



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

Corruption Monitor

Monitoring Report on Institutional Activities in the Fight Against Corruption
March-April 2011



USAID
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Contents

Executive Summary	3
Introduction	4
Government of Kosovo	5
Kosovo Assembly	5
Judicial System	6
Kosovo Judicial Council	6
Kosovo Police	7
Kosovo Customs	8
Acknowledgments	9
About FOL	9

Acronyms' list

AAK - Alliance for the Future of Kosova

ACA - Anti - Corruption Agency

AKR - Alliance New Kosova

ECCID - Economical Crimes and Corruption Investigations Department

EULEX- European Union Rule of Law Mission in Kosovo

ISC - Institute for Sustainable Communities

KEK - Kosovo Energy Corporation

KJC - Kosovo Judicial Council

CEC - Central Election Commission

LDK - Kosovo Democratic League

WM - Well understanding Memorandum

MTPT - Ministry of Transport, Post and Telecommunication

PDK - Kosovo Democratic Party

KP - Kosovo Police

PTK - Kosovo Post- Telecom

PR - Progress Report

SSP - Sector of Professional Standards

USAID - United States Agency for International Development

TI - Transparency International

Executive Summary

Kosovo Government during the months March and April has approved altogether 50 (fifty) verdicts. Among these verdicts, there was none against fighting corruption, organized crime nor informal economy. Among the verdicts approved were the Establishment of International Cooperation Unit of Law Enforcement and Legislative Strategy for 2011. This strategy includes the draft law for changing and completion of the Law for Declaration, Origin and Control of Wealth and Gifts of Higher Public Officials, the one on Interests Conflict Prevention, protection of reporters (whistle blowers law), draft law on prevention and fighting organized crime, draft law on changing and completion of fiscal public law and the one on financing political parties.

Kosovo Assembly during the months March and April has held altogether 7 plenary sessions. From them 4 (four) were held in March and 3 (three) in April. In none of these sessions was discussed about the high level of corruption within public institutions.

Kosovo Judicial Council during the first trimester was not very successful solving cases regarding anti-corruption. On the category “abuse of authority” there were 81 unsolved cases at the beginning of reporting period, 17 cases filed, 98 cases ongoing, only 14 cases solved and 84 cases unsolved. On the category “taking bribe” there were 21 cases unsolved at the beginning of reporting period, 2 cases filed, 23 cases ongoing, none solved, and 23 cases unsolved. On the category “giving bribe” there are 9 cases unsolved at the beginning of reporting period, no cases filed, 9 cases ongoing, none cases solved, and 9 cases remain unsolved.

According to Economical Crimes and Corruption Investigations Department statistics (EC-CID) during March and April Kosovo Police has conducted 106 investigations: 96 on abuse of authority and 10 for taking bribe. All in all only 2 arrestments were done, 16 cases were sent to prosecution with identified suspects, 26 cases were sent to prosecution with special reports. Estimated damage value is supposed to be 139355.00 euro; 131950.00 for abuse of authority and 7,405.00 for taking bribe.

Kosovo Customs during March and April has taken 5 disciplinary measures. These disciplinary measures were taken only in April. Two were written warnings and two were recommendation for training. Meanwhile Professional Standards Department has initiated 8 cases, four cases in March and four in April. In March the cases were on negligence on duty, while in April one case was on Custom Property damage, one on absence on duty, and two other cases negligence on duty.

Introduction

The high level of corruption¹ and its wide spread in higher and lower instances of institutions make the main hazard in the process of state foundation², economical development³, democratic transition⁴, and good governance⁵. This conclusion is widely accepted from local and international segments. There is a general admittance that corruption is harming not only Kosovo citizens' interests but also Kosovo's integration process to European Union⁶. The high level of corruption and organized crime has also alarmed the parliamentarians of German Bundestag. Some of them have claimed that 'German citizens' money is being invested in Kosovan Politicians villas'⁷. Similar to this statement are international reports as well. They have shown a high level of corruption, organized crime and informal economy. Grounded on their findings Kosovo is listed among the most corrupted states and failed states. While the heads

of institutions have promised that in 2010 they will fight corruption and organized crime, the opposition has criticized, has accused and has been skeptic. Thus, being very concerned about this endemic phenomenon, Movement FOL, supported by USAID through the Empowerment of Civil Society Program implemented by ISC is implementing its project Corruption Monitor since January 2010. Through this project FOL attempts to bring to light the inactivity of institutions fighting corruption, trying to make this issue on the agenda of all institutions of Republic of Kosovo⁸. FOL considers that the fight against corruption should be converted from rhetorical to concrete actions, should have a serious approach and show obvious results. This is the only way for Kosovo in order to improve its internal and international legitimacy, to establish democracy, the state of rights and be comparable to western countries and free societies.

TIME is NOW!

¹ Kosovo General Penal Code prevents 13 kinds of corruptive actions: abuse of authority, embezzlement while on duty, fraud on duty, unauthorized use of property, taking bribe, practice of influence, unlawful court verdicts, discovering official confidentiality, fraud of official documents, unlawful cashing and payments, unlawful release of detainee, unlawful embezzlement of property during harrasment or excecution of court verdicts.

² This theses is a result of empiric observations, because the high level of corruption seriously impaires the internal and international legitimacy of Kosovo.

³ More on negative and harmful effects of corruption see: <http://www.oecd.org> and TI reports and website <http://www.transparency.org>.

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

⁵ USAID – Fighting corruption: http://www.usaid.org/our-work/democracy_and_governance/technical_areas/anti-corruption/

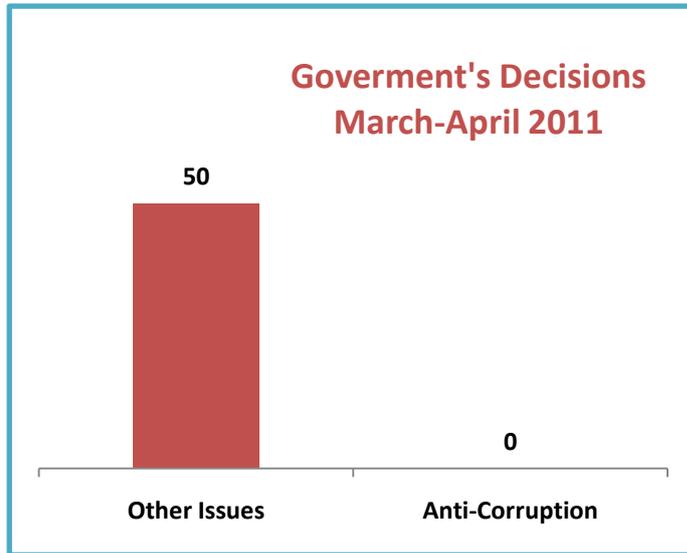
⁶ Renzo DAVIDDI: Corruption is imparing Kosovo's integration process to European Union, Koha Ditore, 11 June, 2010, p.6

⁷ Florian HAHN, published in Koha Ditore: German Parliamentarians accuses Kosovo Government for crime and corruption, 11 June 2010, p.4

⁸ Hasan PRETENI - News show (19.30) RTK, 6 June 2010

Kosovo Government

Kosovo Government during March and April has approved 50 verdicts. Among these verdicts, there was none against fighting corruption, organized crime nor informal economy. Among the verdicts approved was the Establishment of International Cooperation Unit of Law Enforcement⁹. This unit will work within Kosovo Police and will cooperate with Ministry of Internal Affairs, Ministry of Justice, Ministry of Finances and State Prosecution. Except this law there is another on Legislative Strategy for 2011¹⁰. This strategy includes the draft law for changing and completion of the Law for Declaration, Origin and Control of Wealth and Gifts of Higher Public Officials, the one on Interests Conflict Prevention, protection of reporters (whistle blowers law), draft law on prevention and fighting organized crime, draft law on changing and completion of fiscal public law and the one on financing political parties¹¹. Changing existing laws and approval of other draft laws is an important step toward completion of anti-corruption package, which later will reduce legal gaps which actually are in present laws on prevention and fighting corruption.



Kosovo Assembly

Kosovo Assembly during the months March and April has held altogether 7 plenary sessions. From them 4 (four) were held in March and 3 (three) in April. In the first session was approved the government's verdict regarding prolongation of budget division for March 2011¹². In the second session was discussed about talks between Prishtina and Belgrade about Kosovo. Parliamentarians of opposition (LDK, Vetevendosje! And AAK) criticized the beginning of talks and the way they proceed, on the other hand the majority of position parliamentarians were pro these talks¹³. In the third session the resolution that authorizes Kosovo Government about talks with Serbia was approved. In this session was approved also

⁹ Kosovo Government, verdict no. 04/02, 2 March, 2011

¹⁰ As above, no. 02/05, 16 March, 2011, p.11

¹¹ For further information see http://www.kryeministri-ks.net/repository/docs/Strategjia_Legjislative_2011-finale-e_miratuar_me_16_mars_2011_.pdf

¹² This verdict even was widely criticized was approved by all the parliamentarians who were in the assembly – 114 votes pro and none was against, and none neutral.

¹³ Kosovo Assembly, Transcription of plenary session, 7 March 2011

the formation of parliamentary commissions: 4 permanent parliament commissions and 9 functional commissions¹⁴. In the last session of March are approved the draft law of Kosovo Budget and population, residences and family economies registration commission. Opposition parliamentarians criticized the Government Thaçi because of incorporation of Kosovo Post-telecom privatization (PTK) within the budget. In spite of this, oppositionists have criticized also about rise of salaries, accusing that Thaçi used this for election purposes. In the first session of April the president was elected. With 80 votes pro was elected Atifete Jahjaga, 10 votes were pro Susana Novberdaliu and 10 votes were spoilt¹⁵. In the second session was discussed about the establishment of a parliament commission to investigate the activity of SHIK (Kosovo Information Intelligence), including the legal ground of its function, finances, mechanisms, responsibilities etc. in this session was approved the amendment of Kosovo Constitution and the Commission for amendment of the Law on Kosovo Assembly Elections¹⁶. Also during this session was elected the new Governor of Kosovo Central Bank, Gani Gerguri. 58 votes were pro him from 99 votes altogether, 15 votes were pro his opponent, and 26 votes were spoilt¹⁷. In this session were approved several reports, such as FIB's and KRPP. In the last session of this month were approved several merchant laws and a resolution on affirmative attitude of Kosovo toward EU integration was approved.

¹⁴ As above, transcription of plenary session, 10 March 2011

¹⁵ As above, transcription of plenary session, 7 April 2011

¹⁶ 76 votes were pro, 6 were against, and 4 neutral

¹⁷ Movement FOL, Monitoring Kosovo Assembly, 22 April 2011

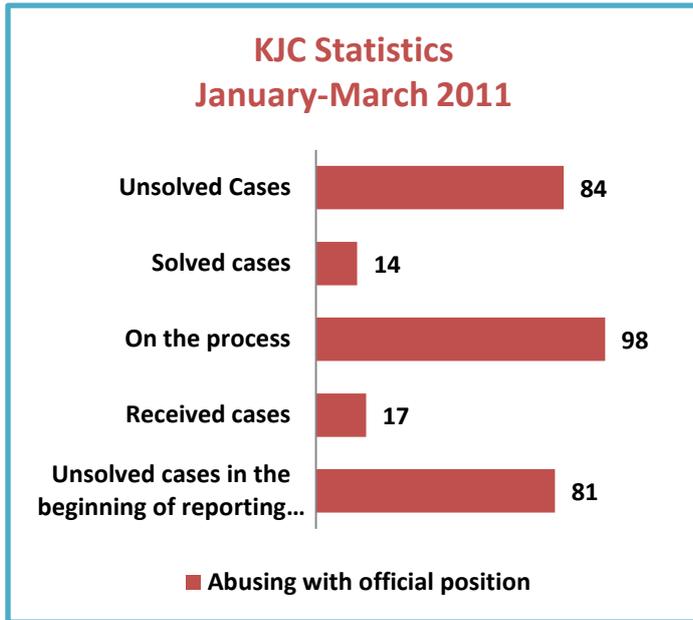
Kosovo Judiciary

One of the most important powers of any political system is judicial power. If this power is neutral and independent, then a priori ensures and limits any possibility of public money misuse or abuse of authority. One of the reasons why corruption and organized crime is widespread in institutions is that the judicial system itself is sunk in corruption and trapped with pressures and political interferences. Such a conclusion is confirmed also in the last report of EULEX, which stresses that judicial system in Kosovo still shows signs of weaknesses. Furthermore it reads that there were identified interferences in different levels and different assortments¹⁸. Judiciary of Kosovo continues to be the institution that citizens are the least satisfied with. Early Warning Report also has recorded a descent of 10% which shows the lowest level ever recorded¹⁹. Therefore, as democracies by no means can function without a judicial system, because it guarantees and controls other powers, Kosovo should act quickly and seriously to reform deeply the judicial system.

Kosovo Judicial Council during the first trimester was not very successful solving cases regarding anti-corruption. On the category "abuse of authority" there were 81 unsolved cases at the beginning of reporting period, 17 cases filed, 98 cases ongoing, only 14 cases solved and 84 cases unsolved.

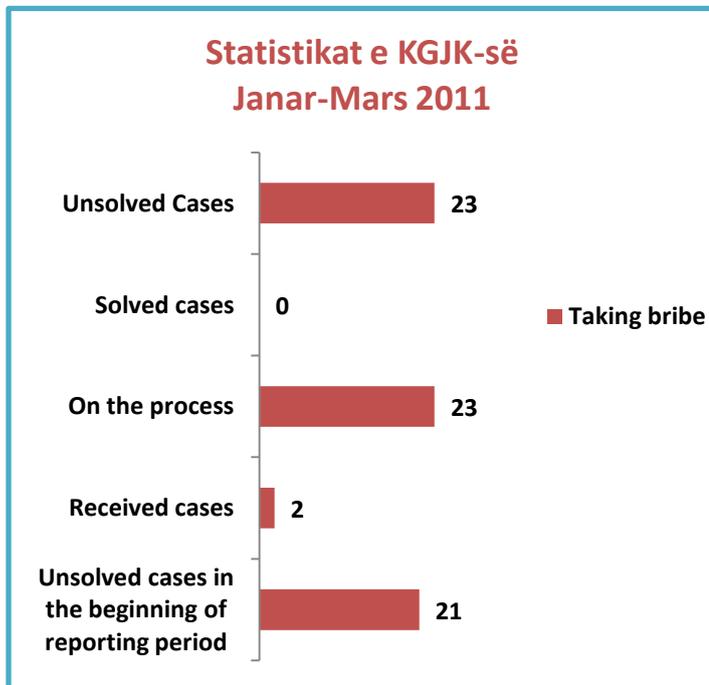
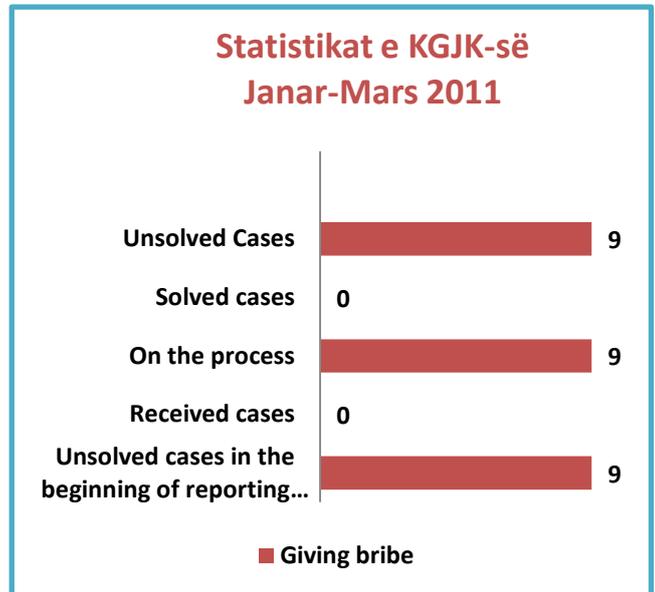
¹⁸ Program Report 2010: Building a Stable Joint Change, EULEX, June 2010, p 9

¹⁹ Early Warning Report, UNDP Kosovo, 27 March 2010, p2



On the category “taking bribe” there were 21 cases unsolved at the beginning of reporting period, 2 cases filed, 23 cases ongoing, none solved, and 23 cases unsolved.

On the category “giving bribe” there are 9 cases unsolved at the beginning of reporting period, no cases filed, 9 cases ongoing, none cases solved, and 9 cases remain unsolved.

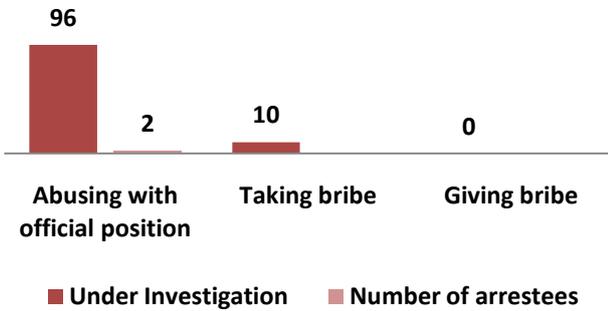


Kosovo Police

Kosovo Police keeps remaining the most credible and least corrupted institution according to citizens’ observations. Even EULEX report has shown a progressive result of KP regarding the struggle against corruption and organized crime.²⁰ According to Economical Crimes and Corruption Investigations Department statistics (EC-CID) during March and April Kosovo Police has conducted 106 investigations: 96 on abuse of authority and 10 for taking bribe. All in all only 2 arrestments were done.

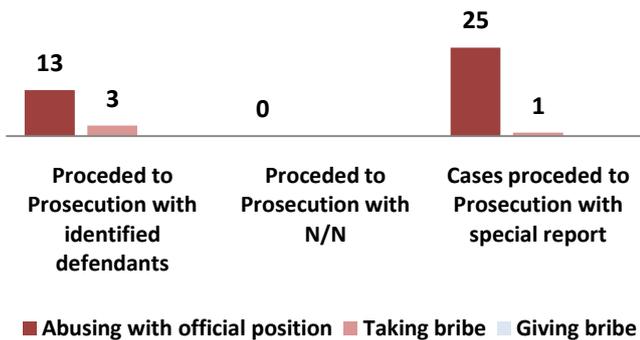
²⁰ Program Report 2010: Joint Building of a Sustainable Change, EULEX, June 2010, p. 13-23

**KP Anti-Corruption Statistics
March-April 2011**



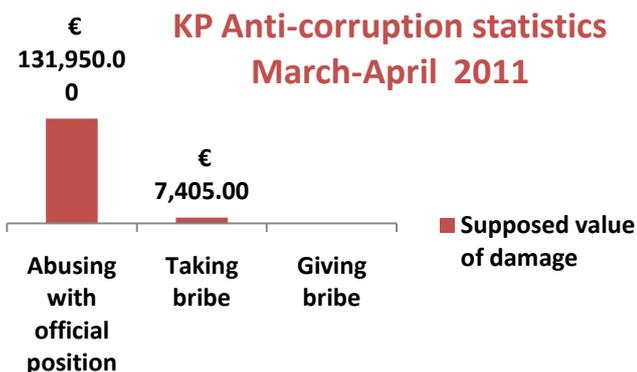
16 cases were sent to prosecution with identified suspects, 26 cases were sent to prosecution with special reports.

**KP Anti-corruption statistics
March-April 2011**



Estimated damage value is supposed to be 139355.00 euro; 131950.00 for abuse of authority and 7,405.00 for taking bribe.

**KP Anti-corruption statistics
March-April 2011**



Kosovo Customs

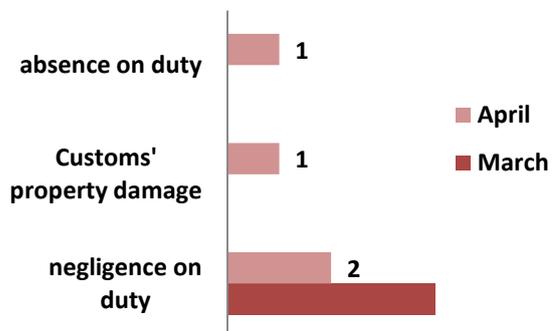
Kosovo Customs during March and April has taken 5 disciplinary measures. These disciplinary measures were taken only in April. Two were written warnings and two were recommendation for training.

**Disiplinary Measures of
Customs**



Meanwhile Professional Standards Department has initiated 8 cases, four cases in March and four in April. In March the cases were on negligence on duty, while in April one case was on Custom Property damage, one on absence on duty, and two other cases negligence on duty.

Cases proceeed by SSP



Acknowledgements

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About Movement “FOL”

Movement FOL is engaged to empower the civic impact on decision - making process, responsible and efficient governance. FOL is deeply devoted to work on improvement and attainment of a better civic representation in public life. FOL works for a good governance and grounded on democratic principles, for responsible, transparent and accountable institutions, and for application and compilation of laws with participation. Therefore, expenditure of public funds, conflict of interest, negligence and institutional responsibility and access to official information, are the main components of FOL engagement. FOL attempts to fulfill these goals by fighting the citizens' apathy and indifference and make citizens more active and more voiced, in order to serve the community interests and always alert to oppose abuse, misuse, corruption and other malpractices of governance.

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