORIAL SYSTEM**

The second objective of the Secretariat of the Kosovo Prosecutorial Council included the implementation of 13 activities. According to the information received by the KPC, out of these 13 activities, the KPC had carried out 8 activities, while 5 of them had not been finalized yet.

The realized activities of this objective were:
- Preparation of the draft MTEF and budget for 2021-2023 based on the needs and strategies of the prosecutorial system;
- Ensuring timely repayment of financial obligations;
- Support to the Committee on Budget, Finance and Personnel;
- Regular financial reporting;
- Fiscal year closures without liabilities through reallocations or transfers within the Council budget;
- Cooperation, coordination and implementation of recommendations from internal and external audit;
- Risk management in the implementation of the department plan;
- Asset management of the prosecutorial system
Meanwhile the activities which had not been finalized yet were:

- Implementation of capital projects under planning and needs;
- Analysis and distribution of expenditures for 2020 according to needs and expenditure history;
- Assessment and identification of needs for 2021 and projections for the year 2022-2023;
- Functionality of internal financial base;
- Preparation of the self-assessment report and questionnaire under the law on management and control.

According to the data received from KPC, the internal audit for 2020 has provided two recommendations for the budget and finance division, recommendations which have been implemented during the year. Meanwhile, regarding the asset management of the prosecutorial system, it is done through the systems that are in use, i.e. through the online platform E-assets and KFMIS. Both of these systems, according to KPC, are online platforms where assets are managed by updating data as needed or as required.

Meanwhile, during the research on the official website of the Prosecutorial System, we managed to find data for the realization of 2 activities.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.
This objective included the implementation of 5 activities, which were fully implemented by the KPC.

The activities of this objective were:
- Assessment of working conditions in all facilities, including facilities / additional spaces and inventory;
- Increasing the efficiency of transport services;
- Identification of needs and preparation of a plan for implementation of capital projects;
- Finalization and implementation of adequate safety plan in all work facilities;
- Preparation and proposal of internal acts for implementation of the security plan.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.
This objective included the implementation of 10 activities, 9 of which were fully implemented by the KPC.

The realized activities of this objective were:

- Assessment and identification of needs in the field of human resources;
- Drafting and implementation of personnel plan;
- Development of professional capacities of the staff;
- Review and grading of positions based on the evaluation, needs and requirements;
- Online application for all human resource processes;
- Drafting a concept document on translation fees for language experts;
- Support in providing sub-legal infrastructure;
- Full functioning of the Electronic Archive;
- Providing physical infrastructure and equipment for archives.

The activity that had not yet been finalized was:

- Ensuring the implementation of salary and remuneration management through HRMIS.
- According to the information received by the KPC, the realization of this activity could not be realized due to the non-functioning of the HRMIS by the responsible ministry.

Meanwhile, during the research on the official website of the Prosecutorial System, we have managed to find data for the publication of 1 activity of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.
This objective included the implementation of 14 activities, 12 of which were fully implemented by the KPC, while 2 were not yet finalized.

The realized activities of this objective were:
- Advancement of CMIS for all instances of prosecutions (Appellate Prosecution and Office of the Chief State Prosecutor);
- Liaison of CMIS with the Court system;
- Application of electronic distribution of cases;
- Advancing the liaison of CMIS with the Kosovo Police system;
- Development and implementation of an electronic case management system in VAAO;
- Work safety of Recovery Centre (Backup-BCC) systems in the Basic Prosecution of Gjakova;
- Supply and installation for the juvenile room;
- Advancing all levels of security systems including cyber security auditing;
- Support in drafting the Guideline for the use of the Case Management Information System;
- Support in drafting the Cooperation Agreement for interconnection of the electronic system of KPC with the electronic system of the KJC;
- Preparation of the draft Standard Operating Procedure for the interconnection of the electronic system of the KPC and the KJC;
- Preparation of the draft Cooperation Agreement for the interconnection of electronic systems between KPC and the Tax Administration of Kosovo.

The activities that had not yet been finalized were:
- Preparation of Standard Operating Procedure for the interconnection of the electronic system of KPC and TAK;
- Preparation of the Cooperation Agreement for the interconnection of electronic systems between KPC and Kosovo Customs.

According to the data received from the KPC, the promotion of CMIS has not yet been achieved in the Office of the Chief State Prosecutor, while in the Appellate Prosecution it has been implemented. Also according to this information, in September 2020 the implementation of electronic interconnection through CMIS has started in all courts and basic prosecution offices of Kosovo. In February 2020, the electronic exchange of data was implemented in all Basic Prosecution Offices, including the Special Prosecution Office of the Republic of Kosovo with the Kosovo Police.
Meanwhile, during the research on the official website of the Prosecutorial System, from this objective we managed to find published data regarding the realization of 1 activity.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Chart 23. Percentage of realized and unrealized activities of the fifth objective of the KPC Secretariat for 2020.
5. PROSECUTION PERFORMANCE REVIEW UNIT

5.1 ADVANCING INTERNAL WORK PROCESSES

The first objective of the Prosecution Performance Review Unit within the Kosovo Prosecutorial Council foresaw the implementation of 3 activities, of which 2 were fully implemented.

The realized activities of this objective were:
- Standardization of collection system and processing of statistical data;
- Establishment of standard procedures for internal communication.

While the activities that had not yet been finalized were:
- Review of the organizational and functional framework.

During the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Chart 24. Percentage of realized and unrealized activities of the first objective of the KPC Performance Review Unit for 2020.
5.2 SUPPORT TO KPC AND SP IN THE MANAGEMENT OF WORK PROCESSES AND REVIEW THE PERFORMANCE OF PROSECUTORS

This objective foresaw the realization of 13 activities, 10 of which were fully realized by the KPC, while 3 of them had not managed to be finalized.

The activities of this objective that had been achieved were:
- Support in the administration of the process of evaluating the performance of prosecutors;
- Administration of the process of transfer and promotion of prosecutors
- Monitoring the quantitative trends in the handling of cases against organized crime, corruption, money laundering, economic crimes, trafficking in human beings and cybercrime;
- Supporting mechanisms for monitoring the work of prosecutors at the request of the KPC;
- Organizing visits to the prosecutor’s office to supervise the maintenance of registers and archiving cases;
- Support in the design and implementation of prosecutorial system strategies;
- Drafting work plans of the prosecutorial system - the mandate of the PPRU;
- Drafting periodic reports on the performance of prosecutions;
- Long-term evaluation of transfers and promotions;
- Drafting a long-term needs analysis for the recruitment of prosecutors.

Meanwhile, the activities of this objective that had not been finalized yet were:
- Implementation of the annual plan for evaluating the performance of prosecutors according to the requirements of the Commission;
- Administration of the process of transfer and promotion of prosecutors;
- Implementation of the Work Plan of the Commission for the Administration of Prosecutions.

According to the data received from KPC, in all activities carried out of this objective, administrative support was provided.
During the research on the official website of the Prosecutorial System, from this objective we found data for the realization of 4 activities.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Chart 25. Percentage of realized and unrealized activities of the second objective of the KPC Performance Review Unit for 2020.
5.3 ANALYZING OF THE WORK OF PROSECUTORS AND PROSECUTION

This objective foresaw the realization of 10 activities, which were fully realized by the KPC.

These activities were:

- Collection and processing of statistical data on the actions, workload and efficiency of the work of prosecutors;
- Collection and processing of statistical data on the actions, workload and efficiency of the work of prosecutions;
- Collection and processing of statistical data on the actions, workload and efficiency of the work of prosecutions for characteristic criminal offenses;
- Collection and processing of statistical data on the actions, workload and efficiency of the work of prosecutions for alternative procedures;
- Collection and processing of statistical data on the operations, workload and efficiency of the work of prosecutions for the European integration processes;
- Analysis of statistical data for cases with unknown perpetrators;
- Drafting the periodic and annual report of the tracking mechanism for 2020;
- Evaluation of trends in new cases;
- Drafting a report on the evaluation of dismissed cases;
- Organizing visits to the prosecutor’s office to oversee the maintenance of cases and records.
- During the research on the official website of the Prosecutorial System we managed to find data only for the realization of 1 activity.
- The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.

Chart 25. Percentage of realized and unrealized activities of the third objective of the KPC Performance Review Unit for 2020.
This objective foresaw the realization of 10 activities, which were also fully realized by the KPC.

These activities were:
- Evaluation of SEMDP functionality;
- Proposing and designing additional modules in SEMDP;
- Maintenance and updating of records and information in SEMDP;
- Maintenance of prosecutors’ files;
- Implementation of electronic system for recruitment of new prosecutors;
- Organizing visits to the prosecutor’s office to oversee the implementation of CMIS;
- Monitoring the functioning of CMIS;
- Designing statistical reports generated by CMIS;
- Maintenance of records for the NORMA database;
- Maintenance of records for the “KrimKorr” database.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find published data from the implementation of these activities.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.
This objective foresaw the realization of 5 activities, of which only 1 had not managed to be finalized.

The realized activities were:
- Training needs assessment;
- Drafting training policies;
- Collection, storage and processing of data for participation in trainings;
- Monitoring the participation in mandatory trainings determined by the Council.

Meanwhile, the activity that had not been realized was:

Meanwhile, during the research on the official website of the Prosecutorial System, we managed to find data for the realization of 1 activity.

The realization of this objective (based on the data received from KPC) is graphically presented in the following chart.
6. IMPLEMENTATION OF THE WORK PLAN OF THE STATE PROSECUTOR (SP) 2020

The Work Plan of the State Prosecutor (SP) of 2020 foresaw the realization of 6 objectives, the purpose of which was to advance professional work, strengthen independence and public confidence in this institution, strengthen the fight against corruption and organized crime, as well as the modernization and digitalization of the work of this institution.

In order to meet these objectives, this plan foresaw for some activities to be undertaken, which, unlike the KPC Work Plan, did not set a timeline for completion.

In the continuation of this report are elaborated data regarding the level of realization of the activities of each objective of this plan, as well as how many of the realized activities are published on the website of the Prosecutorial System.

6.1 ADVANCING THE PROFESSIONAL WORK OF THE STATE PROSECUTOR FOR THE INVESTIGATION AND REPRESENTATION OF CASES

SP planned to do the realization of this objective through these mechanisms:
- Working groups with workshops and regular meetings with the Police and rule of law institutions;
- Trainings for setting standards and best practices;
- Participation of prosecutors in working groups for drafting legislation on criminal justice;
- Monitoring the work of prosecutors by OCHSP prosecutors who are responsible for each prosecutor’s office;
- Participation of OCHSP prosecutors in prosecutors’ collegiums in order to provide advice and guidance in order to strengthen accountability;
- Drafting guidelines for conducting investigations;
- Regular collegiums with chief prosecutors;
- Regular reports of the Chief Prosecutor of the Appellate Prosecution to OCHSP on dismissals of cases and termination of investigations.
According to the data received from SP, no activity of this objective has remained unrealized. According to these data, although faced with the COVID-19 pandemic, where as a consequence the activities of the State Prosecutor have been limited, nevertheless during 2020 several online trainings were held between different platforms at the Academy of Justice, but also with projects of international partners, in particular with the projects of the American Embassy in Kosovo, the Embassy of the United Kingdom, the Embassy of the Kingdom of the Netherlands, UNDP, etc. Participants in these trainings were 163 prosecutors of all levels, or 86% of state prosecutors.

However, during the research on the website of the Prosecutorial System, we did not manage to find published data regarding the implementation of these activities.

### 6.2 STRENGTHENING PUBLIC CONFIDENCE THAT THE STATE PROSECUTOR IS PROFESSIONAL, TRANSPARENT, ACCOUNTABLE, EFFICIENT, EFFECTIVE, WITH INTEGRITY AND INDEPENDENT

SP planned to do the realization of this objective through these mechanisms:
- Staff training and systematic monitoring of work in all prosecution offices;
- Engaging prosecutors in activities aimed at informing the public about the work of the state prosecutor;
- Providing 24-hour testimony to victims and witnesses;
- Annual evaluation of prosecutors by the Chief Prosecutor of the respective prosecution;
- Adequate training of prosecutors and staff, as well as joint activities with relevant actors to create conditions for effective communication with victims;
- Through the provision by the coordinators appointed by the Chief State Prosecutor of trainings for the prosecutors responsible for regular reporting;
- Information, adequate training and relevant instructions for the effective implementation of the new disciplinary system for prosecutors.

According to the data provided by SP, the activities of this objective were carried out entirely by SP. According to these data, the State Prosecutor during 2020 has managed to solve 6,408 criminal cases, or 15.20% more than he received at work.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find any activity published from the realization of this objective.
6.3 STRENGTHEN THE FIGHT AGAINST CORRUPTION AND ORGANIZED CRIME

SP planned to do the realization of this objective through these mechanisms:
- Implementation of the SPRK Strategic Plan;
- Increasing the number of prosecutors in the SPRK and recruiting the necessary professional staff;
- Specialized trainings;
- Creating adequate conditions for the work of prosecutors;
- Regular team meetings for targeting cases;
- Regular monitoring and reporting of the Supervisory Committee on cases of corruption and economic crimes;
- Active participation in local and international level activities in order to advance the justice system;
- Regular communication of prosecutors with case investigators.

According to the data provided by SP, no activity of this objective has remained unrealized. According to these data, in order to reorganize, increase the efficiency and effectiveness of the Special Prosecution, in addition to the Department for War Crimes, which was established in 2015, three new departments have been established in this Prosecution: Department for Organized Crime and Other Crimes under the jurisdiction of the SPRK, the Department of Terrorism, and the Department of Corruption and Financial Crime. Also, the number of new prosecutors has been increased in this prosecution, who have been distributed in the respective departments.

Meanwhile, during the research on the official website of the Prosecutorial System, we managed to find data regarding the realization of only 1 activity of this objective.
6.4 DIGITALIZATION AND MODERNIZATION OF THE WORK OF THE STATE PROSECUTOR

SP planned to do the realization of this objective through these mechanisms:
- Memoranda of Cooperation with the CBK, TAK, Customs and other agencies in order to provide information for the effective investigation and prosecution of perpetrators of criminal offenses;
- Finalization of the CMIS platform and registration of new and old cases in the system;
- Workshops and brochures announcing the implementation of CMIS;
- Application of specialized training programs;
- Identification of needs, allocation of budget funds and provision of equipment in time;
- Regular supervision of the implementation and drafting of reports.

According to the data provided by SP, no activity of this objective has remained unrealized. According to these data, the State Prosecutor during 2020 has managed through the Department of Information Technology to fully implement the CMIS system in all Basic Prosecution Offices, including the Special Prosecution Office and the Appellate Prosecution Office. Also, during 2020 all received cases are registered in the CMIS system. During the period January - November 2020, 30,873 cases were registered, while in the Appellate Prosecution from September - November, 1,037 cases were registered.

Meanwhile, during the research on the official website of the Prosecutorial System, we have managed to find data regarding the implementation of 1 activity (Memorandum of Cooperation with TAK) of this objective.
6.5 STRENGTHEN THE INDEPENDENCE, IMPARTIALITY AND INTEGRITY OF THE STATE PROSECUTOR

SP planned to do the realization of this objective through these mechanisms:
- Specific trainings and instructions for prioritized cases;
- Active participation in local and international level activities in order to advance the justice system;
- Regular holding of collegiums;
- Regular meetings and forms of formal cooperation, through various agreements.

According to the response of the SP, all activities foreseen in this objective were carried out, except for holding the collegiums of the Chief State Prosecutor with the Chief Prosecutors of the Prosecution Offices which could not be held properly due to the COVID-19 pandemic. According to this answer, the State Prosecutor during 2020 has treated everyone fairly and equally before the law, regardless of their status in the proceedings. Adequate measures have also been proposed against the accused persons.

Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find data regarding the realization of any activity of this objective.

6.6 INCREASING THE RATE OF SEQUESTRATION OF ASSETS ACQUIRED THROUGH CRIMINAL OFFENSES

SP planned to do the realization of this objective through these mechanisms:
- Issuing instructions;
- Workshops and trainings;
- Monitoring;
- Reporting.

According to the data received by SP, all these activities were carried out. According to these data, in the efficient fight against economic crimes, in particular in the sequestration and confiscation of illegally acquired assets within the Prosecutorial System, SP has appointed the National Coordinator for Combating Economic Crime (NCCEC). As a result of the multidimensional approach and inter-institutional coordination by the NCCEC, during 2020, some results were recorded in the field of sequestration and confiscation of assets acquired by criminal offenses. According to these data, during 2020, €19,182,157.00 were frozen or seized and €476,490.00 were confiscated.
Meanwhile, during the research on the official website of the Prosecutorial System, we did not manage to find data regarding the realization of any activity of this objective. The only data published on the official website of the Prosecutorial System regarding the work of the SP during 2020 were: Strategy for Reorganization of the SPRK; State Prosecutor’s Work Report for 2019; SP Report for the first half of 2020, as well as a Memorandum of Cooperation between TAK and SP.

7. RECOMMENDATIONS

Making the linkage between the findings of this report and the intention to increase the efficiency of the work of the Kosovo Prosecutorial Council and the State Prosecutor, the FOL Movement gives these recommendations:

- To publish all data related to each activity carried out of the objectives set by the Kosovo Prosecutorial Council and the State Prosecutor.
- To publish the reports at the end of each year with the achieved objectives set in the Work Plans for the respective years.
- Planning the implementation of work plans to be done through the most measurable and achievable activities.
- The planning of the objectives of the SP Work Plan shall be done through activities and mechanisms with deadlines for completion.
- Establish working groups within the KPC and SP to monitor the implementation of these objectives.
- The level of realization of these objectives to be monitored within a period of three or six months within the year.
- To publish all reports and acts approved by the Council, and not only the data for their approval / completion.
Interview held with officials of the Kosovo Prosecutorial Council on February 24, 2021 regarding the challenges of meeting these objectives.