



Forumi për Iniciativa Qytetare

Discussion Paper

Kosovo Police: Combating Economic Crimes and Corruption

October, 2011 Pristina

Forum for Civic Initiatives (FIQ) in cooperation with Kosovo Law Institute (KLI) – Prishtinë/Pristina, Community Building Mitrovica (CBM) – Mitrovice, Initiative for Progress (INPO) – Ferizaj, Kosovo Centre for International Cooperation (KCIC) – Gjilan, Academy for Training and Technical Assistance (ATTA) - Prizren and Syri Vizionit (SiV) – Peje

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List of Acronyms

1. DIECC - the Directorate for Investigation of Economic Crimes and Corruption
2. EULEX – European Union Rule of Law Mission
3. FIQ – Forum for Civic Initiatives
4. ICITAP – International Criminal Investigative Training Assistance Program)
5. EC – European Commission
6. MIA – Ministry of Internal Affairs
7. RUIECC – Regional Units for Investigation of Economic Crimes and Corruption
8. UN – United Nations Organization
9. KP – Kosovo Police
10. SRSG – UN Special Representative of Secretary-General
11. EPAP – European Partnership Action Plan
12. KPS – Kosovo Police Service
13. UNMIK – United Nations Mission in Kosovo

Preface

This discussion paper presents, in a neutral and objective manner, main issues that emerged from our researches conducted in five Kosovo regions: in Mitrovice, Ferizaj, Gjilan, Peje and Prizren, concerning Combating Economic Crimes and Corruption by the Kosovo Police.

It is the second year in row that the Forum for Civic Initiatives (FIQ) together with six partner organizations of the project, conducted a research and studies on the topic concerned, organizing public debates, while at the same time conducted interviews with relevant police officers in each of the municipalities. Therefore, outcomes and expectations from Kosovo Police from the last year will be followed in this document. We justify this with the lack of any potential information related directly with work of the Directorate of Investigation of Economic Crimes and Corruption (DIECC), as, although we addressed the request to the Central Directorate of the Kosovo Police, we were unable to conduct the interview.

Introduction

Republic of Kosovo has already entered into its “irreversible” path towards European Union, however challenges they encounter are not easy to face with. Combating organized crime is one of the basic criteria that Kosovo has to fulfill in this journey. Amongst this, combating economic crimes and corruption occupies an extremely important place.

The method used in this discussion paper is the qualitative method, involving the research – evaluation method (Evaluation Research Strategy), an important place is also for the comparison of findings and results between the two years (2010 – 2011). Some of the techniques used are interviews conducted with officials and members of civil society involved in the relevant processes. Debates organized in the five Kosovo regions have also served as an indicator of the extent of implementation of certain action of a policy. Part of the method was also monitoring of actions of the institutions by means of media and various reports.

This discussion paper is mainly focused on evaluation of implementation of certain policies and also on the impact of combating economic crimes in the society. Also, capacity-building of the Kosovo Police is the key point in the review of the topic, and in this sense, evaluation of extent of implementation of EPAP's in concrete terms as regards to steps foreseen to be taken in combating this phenomenon. Given the complexity of the issue, the main goal of this discussion paper is provision of a logic approach, through evaluation of findings and provision of recommendations concerning improvement of current situation in the Kosovo Police, and initiation of open discussions regarding the topic concerned.

General legislation and policy framework

Kosovo Police is one of the main institutions, which is directly dealing with combating of economic crimes and corruption. To address this issue, several objectives and activities are foreseen for the Kosovo Police within EPAP, where item 99 of the EPAP has set forth this objective: strengthening of capacities of the Unit (currently the Directorate) for Investigation of Economic and Financial Crimes and Corruption under the Pillar for Investigations within the Kosovo Police.¹ Activities involve: Approval of the organizational structure based on the Law on Police, unification and development of local functions of the KP on financial crimes, training of the staff of the Unit for Financial Investigation, carrying out operational cooperation of the DIECC with other relevant institutions on combating and prevention of money laundering, supplying with proper technical tools in proportion with number of staff, but also adoption of other laws was in function of combating these crimes.

Legislation on combating economic, financial crimes and corruption has begun a new phase since 2008 with replacement of UNMIK regulations with laws. Now there are several laws in place, such as Law on Administration of Sequestered and Confiscated Criminal Assets or the Law on Money Laundering. In the meantime, Provisional Criminal Code of Kosovo also addresses this issue.² For as long as UNMIK was in charge, there was no strategy on combating organized crime, while after the independence policy development had started. Therefore, Kosovo Police is now in possession of a strategy and action plan for combating organized crime.

¹ Republic of Kosovo, European Partnership Action Plan (EPAP), Pristina 2010

² Forum for Civic Initiatives, Report: RULE OF LAW – Capacities and functioning of institutions, November 2010

European Commission 2011 Progress Report on Kosovo, *inter alia*, states that to date a gradual transfer of competencies of the Financial Intelligence Centre from EULEX to Kosovo authorities. EULEX has retained several executive competencies.³ Organisational framework related to economic, financial crimes and money laundering is complex. Financial Investigation Unit within Directorate for Investigation of Organised Crime is in charge of only so-called integrated cases (financial cases closely related with organized crime), but this does not apply to cases of independent financial crime.⁴ The Directorate for Investigation of Economic Crimes and Corruption of the Kosovo Police (DIECC) and the recently-established Task-Force on Anti-Corruption supervised by the Special Prosecutor's Office (SPRK-ACTF), deals with all types of financial crimes. DIECC addresses regular financial crimes and cases of money laundering, and PSRK-ACTF focuses on high profile cases and on complicated.⁵

³ 2011 Progress Report on Kosovo, Communiqué by the Commission for European Parliament and the European Council, Enlargement Strategy and Main Challenges 2011-2012, (COM (2011) 666), p. 56

⁴ 2011 Progress Report on Kosovo, Communiqué by the Commission for European Parliament and the European Council, Enlargement Strategy and Main Challenges 2011-2012, (COM (2011) 666), p. 56

Research findings

The Directorate for Investigation of Economic Crimes and Corruption of the Kosovo Police (DIECC), already operates with new organizational structure. Centralization of this Directorate had effected in avoiding lengthy reporting procedures, while hierarchical base has been simplified significantly.⁵ The good side of the medal of centralization is also concentration of resources, not only human, but also of various technical-technological equipments, which shall be used during and after completion of various operations by this Directorate.

Based on the new organizational structure, there were foreseen also different objectives to be fulfilled by this Directorate. European Partnership Action Plan sets forth clear obligations and objectives due to be fulfilled by the DIECC, in order for it to fulfill legal and political loopholes as far as implementation of specific policies of this Directorate is concerned, which are set as a prerequisite for Kosovo's integration into European structures. Despite clarity of obligations and objectives, their implementation still remains an issue.

Compared with the last year, Law on Police is at a better implementation stage. Gradual transfer of competencies of the Financial Intelligence Centre from EULEX to Kosovo authorities has had an impact in this aspect. This Law has been enriched with acts and sub-legal regulations.⁶ One of the most emphasized weaknesses is lack of establishment of judicial police within the Kosovo Police, where this made to be seen also lack a commentary (explanatory document), a document which would explain and comment on specific parts of the Law on Police, criminal procedure, etc. However, in the questionnaire conducted with RUIECC, it was stated that there is an explanatory manual of the laws, but it is not quite professional and sufficient for applicable laws.

⁵ Forum for Civic Initiatives, public debates on the topic "Combating economic crimes", held in five Kosovo cities: Mitrovice, Ferizaj, Peje, Gjilan, Prizren, September 2011

⁶ A questionnaire conducted with RUIECC in five Kosovo Regions, August 2011.

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A strategy for combating economic crimes would regulated Police coordination with other relevant institutions, such as Customs, Prosecutor's Office, Courts, etc.. Many of the interviewees stated that there is a good cooperation with relevant institutions; however, lack of presence of prosecutors in search cases by the RUECC remains an issue.

European Partnership Action Plan has foreseen that within the DIECC professional trainings should be conducted, which would serve to build professional capacities of this Directorate. Lack of such trainings is obvious.⁷ Despite continuous trainings, staff leaving work remains an issue, which increases the need to hire new members and at the same time there is a need to start from the scratch with them in terms of relevant trainings. At this stage, there is a need for budget, which, unfortunately, as it seems there is a significant lack of budget in the Directorate. Staff leaving their work undermines professional capacity-building of the Directorate and that of the Regional Units. Given that needs for new staff increases, also the number of non-professional employees increases in this Directorate, there have even been cases of people hired in this Directorate, who had completed only their secondary education.⁸ This deficiency is directly related to a lack of a strategy within the Kosovo Police, which would try to retain staff and at the same time to keep the adequate professional level within the KP structure.

In terms of capacity-building, there is an obvious lack of not only staff, but also of basic technological equipments such as binoculars for night-use, GPS tools, but also of other information technology tools, in regional units for investigation of economic crimes and corruption. In some regions this units even lack their office.⁹ To date, RUECCs state that there have been no donations from the Kosovo Police, but only from ICITAP.

⁷ There is lack of professional training on legal, accounting, IT and also trainings directly related to financial crimes.

⁸ Forum for Civic Initiatives, Report: RULE OF LAW – Capacities and functioning of institutions, November 2010

⁹ A questionnaire conducted with RUECC in five Kosovo regions, August 2011.

Recommendations

- Establishment of a Judicial Police within the Kosovo Police is an urgent need;
- Preparing a commentary (explanatory document) is very necessary, it is recommended that such a thing is prepared in a shortest timeline possible;
- Presence of prosecutors in cases of searches is an obvious need;
- There should be held continual professional trainings in accounting, information technology, etc.;
- RUIECC's should have as sufficient work space, and at the same time they should be equipped with necessary tools, such as binoculars for night-use, GPS tools, etc.;
- Kosovo Police should prepare a strategy on how to retain current staff at work, as staff leaving the Police might reflect on pretty high financial and professional costs;
- DIECC should announce a vacancy notice on recruiting professional staff, such as lawyers, accountants, IT's, etc.;
- Employment contracts of longer terms should be closed with investigators, and at the same time, if the employment contract is terminated without prior notice, then all training costs shall be covered by the officer who terminates the employment relationship;

Bibliography

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