



**Kosovo Law Institute**

## **CORRUPTION IN KOSOVO 4:**

**Comprehensive assessment report on the effectiveness of the prosecutorial system  
in implementing the Action Plan on corruption cases**

**Pristina, April 2015**

Kosovo Law Institute

April 2015

Authors: **Betim Musliu and Genc Nimoni**

Legal advisers and monitors have contributed

in monitoring the project of the Action Plan:

Jurists and monitors: **Adem Krasniqi, Erleta Halili, Valdet Hajdini**

Monitors: **Bukurezë Surdulli, Hyrije Mehmeti**

No part of this material cannot be printed, copied, amplified in any electronic or print form, or in any other form without the consent of the Kosovo Law Institute.

#### ABOUT KLI

Kosovo Law Institute (KLI), is non-governmental organisation and non-profit of public policy, and specialised ideal in the justice sector

KLI

Entrance 13, Nr. 10

Str. Rexhep Luci

Pristina

E: [info@kli-ks.org](mailto:info@kli-ks.org)

[www.kli-ks.org](http://www.kli-ks.org)

Project supported by:



British Embassy  
Pristina

**Table of content**

I. EXECUTIVE SUMMARY .....	4
III. METHODOLOGY.....	7
IV. CORRUPTION CASES IN THE PHASE OF INVESTIGATION - PP.....	9
a) TREND OF UNSOLVED CASES .....	9
b) TREND OF RECEIVED CASES DURING ACTION PLAN.....	18
c) TREND OF SOLVED CASES.....	21
d) THE METHOD OF SOLVING CASES .....	23
V. THE IMPLEMENTATION OF THE ACTION PLAN FOR CASES REGISTERED UNTIL NOVEMBER 4, 2013.....	27
a) THE METHOD OF SOLVING CASES OF THE ACTION PLAN FOR THE REPORTING PERIOD .....	31
b) NEW RECEIVED CASES AND THE METHOD OF SOLVING THEM.....	35
c) UNSOLVED CASES AT THE END OF THE ACTION PLAN.....	39
VI. CORRUPTION CASES IN THE PHASE OF GATHERING INFORMATIONS- PPN.....	45
a) UNSOLVED CASES IN THE BEGINNING ON NOVEMBER 4, 2013.....	45
b) RECEIVED CASES DURING THE ACTION PLAN.....	49
c) SOLVED CASES AND THE METHOD OF SOLVING THEM.....	52
d) UNSOLVED CASES AT THE END OF THE ACTION PLAN.....	54
VII. COURT SENTENCES ON CASES OF CORRUPTION .....	57
VIII. FAILURE IN RESPECTING THE TRACKING MECHANISM FOR CORRUPTION CASES .....	58
IX. FULFILLMENT OF OBLIGATIONS OF THE ACTION PLAN .....	61
X. COMMENTARY ON LEGAL ACTS .....	72
XI. RECOMMENDATIONS.....	80

## I. EXECUTIVE SUMMARY

Kosovo Prosecutorial Council (KPC) on November 4, 2013, has adopted the *Action Plan to Increase the Efficiency of Prosecutorial System in Fighting Corruption (hereinafter Action Plan)*.<sup>1</sup> From the entry into force of this plan, Kosovo Law Institute (KLI) in accordance with the Memorandum of Cooperation with KPC<sup>2</sup>, has been monitoring and evaluating the implementation of the Action Plan. By this stage, KLI has published three reports, as a result of monitoring and evaluating the implementation of this plan.<sup>3</sup> While this is the fourth periodic report regarding the implementation of the Action Plan published by KLI based on the findings of the information and resources from KPC and SP.

Prosecutorial system did not manage to reduce the number of unsolved cases of corruption. The trend of cases during this reporting period (October, November, December 2014) got reduced at the end, compared to previous periods. From the entry into force of the Action Plan, prosecutors possessed 516 unsolved cases with 1,682 persons, while on December 31, 2014 have remained 530 unsolved cases with 1556 persons. So, the number of unsolved cases has increased, while the number of persons to whom cases were not solved got reduced. If we analyze the number of cases at the beginning on November 4, 2013 (516 cases with 1,682 persons) and the number of cases received during the Action Plan until December 31, 2014 (548 cases with 1,027 persons), results that prosecutors had to work on 1,064 cases with 2,709 persons. From this total number of cases and persons, prosecutors have managed to solve 566 cases or 53% of them, with 1,301 persons or 48% of them. From a total number of 1301 persons against whom cases were solved, against 550 persons prosecutors have filed indictments after investigations or direct indictments, against 45 persons they have proposed the imposition of

---

<sup>1</sup> Kosovo Prosecutorial Council under the implementation of the *Strategic Plan for inter-institutional cooperation in combating organized crime and corruption* on November 4, 2013, has issued the "Action Plan to Increase the Efficiency of Prosecutorial System in Fighting Corruption".

<sup>2</sup> Kosovo Prosecutorial Council has signed a Memorandum of Cooperation with the Kosovo Law Institute "Regarding the monitoring and evaluation of the implementation of the Action Plan for Increasing the Efficiency of Prosecutorial System in Fighting Corruption". December 27, 2013

<sup>3</sup> Note: The three reports published by KLI were also presented to Kosovo Prosecutorial Council. The first report was presented at the meeting of Kosovo Prosecutorial Council held on April 25, 2014, in which KPC members have discussed and approved KLI's published report "Corruption in Kosovo: Assessment report on the effectiveness of prosecutorial system in the implementation of the action plan for corruption cases", which in addition to the findings and assessments, has also made concrete recommendations for effective implementation of the Action Plan to Increase the Efficiency of Prosecutorial System in Fighting Corruption. (see - <http://psh-ks.net/?page=1,8,557>). The second report was presented at the meeting held on October 16, 2014, in which was presented the report "Corruption in Kosovo 2: Comprehensive Assessment Report on the effectiveness of prosecutorial system in the implementation of the action plan for cases of corruption" where were presented findings, evaluations and recommendations on the implementation of the Action Plan. (see - <http://www.psh-ks.net/?page=1,8,635>). The third periodic report "Corruption in Kosovo 3: Periodic assessment report on the effectiveness of prosecutorial system in the implementation of the action plan for corruption cases" was published on December 26, 2014, where were presented findings, assessments and recommendations on the implementation of the Action Plan (see - <http://kli-ks.org/ikd-luftimi-i-korrupsionit-nuk-po-trajtohet-si-prioritet-nga-sistemi-i-drejtjesise/>).

punitive order, to 330 individuals criminal charges were dismissed, while to 376 persons investigations have terminated. Accordingly, it turns out that against more than the half of persons, or against 706 persons, prosecutors have terminated investigations or have dismissed criminal charges, whereas they have issued indictments against 595 persons.

KLI estimates that in general this is a weak performance of prosecutors in solving cases of corruption. The method of solving cases is even more concerning, where more than the half of them are terminated or dismissed, and this proves about serious problems of applicants and prosecutors of cases, which must be analyzed by the internal mechanisms of KPC.

*Implementation of the Action Plan for cases registered until November 4, 2014* - As in previous reports to conduct the measurement of implementation of the Action Plan, KLI has set indicators, based on obligations under this plan. *The measure of the implementation of the Action Plan* is based on solved cases of corruption, which have been registered until November 4, 2013, as unsolved cases which include 1682 persons. **According to this indicator, turns out that during this reporting period (October, November, December, 2014) prosecutions have solved cases against 858 persons or have managed to implement the Action Plan 52%.** From this number, KLI has identified that prosecutors has dismissed criminal charges to 23% of solved cases, to 32% of cases they have terminated investigations, while to 40% of cases prosecutors have filed indictments.

BP in Pristina continues to be the prosecution with the weakest efficiency in fulfilling obligations of the Action Plan. **BP in Pristina** has solved cases only to 27% of persons or only to 210 persons from 777 of them, who were registered in the Action Plan until November 4, 2013. *However, it should be mentioned that compared to other prosecutions, BP in Pristina has solved the largest number of cases during this reporting period (October, November, December 2014), with a total of 136 persons.* SPRK has not managed to solve even the half of registered persons at the beginning of the Action Plan. From unsolved cases against 232 persons as has been registered at the beginning of the Plan, **SPRK** has solved cases against 110 persons or **47%** of them. After BP in Pristina and SPRK, **BP in Mitrovica** was the most inefficient prosecution, which has solved cases to 48% of persons or to only 69 persons from 141 of them, who have been registered on November 4, 2014. Nevertheless, KLI is aware that to these poor results of this prosecution, have also affected objective reasons of working conditions, for which KLI has required to be addressed urgently to the Prosecutorial Council in order to improve working conditions, but nothing has been done to this regard. **BP in Ferizaj** has managed to solve over the half of persons, which from 126 persons, has solved 91 of them or 72% of persons. **BP in Gjakovë** during this period of three months has not solve any case registered until November 4, 2013, while until June 30, this prosecution has solved cases against **81%** or 52 of 64 persons as there were at the beginning of the Action Plan. **BP in Prizren** has also managed to solve 90% of persons, by solving cases against 158 persons of 175 as there were at the beginning of the Action Plan. **BP in Peja** has managed to solve 100% of persons or 82 of 86 persons as they were at the beginning

of the plan. While, **BP in Gjilan** has managed to solve **100%** of cases registered until November 4, 2013 in the Action Plan, by solving all cases, respectively 23 cases with 81 persons.

Beside solving cases, the National Anti-Corruption Coordinator and Chief Prosecutors have had a series of other commitments, which have failed to fulfill. As in previous reports, also for this reporting period (October, November, December 2014), KLI has measured the implementation of the obligations, based on indicators derived from the Action Plan. KLI for this reporting period has identified 13 prescribed cases, one of them prescribed by SPRK. Not all prosecutions answered to the obligation defined in Article 3.2 of the Action Plan to prepare special reports for each case that has reached the statutory limitation deadline. While BP of Mitrovica, BP of Pristina and BP of Ferizaj, had prepared special reports on the reasons of the statutory limitation, BP in Prizren and SPRK didn't do that. The other obligation defined in Article 5.1 for the identification of cases and their allocation according to competency, is fulfilled by the Basic Prosecutions and SPRK. The other obligation defined in Article 5.2 of the Action Plan had set out identifying cases that can not be reported in the register of criminal charges. This obligation has not been fulfilled completely by some prosecutions. KLI during monitoring has found that a number of cases and persons are not reported on time in the database of the Tracking Mechanism, by reporting with delays and other cases that have existed in the registers, while at the end of this reporting period, they do not figure. Neither the Chief Prosecutors nor the National Coordinator are not aware about the violation of the Tracking Mechanisms rules. For this reason there were no reports for such cases, as defined in the obligations of the Action Plan. For this constant failure, KLI has officially reacted in KPC and publicly in the media, seeking enforcement of KPC decisions to hold responsible the prosecutors and officials who have failed in respecting the Tracking Mechanism. The allocation of cases with absolute priority and divided by the quality of the perpetrators is another obligation defined in Article 6.3 of the Action Plan, which results to be fulfilled. Another obligation defined in Article 7.3 of the Action Plan is the implementation of legal provisions relating to sequestration and confiscation of material benefit gained with criminal offense. KLI has identified that during this reporting period (October, November, December 2014), except SPRK and BP in Pristina which have declared several cases of sequestration of money, cars and apartments, the Chief Prosecutors of other prosecutions have declared that they are not aware if such provisions were applied during this reporting period. The obligation defined in Article 7.1 for holding regular meetings with the Kosovo Police, ACA, institutions and other agencies for law enforcement, is partially fulfilled. For this reporting period, BP in Peja and BP in Mitrovica have declared that they have held regular meetings with all other institutions except with ACA. BP in Prizren has declared that has held regular meetings only with KP. On the other side SPRK, BP in Gjilan, Gjakova and Ferizaj, have declared that they have held regular meetings with all institutions, according the obligations of the Action Plan. BP in Pristina has declared that has held regular meetings with all institutions, in particular with KP, with whom they held meetings almost daily. According the obligation in Article 8.2 on reporting the progress of the Action Plan by

Prosecutions for the National Coordinator, KLI finds out that it is fulfilled. While, BP in Pristina unlike other prosecutions has changed the reporting practice, by reporting on regular weekly basis. During this reporting period experts are engaged only in BP in Pristina and BP in Prizren.

The Public Relations component defined in the Action Plan is minimally fulfilled by the National Anti-Corruption Coordinator. KLI has assessed the approach and public information about the implementation of this plan, but the findings indicate that this obligation has remained largely unfulfilled. For this reporting period (October, November, December 2014) the National Coordinator should have kept 6 regular press conferences or press releases, but during this period she has just released a written press release.

Also for this reporting period, KLI has received and analyzed the prosecutorial legal acts (decisions on dismissal of the criminal charges, decisions on termination of the investigations and filed indictments). The prescription of these corruption cases and the placement of cases on contrary with the legal provisions and deadlines, inadequate reference in the criminal provisions and procedural criminal provisions are the main problems identified by the legal analysts of KLI. The same problems have also been identified by the internal mechanisms of KPC. This proves that the expertise of KLI has been accurate to be used for identifying problems and creating adequate criminal policies to increase efficiency and effectiveness in fighting corruption.

### III. METHODOLOGY

As in previous reports, KLI in order to compile comprehensive and analytical periodic reports, concerning the implementation of the Action Plan for Increasing Efficiency of Prosecutorial System for Fighting Corruption has used a mixed methodology of research. Research on implementation of Action Plan initially came as a result of the Memorandum of Cooperation between Kosovo Prosecutorial Council and the Kosovo Law Institute in which mutual obligations are defined in terms of monitoring and evaluating the implementation of this plan. KLI based on the obligations of the Action Plan has established clear indicators for measuring progress in the implementation of these obligations. The research is based on statistical data provided by Prosecutor Performance Review Unit, the National Anti-Corruption Coordinator and Chief Prosecutors of the seven Basic Prosecutions in Kosovo for corruption offenses <sup>4</sup>.

---

<sup>4</sup> Action Plan for Increasing Efficiency of Prosecutorial System for Fighting Corruption has defined offenses against corruption, which are listed, based on the old Code (2003) and the new Criminal Code (2012). The plan contains 13 criminal offenses of old Criminal Code involving the criminal offenses from Chapter XIX (19): Section 339 - "Abusing Official Position or Authority", Article 340 - "Misappropriation in Office", Article 341- "Fraud in Office ", Article 342-" Unauthorized Use of Property ", Article 343-"Accepting Bribes ", Article 344-" Giving bribes ", Article 345-" Trading in Influence ", Article 346-" Issuing Unlawful Judicial Decisions ", Article 347 -" Misusing Official Information ", Article 348 -" Falsifying Official Documents ", Article 349 -" The Collection and Illegal Payments ", Article 350 -" The release of a person unlawfully deprived of liberty " and also Article 351 "Unlawful Appropriation of Property in Case of Search or Judicial Execution". The Action Plan from the new Penal Code included 19 criminal offenses against corruption from chapters XXXIV (34) and XXV (15). The offenses from Chapter XXXIV (34) include: Article 422 - "Abusing Official Position or Authority", Article 423 - "Misusing Official Information", Article 424 - "Conflict of Interest", Article

Reports provided by KLI are summarized in a database which included all cases and persons at all stages of the proceedings in the prosecutorial system of the Republic of Kosovo. There are two categories of corruption cases for which KLI has provided data from the Prosecutor Performance Review Unit.<sup>5</sup> Category of investigation cases for which criminal charges are filed by applicants, or as they are known in the State Prosecution as PP and category of cases for which informations on corruption are provided by the applicants, namely cases that are at the stage of gathering informations, or as they are known in the State Prosecution as PPN. For these two categories of corruption cases, KLI has collected data for their status at the beginning of the Action Plan on November 4, 2013, for the admission of new cases of these categories, for their solution and the method of solving them during reporting period and for the status of cases which have remained unsolved at the end of the Action Plan on June 30, 2014. The database was used to identify the most concerned issues relating to the implementation of the Action Plan, namely with the solution, method of solving and non-solving corruption cases by prosecutors. Through statistics KLI has analyzed some aspects which are presented and commented through tables, including all the specifics of corruption cases for each prosecution, for each applicant in the case of corruption, the seniority of reported cases for corruption and method of solving of cases.

KLI has established an indicator based on the Action Plan to measure progress in the implementation of this plan. The main indicator is determined by the state of unsolved cases of corruption from the entry into force of the Action Plan on November 4, 2013 and progress of solving these cases by prosecutors. So, the degree of implementation of this plan is based on the solution or non-solution of corruption cases, which have been recorded as unsolved until November 4, 2013. KLI has analyzed and presented the solution of new cases received during the period of November 4, 2013 to the end of the plan on September 30, 2014.

KLI has been continuously monitoring the activities of the National Anti-Corruption Coordinator, Acting Chief Prosecutor of Special Prosecution in the Republic of Kosovo, and the seven Chief Prosecutors of Basic Prosecutions in Kosovo. With all these stakeholders of prosecutorial functions and managers of prosecutions, KLI has conducted in-depth interviews, based on indicators of the Action Plan. The conducted interviews are codified so that issues and information derived from them are included in the report. KLI has also

---

425 - "Misappropriation in Office", article 426- "Fraud in Office", article 427 - "Unauthorized use of Property", Article 428 - "Accepting Bribes", Article 429 - "Giving bribes", Article 430 - "Giving bribe the foreign public official" Article 431 - "Trading in Influence", Article 432- "Issuing Unlawful Judicial Decisions", Article 433 - "Discovery of Official Secrecy", Article 434 - "Falsifying Official Documents", article 435 - "Unlawful Collection and Disbursement "Article 436 -" Unlawful Appropriation of property in case of search or execution of a judicial decision ", article 437 -" Declaration or false declaration of assets, income, gifts, and other material benefit or financial liabilities ", while the offenses from chapter XXV (15) include: Article 290 -" Misuse of Economic Authorizations ", Section 291 -" Entering into harmful contract "and Article 316 -"Unreasonable Gift Giving".

<sup>5</sup> Note: National Coordinator has promised to inform the public about the positions of officials against whom corruption cases are solved. Such notifications are made in only two press conferences. See the announcement for these cases issued on May 8, 2014: "In relation to persons for whom prosecutors have filed indictments, we inform you that prosecutors within the period of the Action Plan (November 4, 2013 until April 30, 2014) have filed indictments against: 3 deputies, 12 policemen, 2 customs officers, 7 lawyers, 1 mayor, 1 prosecutors; 1 judge, 4 doctors, 2 municipal directors, 3 municipal councilors, 1 private university manager, 5 municipal officials, 12 administration officials, 9 agency officials, 6 employers of health institutions, 4 tax administration officials, 114 responsables / officials private companies etc. " (see - <http://psh-ks.net/?page=1,8,559>).



monitored the meetings of Kosovo Prosecutorial Council regarding the activities and decisions about this Action Plan. Despite all these efforts to have an accurate, objective and comprehensive assessment, KLI in accordance with the Memorandum of Cooperation between KPC and KLI, the draft version of this report with findings and assessments on the implementation of the Action Plan, has submitted to the Head of the KPC, to take comments from all the Chief Prosecutors, to include them in the report. From all prosecutions, only SPRK has returned comments, which are addressed in the report.

Also, to be more accurate in identifying problems and proposing solutions to the problems in fighting corruption, namely on more efficient and effective implementation of Action Plan, KLI has collected and analyzed in details the relevant local and international documents, that are related to the fight against corruption in Kosovo.

#### IV. CORRUPTION CASES IN THE PHASE OF INVESTIGATION - PP

##### a) TREND OF UNSOLVED CASES

Kosovo Prosecutorial Council (hereinafter KPC) has continued with the implementation of the Action Plan for Increasing Efficiency of Prosecutorial System in Fighting Corruption (hereinafter, Action Plan) also for the period October, November, December 2014. From the entry into force of this Action Plan, Kosovo Law Institute (hereinafter KLI), based on the Memorandum of Cooperation<sup>6</sup> with KPC has made external monitoring and evaluation of the implementation of this Action Plan. Until now, KLI has published three periodic reports about the monitoring and implementation of this Action Plan, and this is the fourth periodic report.

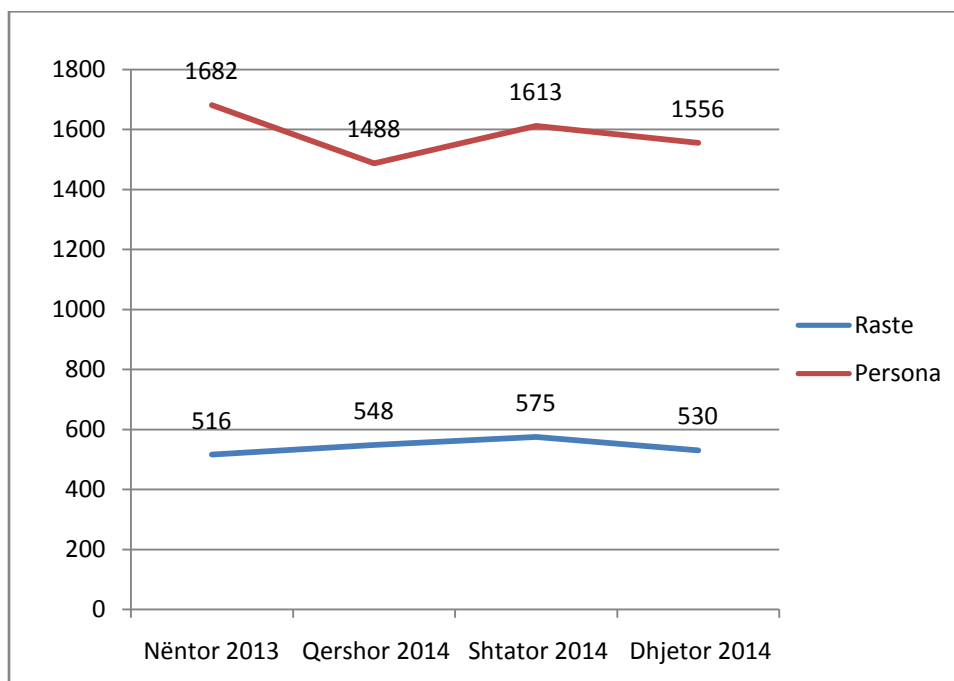
The trend of unsolved corruption cases in this reporting period (October, November, December 2014) is lowered to the bottom, compared with previous periods. With the entry into force of Action Plan, the prosecutions had to work on 516 unsolved cases with 1682 persons, while on December 31, 2014 have remained 530 unsolved cases with 1556 persons. So, we have an increase in the number of unsolved cases, while a reduction in the number of persons against whom cases have not been resolved<sup>7</sup>. KLI has made four parts to

---

<sup>6</sup> Kosovo Prosecutorial Council and Kosovo Law Institute on December 27, 2013 have signed a Memorandum of Cooperation "Regarding the monitoring and assessment of the implementation of the Action Plan to Increase the Efficiency of Prosecutorial System in Fighting Corruption". Kosovo Prosecutorial Council. December 27, 2013.

<sup>7</sup> Note: The number of cases and persons in corruption cases may vary, depending on the method of solving. It happens that in one case (criminal charge) to be involved 20 unsolved persons at the beginning of the reporting period, while in the following the solution of persons to be done in various ways, including the dismissal, termination or filing an indictment against certain persons in the same case. Therefore, KLI explains that the number of persons in each rubric matches 99%, while the number of cases may change for the aforementioned reason. To be more precise in analyzing the statistics, KLI refers separately to the cases and persons which are identified in the records of Kosovo Prosecutorial Council.

make comparison of the trend of unsolved cases and persons for the period November 4, 2013, June 30, 2014, September 30, 2014 and December 31, 2014. See Table 1.



**Table 1 - Trend of unsolved corruption cases in four periods:  
November 4, 2013, June 30, 2014, September 30, 2014 and December 31, 2014.**

According to the trend presented in Table 1, it results that prosecutions are failing to change the very initial state of unsolved cases, which they had at the beginning of the Action Plan. While at the beginning there were 1682 persons against whom cases have not been resolved, on December 31, 2014, have remained 1556 persons against whom corruption cases have not been resolved, or only 7% less persons than they were at the beginning of the Action Plan.

BP in Pristina continues to face an increasing trend of unsolved cases. This prosecution has failed to impact on decreasing the number of unsolved cases, in contrary has marked an increase. While on November 4, 2013 at the beginning of the Action Plan had 224 unsolved cases with 777 persons, at the end on December 31, 2014, the number of unsolved cases has increased to 321 cases with 913 persons, resulting with 136 persons more or 15% more at the end of December 2014.

The increasing trend of unsolved cases has continued also in SPRK. Unlike BP in Pristina, in which the increasing trend of unsolved cases was 15% more than it was at the beginning, in SPRK, the increasing trend has been in a lower percentage. SPRK at the beginning of the Action Plan on November 4, 2013 has had 35 unsolved cases against 232 persons, while on December 31, 2014 had 49 unsolved corruption cases against 261 persons or 11% more than it had at the beginning of the Action Plan. Whereas, all other prosecutions have managed to reduce the number of unsolved cases, in comparison with the initial state of the entry into force of the Action Plan. Note in Table 2, the increasing trend of unsolved cases for each prosecution, in four periods including November 4, 2013 (*entry into force of the Action Plan*), June 30, 2014 (*end of the implementation of the Action Plan for cases registered until November 4, 2013*), September 30, 2014 (*third periodic assessment of KLI about the implementation of the Action Plan for the three months July, August, September 2014*) and December 31, 2014 (*fourth periodic assessment of KLI about the implementation of the Action Plan for the three months October, November, December 2014*).

State Prosecutor		November 4, 2013		June 30, 2014		September 30, 2014		December 31, 2014	
		Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
1	SPRK	35	232	41	221	47	237	49	261
2	Pristina	224	777	346	935	355	978	321	913
3	Prizren	70	175	27	49	33	85	25	64
4	Peja	37	86	24	38	22	45	27	66
5	Gjilan	23	81	7	9	7	12	6	13
6	Mitrovica	64	141	61	153	62	157	56	141
7	Ferizaj	37	126	27	56	30	62	32	72
8	Gjakova	26	64	15	27	19	37	14	26
9	Total:	516	1682	548	1488	575	1613	530	1,556

**Table 2 - The difference of unsolved cases at the beginning of the entry into force of Action Plan on November 4, 2013, on June 30, 2014, on September 30, 2014 and in the end of December 31, 2014.**

As in previous reports, KLI has paid particular attention to the coverage of all unsolved cases at the beginning on November 1, 2014<sup>8</sup>, for each prosecution, which are old in years. In Table 3, note the unsolved cases with the number of persons, belonging to the years 2001, 2003, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and new cases of 2014

Unsolved cases with persons at the beginning (October 1, 2014)	2001		2003		2004		2006		2007		2008		2009		2010		2011		2012		2013		2014		Total	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
SPRK															7	30	5	27	7	37	6	29	22	114	47	237
Pristina	1	1	1	7	1	1	5	16	8	30	19	61	6	7	17	50	20	100	36	115	77	322	164	268	355	978
Prizren													1	4	1	1	1	1	3	5	6	8	21	66	33	85
Peja															1	1			1	3	9	14	11	27	22	45
Gjilan																							7	12	7	12
Mitrovica													2	3	3	7	4	4	11	35	21	66	21	42	62	157
Ferizaj					1	4			1	2			1	1	2	4			1	4	13	31	11	16	30	62
Gjakova																			1	1	6	11	12	25	19	37
<b>Total:</b>	1	1	1	7	2	5	5	16	9	32	19	61	10	15	31	93	30	132	60	200	138	481	269	570	575	1,613

Table 3 - Unsolved cases with persons at the beginning (October 1, 2014)

As seen in the table above, in the prosecutorial system we still have unsolved corruption cases dating from 2001. These data are evidence that citizens and various agencies of law enforcement have rightly criticized the work of prosecutions, since they have filed criminal charges for corruption cases more than a decade ago and still have not been resolved. Even though prosecutors have solved some of these very old corruption cases, as can be seen, the number of unsolved cases continues to be a concern.

<sup>8</sup> Note: While at the beginning of the previous quarter, respectively on July 1, 2014, the number of unsolved corruption cases was 548 cases in total with 1,488 persons, now at the beginning of the last quarter of 2014, respectively on October 1, 2014, this number is increased in 575 cases in total with 1,613 persons.

BP in Pristina continues to lead with the largest number of unsolved cases, 355 cases in total with 978 persons or 9 cases with 43 persons more than in the previous quarter.

SPRK continues to proceed after BP in Pristina, with 47 cases in total and 237 persons or 6 cases with 16 persons more than in the previous quarter.

After SPRK, BP in Mitrovica and the one in Prizren proceed with the largest number of unsolved cases, 62 cases with 157 persons, respectively 33 cases with 85 persons, to continue further with the BP in Ferizaj which on October 1, 2014 had 30 unsolved cases with 62 persons, BP in Peja, 22 cases with 45 persons, BP in Gjakova 19 cases with 37 persons and BP in Gjilan with 7 unsolved cases with 12 persons.

Based on the statistics of the unsolved cases at the beginning of this reporting period (on October 1, 2014), results that from 575 cases in total with 1613 persons, more than half of them are cases, that belong to the previous period before 2014, respectively 306 cases with 1043 persons.

Despite the fact that the Action Plan, which entered into force on November 4, 2013, foresaw the completion of old cases until June 30, 2014, such thing was not achieved even in the half, where only 41% of the Action Plan was fulfilled, regarding the solution of corruption cases. KLI expressed the concern about the unsolved cases of corruption, dating from 2001 and assesses that this is an evidence about the lack of efficiency of prosecutions, despite the fact that these cases, have been revealed as cases to be solved with absolute priority.

KLI in the following table has presented the corruption cases with the number of persons involved, which were unsolved at the beginning of this reporting period (on October 1, 2014), according to the applicants of these cases over the years.

PP Cases with persons with applicants over the years at the beginning of the reporting period (October 1, 2014)	2001	2003	2004	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total:
ACA					10	16		22	19	91	111	141	410
TAK								2					2
Kosovo Customs			4								9	1	14
EULEX								12	11	1	6		30
KPI										10	8	20	38
KP		7		9	13	25	6	31	29	63	287	255	725
The Citizen							3	10	25	16	21	37	112
The injured party			4		7	1	1	10	5	5	31	66	130
Municipal Administration									1			3	4
Received by competence												19	19
Holder of property	1		1	7	2	19		5		14	1	16	66
Forestry Authority							1				2		3
Prosecutor with self-init.									41		2	6	49
Unidentified									1		2	3	6
KPA												5	5
<b>Total:</b>	1	7	9	16	32	61	11	92	132	200	480	572	1,613

**Table 4 - Trend of unsolved cases with persons, according to the applicants over the years at the beginning of the reporting period (October 1, 2014).**

Kosovo Police (hereinafter as KP) continues to be the applicant with the largest number of corruption cases, with 725 persons in total. As can be seen in Table 4, in prosecutions there are still unsolved corruption cases that KP has filed in 2003. After KP, as applicant with the largest number of cases is the Anti-Corruption Agency (hereinafter as ACA), which at the beginning of this reporting period (on October 1, 2014) results that has unsolved cases filed against 410 persons. After ACA, are the unsolved criminal charges filed by the

injured parties and citizens, with 130 in total respectively 112 persons. Then are the holders of properties, which have unsolved cases filed against 66 persons, among them the oldest case filed in 2001.

KLI as in previous reports, assesses that inefficiencies in resolving corruption cases, affects in the failure of discovering corrupt persons, in their prosecution and judgment, actually in the amnesty of the corrupted persons. What is more important, it affects in the loss of public's trust in justice. The most common complaints of the citizens of the Republic of Kosovo are daily made to the inefficiency of the justice system, due to delay in solving these cases<sup>9</sup>. The fact that corruption cases filed in 2001 have remained unsolved is extremely worrying, because it proves that prosecutors, in these cases over the years have not taken the necessary legal actions. KLI assesses that it affects directly to citizens, to whom sends the message that the fight against corruption passively is being annested by prosecutors themselves. The public commitments of top officials who lead the judicial and prosecutorial system fall through these results, which despite the policies and strategies developed and approved, are failing to implement in practice.<sup>10</sup>The lack of concrete results from the non-implementation of positive legislation in fighting corruption, has directly affected on the extraction of negative assessments of the European Commission, which through the Evaluation Committee regarding the fulfillment of criteria for visa liberalization, has assessed that despite some improvements, there are no concrete and final results of judicial cases concerning the fight against corruption.<sup>11</sup> Republic of Kosovo, should mark results to advance towards European integration processes, while the percentage of implementation of the Action Plan, up to this reporting period, is an evidence that Kosovo has lacks of tangible results in prosecution and adjudication of corruption.

Also, the lack of results in fighting corruption in this reporting period, has directly affected to the loss of citizen's trust in prosecutorial system. The UNDP report for the period April- November 2014, shows that citizen's trust in the work of State Prosecutor, has marked the largest fall of all times, by a decrease of 17 percentage points, by reducing confidence in only 21% compared with 38% as it was in April 2014.<sup>12</sup>

---

<sup>9</sup>Note: The Office of Disciplinary Prosecutor as an internal mechanism of disciplining of the Judicial Council and Prosecutorial Council of Kosovo, continuously receives complaints from citizens who submit their cases to judges and prosecutors to delay the resolution of cases.

<sup>10</sup> Kosovo Progress Report of the European Commission for 2013. p.13.

<sup>11</sup> "Second Kosovo Progress Report in fulfilling the requirements of the roadmap for visa liberalization". Report from the Commission for the European Parliament p.8. European Commission. Brussels. July 24, 2014.

<sup>12</sup> Note: Prosecutorial system during the period April- November 2014 marked the lowest point of all time of citizen's trust in the work of the prosecution for only 21% (compared with 38% in April 2014) . State Prosecutor has decreased by about 17 percentage points, reducing the level of citizen's satisfaction with the work of the Prosecution. "Public Pulse 8" (Pristina: UNDP Kosovo, November 2014), p.2.

The citizen's trust has declined in worrying percentage also in the judicial system, with which only 23% of the citizens are satisfied for the period April-November 2014. While, in April the satisfaction of citizen's with the work of the judicial system was 38%, during this reporting period April-November 2014, has decreased for 15%.<sup>13</sup>

The decline of citizen's trust in the justice system is very disturbing and KLI assesses that this trend of implementation of the Action Plan, will continue to risk further the decline of citizen's trust in the justice system, namely in the division of justice for them.

KLI in Table 5 has presented unsolved corruption cases, according to the applicants of criminal charges and qualification of criminal offenses for which are suspected the persons responsible for these legal acts. As can be seen the most present criminal offense remains "Abusing Official Position or Authority", which proves that corruption lies mainly in public institutions, in which the exercise of position and official authority is done by abusing the official position and authority. KLI considers as very disturbing the fact that the largest number of cases filed for corruption belongs to the criminal offense "Abusing Official Position or Authority", and in these cases where various officials are involved for years have exercised their functions, while cases against them were not treated by prosecutors and have remained unsolved. For more see Table 5 below.

---

<sup>13</sup> Note: The judiciary also does no exception in decreasing the level of satisfaction with his work. The percentage of Kosovars who are satisfied with the work of Kosovo's courts has fallen from 38% to 23% between April and November 2014. "Public Pulse 8" (Pristina: UNDP Kosovo, November 2014), p.2.



Unsolved cases according to applicants and criminal offenses at the beginning of the reporting period (October 1, 2014)	Persons in total	Non-declaration of assets	Abusing Official Position or Authority	Unlawful Collection and Disbursement	Giving Bribes	Falsifying Official Document	Accepting Bribes	Fraud in Office	Issuing Unlawful Judicial Decisions	Misappropriation in Office	Trading in Influence	Misuse of Economic Authorizations	Participation in or Organization of an Organized Criminal Group	Entering into a harmful contract	Misusing Official Information	Unauthorized use of property	Conflict of interest	Violation of the rights of license	Prohibited Trade
ACA	410	101	275			16			2	1	12				1	1		1	
KP	725		518	101	11	15	10	11	6	32	3	3	3	4			1		7
KPI	38		29			1	3			5									
The injured party	130		112			6	1		2	7		2							
TAK	2		2																
Forestry Authority	3		3																
Kosovo Customs	14		4		1							4	5						
Pros. with self-init.	49		49																
The Citizen	112		104		3	1		1			1	2							
Holder of property	66		58					2	1	5									
Received by compt.	19	4	14							1									
EULEX	30		18		3		3					6							
Municipal Admin.	4		3							1									
Unidentified	6		6																
KPA	5		5																
<b>Total:</b>	1,613	105	1,200	101	18	39	17	14	11	52	16	17	8	4	1	1	1	1	7

Table 5 - Trend of unsolved cases of persons at the beginning of this reporting period according to applicants and criminal offenses (October 1, 2014).

According to official data of KPC, it turns out that from 1613 persons in total involved in corruption cases at the beginning of October, 1200 persons were suspected for the criminal offense "Abusing Official Position or Authority". KP is the applicant with the largest

number of persons, which is 725 persons in total involved in the criminal charges, 518 are for the criminal offense “Abusing Official Position or Authority” followed by ACA with 275 persons for the same criminal offense from 410 persons in total for whom he made criminal charges.

#### b) TREND OF RECEIVED CASES DURING ACTION PLAN

SPRK and BP, beside old cases that have had in work, during the reporting period (October, November, December 2014) have received new cases with suspected persons for the criminal offenses of corrupt nature. During the monitoring of the Action Plan, KLI has identified that for this reporting period, the prosecutions have received 115 new cases in total with 277 persons. In Table 6 are presented all new cases received in each prosecution during this reporting period.

PP Cases and persons received according to prosecutions during the reporting period (October 1 - December 31, 2014)	Cases in October 2014	Persons in October 2014	Cases in November 2014	Persons in November 2014	Cases in December 2014	Persons in December 2014	Cases in total	Persons in total
SPRK	4	27	3	11	1	1	8	39
Pristina	17	36	18	41	8	16	43	93
Prizren	3	4	5	6	6	11	14	21
Peja	5	12	3	8	7	10	15	30
Gjilan	5	30	2	4	1	1	8	35
Mitrovica	2	5	5	15	2	3	9	23
Ferizaj	4	10	6	12	3	8	13	30
Gjakova	2	3	3	3			5	6
<b>Total</b>	<b>42</b>	<b>127</b>	<b>45</b>	<b>100</b>	<b>28</b>	<b>50</b>	<b>115</b>	<b>277</b>

Table 6 – Cases and persons received for each month (period October 1 - December 31, 2014).

According to the data presented in the table during this reporting period (October, November, December 2014), BP in Pristina is the prosecution that has accepted the largest number of cases, with 43 cases in total with 93 persons. Then it is followed by SPRK which has accepted cases with most persons suspected for criminal offenses of corruption, 8 cases with 39 persons, BP in Gjilan with 8 cases and 35 persons, BP in Peja 15 cases with 30 persons, BP in Ferizaj 13 cases with 30 persons, BP in Mitrovica with 9 cases with 23 persons and BP in Gjakova 5 cases with 6 persons.

Based in these categorized data by KLI, it appears that the largest number of cases received during the reporting period, appears to be in October, 42 cases in total with 127 persons, to continue then in November with 45 cases and 100 persons, and in December, 28 cases with 50 persons.

KLI has also identified new cases according to applicants of criminal charges, where it results again that the applicant with the largest number of criminal charges on corruption cases, is KP. In Table 7 are presented the new cases received during this reporting period according to applicants.

<b>PP - Cases and persons received according to applicants during the reporting period (October 1 - December 31, 2014)</b>	<b>Cases in October 2014</b>	<b>Persons in October 2014</b>	<b>Cases in November 2014</b>	<b>Persons in November 2014</b>	<b>Cases in December 2014</b>	<b>Persons in December 2014</b>	<b>Cases in total</b>	<b>Persons in total</b>
ACA	6	16	2	2	3	6	11	24
KP	20	40	17	37	17	32	54	109
KPI	2	3	2	3	1	2	5	8
Holder of property			1	1			1	1
The injured party	3	5	10	19	2	2	15	26
The Citizen	7	44	3	8	4	7	14	59
Pros. with self-initia.	3	5	4	8			7	13
Received by compt.	1	14	5	15	1	1	7	30
Unidentified			1	7			1	7
<b>Total</b>	<b>42</b>	<b>127</b>	<b>45</b>	<b>100</b>	<b>28</b>	<b>50</b>	<b>115</b>	<b>277</b>

**Table 7 - Trend of cases and persons received according to applicants for each month.**

From 277<sup>14</sup> persons, KP continues to remain the biggest applicant of criminal charges for corruption with 54 cases and 109 persons, followed by the citizens with 14 cases in total with 59 persons. All of these in a detailed way are presented in the table above.

KLI has also identified new cases received according to applicants and criminal offenses for the period October - December 2014, which are presented in the table below:

<sup>14</sup> From filed cases where are included 277 persons, the applicants have charged 242 persons for the criminal offense "Abusing Official Position or Authority", 8 persons for the criminal offense "Accepting Bribes", 7 persons for the criminal offense "Misappropriation in Office", 7 persons for the criminal offense "Participation in or Organization of an Organized Criminal Group", 5 persons for the criminal offense "Giving Bribes", 2 persons for the criminal offense "Non-declaration of assets", against two persons criminal charges were filed but it does not figure for what criminal offense and by 1 person for the criminal offenses "Falsifying Official Documents", "Fraud in Office", "Misuse of Economic Authorizations" and "Conflict of Interest".

### c) TREND OF SOLVED CASES

Compared with the previous quarter (July, August, September 2014), in the last quarter of 2014 (October, November, December 2014), it is noticed an increase in the performance of almost all prosecutions in solving corruption cases. In the previous quarter were resolved 80 cases with 136 persons, while during this reporting period were solved 165 cases with 325 persons. This indicates a higher efficiency of prosecutions in solving corruption cases, respectively doubling the number of solved cases, always comparing with the previous quarter. During this reporting period, BP in Pristina results to be the most efficient prosecution in solving corruption cases, comparing with other prosecutions. This prosecution has solved 75 cases in total with 136 persons. In Table 8, are presented the solved cases with persons in each prosecution for the reporting period October 1 – December 31, 2014.

PP - Solved cases and persons in each prosecution for the reporting period (October 1 - December 31, 2014)	Reporting period (October 1 - December 31, 2014)	
	Cases	Persons
SPRK	7	25
Pristina	75	136
Prizren	22	42
Peja	10	15
Gjilan	13	36
Mitrovica	14	34
Ferizaj	14	23
Gjakova	10	14
<b>Total</b>	<b>165</b>	<b>325</b>

Table 8 - Trend of solved cases with persons for each month for each prosecution

After BP in Pristina, BP in Prizren is the prosecution that has managed to solve most cases during this reporting period, 22 cases in total with 42 persons. Then it is BP in Mitrovica with 14 cases and 34 persons, BP in Ferizaj also with 14 cases in which are involved 23 persons, BP in Gjilan 14 cases with 36 persons, BP in Gjakova 10 cases with 14 persons and SPRK 7 cases with 25 persons.

Efficiency of BP in Pristina, comes after a re-organization of work in this prosecution, a recommendation of KLI made in previous reports<sup>15</sup>. The implementation of this recommendation of KLI has resulted with an increase in efficiency of this prosecution in solving corruption cases, after the Chief Prosecutor of BP in Pristina and the National Anti-Corruption Coordinator, had taken concrete steps, which have brought results.<sup>16</sup>

During this reporting period BP in Pristina has resolved the largest number of corruption cases in comparison with other prosecutions, 75 cases in total with 136 persons.<sup>17</sup> However, this has not influenced the large number of unsolved corruption cases of this prosecution. Although a large number of cases have been solved by this prosecution in this reporting period, KLI assesses that the situation with the largest number of unsolved cases by BP in Pristina at the end of this reporting period continues to remain a concern, as in all other prosecutions, but this part is below in a separate chapter "Unsolved cases at the end of the Action Plan".

---

<sup>15</sup> Note: Kosovo Law Institute (KLI), on September 5, 2014, has held a comprehensive conference with the participation of all stakeholders of the highest state institutions and leaders of all the institutions of justice and law enforcement agencies in fighting corruption. In this conference entitled "Assessment of the implementation of the Action Plan for Increasing the Efficiency of Prosecutorial System in Fighting Corruption", was published voluminous report from 180 pages "Corruption in Kosovo 2: Comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases", which included findings, assessments and recommendations for the implementation of the Action Plan. In this report, KLI has found that this BP in Pristina has failed most in solving corruption cases, where only 13% of cases has managed to solve, or of corruption cases involving 777 persons, has managed to solve cases only against 98 persons, who were registered until November 4, 2013. While in total (including also cases received until June 30, 2014), prosecutor of BP in Pristina, from November 4, 2013 until June 30, 2014, have solved 54 cases against 123 persons.

Because of this failure, KLI as a result of continuous monitoring and assessment of the work of this office, has recommended to be taken urgent steps to ensure efficiency in solving corruption cases. See KLI's recommendation h). "*KPC should take urgent steps and very concrete in solving problems in BP in Pristina due to load and quality of criminal acts of corruption. The prosecution needs efficient management and additional resources with prosecutors and support staff*". In the conference of KLI held on 5 September 2014, the National Anti-Corruption Coordinator, Ms. Laura Pula, and Chief Prosecutor of BP in Pristina, Mr. Imer Beka, have given public commitments to implement this recommendation. After the conference, on September 11, 2014, the National Coordinator and the Chief Prosecutor of BP in Pristina, have held a collegium meeting, which lasted for hours, with all prosecutors of BP in Pristina to discuss the results of the weaknesses of this prosecution in solving corruption cases. At this meeting, the Chief Prosecutor and National Coordinator have taken concrete actions in reorganizing the work and the manner of reporting to increase efficiency of prosecutors to resolve corruption cases, which has given the first results.

<sup>16</sup> Musliu. B. dhe Nimoni G. "Corruption in Kosovo 3: Comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases ". Pristina, December 2014. p. 25.

<sup>17</sup> "Re-organization of the work of BP in Pristina has come upon the recommendation of KLI and has affected to increase the performance of our prosecution for this reporting period, making efficiency in this period to be the greatest. Besides the recommendations of KLI and the publication of constructive findings, the monitoring of KLI in our prosecution has been very helpful to have additional care due to the external supervision of KLI. This constructive cooperation continues to produce results of our prosecution, which continues to solve corruption cases with priority". KLI interview with the Chief Prosecutor of BP in Pristina Mr. Imer Beka. February 2015.

#### d) THE METHOD OF SOLVING CASES

The performance of prosecutions in solving corruption cases has been significantly better than in the previous quarter. As in previous reporting periods, even for this reporting period (October, November, December 2014), KLI has identified the method of solving for each solved case according to prosecutions and applicants of corruption cases. In Table 9, are presented corruption cases with persons against whom cases were solved during this reporting period for each prosecution. Nearly half of the cases solved by prosecutors, results that criminal charges were dismissed or investigations were terminated. From 325 persons in total against whom cases have been resolved, against 160 persons criminal charges were dismissed or investigations were terminated (for 86 persons criminal charges were dismissed, while for 74 persons investigations were terminated), while against 165 persons were filed indictments (for 140 persons were filed indictments after investigations, for 23 persons were filed direct indictments and for 2 persons was proposed the imposition of a punitive order). All these are presented in the table below:

PP - The method of solving cases according to prosecutions for the reporting period (October 1- December 31, 2014)	Dismissal	Termination	Punitive order	Direct indictment	Indictment after investigation	Total:
SPRK	1	9			15	25
Pristina	25	27		7	77	136
Prizren	10	15			17	42
Peja		10	2		3	15
Gjilan	27	3			6	36
Mitrovica	13	1		12	8	34
Ferizaj	8	1		3	11	23
Gjakova	2	8		1	3	14
<b>Total</b>	<b>86</b>	<b>74</b>	<b>2</b>	<b>23</b>	<b>140</b>	<b>325</b>

Table 9 - The method of solving corruption cases according to prosecutions

As it is noticed in the table above, BP in Pristina is the most efficient prosecution regarding the number of persons against whom has solved cases (136 persons in total), followed by BP in Prizren (42 persons), BP in Gjilan (36 persons) and BP in Mitrovica (34 persons), SPRK (25 persons), BP in Ferizaj (23 persons) and BP in Gjakova (14 persons).

BP in Gjilan from 36 persons involved in solved cases, only against 6 persons has filed an indictment, and against 30 persons has terminated investigations or has dismissed criminal charges. BP in Peja from 15 persons in total involved in solved cases, against 10 persons has terminated investigations while against 3 persons has filed an indictment and against 2 others has proposed to impose punitive order. Same stands BP in Gjakova, which from 14 persons involved in solved cases for this reporting period, only against 4 persons has filed an indictment, while against 10 other persons has terminated investigations or has dismissed criminal charges. BP in Prizren which after BP in Pristina has resolved most cases of corruption for this reporting period, from 42 persons in total involved in solved cases, against 17 persons has filed an indictment, while against 25 persons has terminated investigations or has dismissed criminal charges.

Unlike the prosecutions analyzed above, BP in Pristina, BP in Mitrovica, BP in Ferizaj and SPRK have had a different trend in solving cases, by dominating the filing of indictments in the number of persons against whom they solved cases of corruption. From 136 persons in total involved in solved cases in BP in Pristina, for 52 persons criminal charges were dismissed, while for 84 persons was filed an indictment, either directly or after investigation. Despite the difficult working conditions that continue to accompany BP in Mitrovica, from 34 persons in total involved in solved cases, against 20 persons BP in Mitrovica has filed an indictment, while for 14 persons has terminated the investigations and dismissed the criminal charges. BP in Ferizaj from 23 persons in total involved in solved cases for the reporting period, for 14 persons has filed an indictment, while for 9 persons has terminated investigations or dismissed criminal charges. SPRK for the same reporting period has solved cases against 25 persons, where against 15 persons has filed an indictment, while against 10 others has terminated investigations and dismissed criminal charges.

Besides categorizing solved cases by the method of solving, according to prosecutions, KLI has also made their categorization for the method of solving cases according to applicants of criminal charges for corruption. In Table 10, are presented cases of corruption solved for this reporting period according to the applicants.



PP - The method of solving cases according to applicants for the reporting period (October 1-December 31, 2014)	Dismissal	Termination	Punitive order	Direct indictment	Indictment after investigation	Total:
ACA	1	8			34	43
KP	21	58	2	18	84	183
The inj. Party	39	2		1	5	47
KPI		1			4	5
The Citizen	2	2			5	9
KPA	5					5
Pros. with self-initiative.	2					2
Holder of property	7	1			3	11
Received by competence		2		4	1	7
Unidentified	9				3	12
Forestry Auth.					1	1
<b>Total</b>	<b>86</b>	<b>74</b>	<b>2</b>	<b>23</b>	<b>140</b>	<b>325</b>

**Table 10 - The method of solving corruption cases according to applicants of criminal charges**

From 325 persons in total involved in solved cases, prosecutors have managed to solve cases against 183 persons, filed by KP. Of them against 104 persons have filed indictments, against 2 persons have proposed the imposition of the punitive order, while against 79 persons have dismissed the criminal charges and have terminated investigations (against 21 have dismissed criminal charges, while against 58 have terminated the investigations).

Based on the data provided by KPC and categorized by KLI, in cases when the applicant has been the injured party, had mostly dismissal of criminal charges and termination of investigations. From 47 persons in total involved on corruption cases, only against 6

persons prosecutors have filed indictments, while for 41 persons have dismissed the criminal charges and have terminated investigations.

KLI as in previous reports continues to express concern about the method of solving cases, when prosecutors in most cases are dismissing and are terminating investigations for corruption cases. These statistics demonstrate the need to make an identification of problems about these cases, in which should be analyzed the quality of criminal charges, their argument by the applicants and the decision making of prosecutors, in order to eliminate the problems for the future.

KLI still continues to insist on Kosovo Prosecutorial Council to examine through its mechanisms, the issue of the failure of criminal charges to identify the problems about quality, argumentation or decision making of prosecutors on corruption cases. In this regard, KPC should express its willingness to identify and remedy the problems with filing criminal charges, to ensure effective prosecution of perpetrators of corruption criminal offenses in cooperation with all law enforcement agencies in Kosovo.

KLI assesses that through these mechanisms will be enabled the identification of problems, in order to enable the creation of adequate criminal policies for prosecuting corruption and the increase of the quality of prosecutors reasoning for their decisions, which undoubtedly will affect the confidence of citizens that their decisions are fair and based on law.

## V. THE IMPLEMENTATION OF THE ACTION PLAN FOR CASES REGISTERED UNTIL NOVEMBER 4, 2013

Implementation of the Action Plan, according to the dynamics set out in this plan, was foreseen to end on June 30, 2014, pretending to be resolved all old corruption cases which were registered until November 4, 2013.<sup>18</sup>

As noted above for this reporting period all prosecutions have resolved 165 cases in total with 325 persons. According to statistical analysis of KLI, it results that from 325 persons in total against whom cases of corruption have been resolved for this reporting period (October, November, December 2014), 107 persons belong to old cases, respectively cases registered in the Action Plan until November 4, 2013.<sup>19</sup>

**Based on the KLI indicator for measuring the implementation of the Action Plan, it turns out that prosecutions have solved cases against 858 persons or have managed to implement the Action Plan 52%.**

KLI has set an indicator through which, has measured the implementation of the Action Plan for old cases registered until November 4, 2013, which were resolved since the entry into force of the Action Plan. In Table 11, KLI has presented the unsolved cases at the beginning on November 4, 2013, to continue then with the total number of resolving these cases until December 31, 2014.

Based on data provided by KPC, KLI has identified that from 1,682 persons in total involved in unsolved cases at the beginning, respectively in November 4, 2013, SPRK and BP in Pristina have managed to solve cases in which are involved 858 persons or as noted above 52% of them. For more KLI has presented in table in a detailed way the solution of these cases of the Action Plan, for each prosecution.

---

<sup>18</sup> Article 8.5, "Deadlines", "Action Plan for Increasing Efficiency of Prosecutorial System in Fighting Corruption", Kosovo Prosecutorial Council. November 4, 2013

<sup>19</sup> Note: In the previous three-month period (July, August, September 2014) prosecutions from 137 persons against whom they solve corruption cases, from them only 66 persons belong to the old cases, namely cases of Action Plan registered until November 4, 2013.

PP – The method of solving old cases according to prosecutions for the period November 4, 2013 – December 31, 2014	The total of unsolved persons on November 4, 2013	The percentage of the implementation of Action Plan	Total	Dismissal		Termination		Indictment UN		Direct indictment		Indictment after investigation	
				Persons	Percentage	Persons	Percentage	Persons	Percentage	Persons	Percentage	Persons	Percentage
SPRK	232	47%	110	10	9%	82	74%					18	16%
Pristina	777	27%	210	68	32%	48	22%			9	4%	85	40%
Prizren	175	90%	158	37	23%	50	31%			3	1%	68	43%
Peja	86	100%	87	6	6%	60	68%					21	24%
Gjilan	81	100%	81	18	22%	27	33%			20	24%	16	19%
Mitrovica	141	48%	69	44	63%	6	8%			10	14%	9	13%
Ferizaj	126	72%	91	13	14%	6	6%	35	38%	2	2%	35	38%
Gjakova	64	81%	52	7	13%	4	7%					41	78%
<b>Total</b>	1,632	52%	858	203	23%	283	32%	35	4%	44	5%	293	34%

Table 11 – The method of solving cases according to prosecutions for the period November 4, 2013 – December 31, 2014

As can be seen from the table above, SPRK and BP in Pristina in order to realize the Action Plan, must solve old cases against 824 persons or 48% of the Action Plan. Based on statistical analysis, the large number of old unsolved cases remains a disturbing. Regarding the method of solving such cases, KLI has identified that prosecutors on more than half of the cases they have solved, have issued judgements for dismissal of criminal charges and the termination of the investigation. KLI has identified that prosecutors for

23% of cases that have solved have dismissed the criminal charges, for 32% of cases have terminated investigations, while for about 40% of new cases have filed indictments.

BP in Pristina continues to be the prosecution with the weakest efficiency in fulfilling the obligations of the Action Plan. BP in Pristina has solved cases only against 27% of persons or only against 210 of 777 persons, who were registered in the Action Plan until November 4, 2013.<sup>20</sup> *However, compared to other prosecutions, BP in Pristina is the prosecution that has solved most cases for the reporting period (October, November, December 2014), against 136 persons in total.*

SPRK has not managed to solve even half of the persons registered at the beginning of the Action Plan. From unsolved cases against 232 persons as has been recorded at the beginning of the Plan, **SPRK** has solved cases against 110 or 47% of persons.<sup>21</sup> *So, during the three month of the reporting period, SPRK has solved cases against 2 persons, who belongs to cases registered until November 4, 2013.*

After Pristina, follows **BP in Mitrovica** as the prosecution more ineffective, which has solved cases against 48% of persons or only against 69 of 141 persons as had registered on November 4, 2013.<sup>22</sup> *During the reporting period this prosecution has solved cases against 25 persons.* KLI of course has into consideration these poor results of this prosecution, in which have affected also objective reasons of working conditions, for which KLI has asked to be addressed urgently by the Prosecutorial Council to improve the working conditions, but nothing is done.

**BP in Ferizaj** has managed to solve over half of people, which from 126 persons, has solved 91 or 72% of persons.<sup>23</sup> *For this reporting period has managed to solve cases against 7 persons.*

**BP in Gjakova** during this reporting period has not solve any case registered until November 4, 2013, while until June 30, this prosecution has solved cases against 81% or 52 of 64 persons as has had at the beginning of the Action Plan.<sup>24</sup>

---

<sup>20</sup> Note: BP in Pristina for eight months (from the entry into force of Action Plan on November 4, 2013 until June 30, 2014 ) has managed to solve 13% of cases registered until November 4, 2013, where from 777 unsolved persons have solved cases against 98 persons.

<sup>21</sup> Note: SPRK for eight months (from the entry into force of Action Plan on November 4, 2013 until June 30, 2014 ) has managed to solve 46% of cases registered until November 4, 2013, where from 232 unsolved persons have solved cases against 107 persons.

<sup>22</sup> Note: BP in Mitrovica for eight months (from the entry into force of Action Plan on November 4, 2013 until June 30, 2014 ) has managed to solve 26% of cases registered until November 4, 2013, where from 141 unsolved persons have solved cases against 36 persons.

<sup>23</sup> Note: BP in Ferizaj for eight months (from the entry into force of Action Plan on November 4, 2013 until June 30, 2014 ) has managed to solve 64% of cases registered until November 4, 2013, where from 126 unsolved persons have solved cases against 81 persons.

**BP in Prizren** has also managed to solve 90% of persons, by solving cases against 158 persons of 175 as has had in work at the beginning of the Action Plan.<sup>25</sup> *During the reporting period has managed to solve cases against 7 persons registered until November 4, 2013.*

**BP in Peja** has managed to solve 100% of persons or 82 of 86 persons as has had at the beginning of the plan.<sup>26</sup> *During the reporting period this prosecution has solved cases against 5 persons<sup>27</sup>.*

**BP in Gjilan** has managed to solve 100% of cases registered until November 4, 2013 at the Action Plan, by solving all cases, respectively 23 cases with 81 persons.

Although in some prosecutions the work is done with a great commitment in solving corruption cases according to the Action Plan, the large number of unsolved cases remains a concern, whether old cases inherited, whether new cases received after November 4, 2013. KLI in particular considers disturbing the large number of old unsolved cases in BP in Pristina, SPRK and BP in Mitrovica, which have failed to fulfill even the half of the Action Plan. BP in Pristina the large number of unsolved cases and the impossibility of fulfilling the Action Plan justifies with the large number of cases of corrupt nature, the large number of cases of urgent nature and the cases of detention that also require priority and also the insufficient number of prosecutors.<sup>28</sup> In the other hand, SPRK considers that there were other reasons and challenges such as: the complexity of cases, difficulties in obtaining evidences, delays of expertise, insufficient number of prosecutors and in certain cases, even of investigators, representation in all Basic Courts in Kosovo and the time that it takes etc.<sup>29</sup> While BP in Mitrovica continues to have specific reasons, which also failed to implement even half of the Action Plan regarding the solution of old cases, respectively 48% of them. Despite the commitment that BP in Mitrovica will end all corruption cases according to the Action Plan by the end of 2014, this prosecution continues to face with problems that prevent the normal functioning and its effectiveness. Among the main problems and challenges of implementation of the Action Plan was and continues to be the lack of space needed for the work of the prosecution and also, the numerous cases of detention.<sup>30</sup>

---

<sup>24</sup> Note: BP in Gjakova for eight months (from the entry into force of Action Plan on November 4, 2013 until June 30, 2014 ) has managed to solve 81% of cases registered until November 4, 2013, where from 64 unsolved persons have solved cases against 52 persons.

<sup>25</sup> Note: BP in Prizren for eight months (from the entry into force of Action Plan on November 4, 2013 until June 30, 2014 ) has managed to solve 85% of cases registered until November 4, 2013, where from 175 unsolved persons have solved cases against 149 persons.

<sup>26</sup> Note: BP in Peja for eight months (from the entry into force of Action Plan on November 4, 2013 until June 30, 2014 ) has managed to solve 94% of cases registered until November 4, 2013, where from 86 unsolved persons have solved cases against 81 persons.

<sup>27</sup> See footnote 25.

<sup>28</sup> KLI interview with the Chief Prosecutor of BP in Pristina Mr. Imer Beka. February 2015.

<sup>29</sup> KLI interview with the Acting Chief Prosecutor of SPRK, Ms. Sevdije Morina. January 2015.

<sup>30</sup> KLI interview with the Chief Prosecutor of BP in Mitrovica Mr. Shyqyri Sylva. January 2015.

**a) THE METHOD OF SOLVING CASES OF THE ACTION PLAN FOR THE REPORTING PERIOD**

KLI has made the categorization of the method of solving old cases from SPRK and BP's for this reporting period (October, November, December 2014). In Table 12, are presented the decisions of prosecutors for solved cases against 107 persons, which belong to the old cases of the Action Plan, registered until November 4, 2013. From these 107 persons, prosecutors against 55 persons have dismissed criminal charges or terminated investigations, while against 52 persons have filed indictments. As can be seen prosecutors in solved cases against these persons, to more than half of them (55 persons) have issued decisions on dismissal of criminal charges and termination of investigations, while to less than half of them have filed indictments (52 persons). This method of solving cases, proves the trend of the dismissal of cases, which is continuing by prosecutors, while Prosecutorial Council is still reluctant to do an analysis of these cases, which would serve to identify the problems in all these failed cases, and to respond later with adequate criminal policies, in terms of increasing the efficiency of work as a result of raising the quality of criminal charges and investigative actions. In Table 12 notice the method of solving "old" cases registered until November 4, 2013, for each prosecution.

PP - The method of solving old cases according to prosecutions for the reporting period (October 1, - December 31, 2014)	Dismissal	Termination	Punitive order	Direct indictment	Indictment after investigation	Total
SPRK		2				2
Pristina	12	19		3	27	61
Prizren		2			5	7
Peja		5				5
Gjilan						
Mitrovica	13	1		8	3	25
Ferizaj		1		1	5	7
Gjakova						
<b>TOTAL</b>	25	30		12	40	107

**Table 12 - The method of solving cases registered until November 4, 2013 solved during the reporting period October, November, December 2014.**

BP in Pristina is the prosecution that has managed to solve most cases of corruption of the Action Plan 61 persons in total. From them against 31 persons or more than half of them prosecutors have terminated investigations or dismissed criminal charges, while against 30 persons, have filed indictments (against 3 persons direct indictment, while for 27 others, indictments after investigation).

BP in Mitrovica has solved old cases against 25 persons for this reporting period. As BP in Pristina, also the prosecutors in BP in Mitrovica have terminated investigations and dismissed criminal charges against more than half of the people, respectively for 14 persons, towards 11 persons against whom have filed indictments.

SPRK during the reporting period for three months has managed to solve cases only against 2 persons, and by terminating investigations for corruption against them. KLI expresses concern for this inefficiency of SPRK in solving corruption cases despite the



fact that prosecutors of this prosecution, continue to remain the most privileged prosecutors<sup>31</sup> within the prosecutorial system of the Republic of Kosovo. Leaders of this prosecution, point out that the main challenges that have prevented the greater efficiency in implementing the Action Plan for solving corruption cases, related with the complexity of corruption cases, difficulties in obtaining evidence, delays of expertise, insufficient number of prosecutors, in some cases also with investigator, the representation of cases in all courts in Kosovo and the time that it takes.<sup>32</sup> However, KLI assesses that this performance of SPRK leaves much to desire with the proven results in fighting corruption.<sup>33</sup> SPRK is one of the three prosecutions that have not managed to solve even the half of corruption cases registered on November 4, 2013 in the Action Plan.<sup>34</sup>

BP in Prizren and BP in Ferizaj have resolved cases against 7 persons each, which belonged to old cases of the Action Plan. BP in Peja has resolved cases against 5 persons which belonged to the cases of the Action Plan. According to data of Tracking Mechanism, BP in Gjakova did not solve old cases for this reporting period. However, the Chief Prosecutor of BP in Gjakova, states that are 3 cases with 6 persons, which belong to the Action Plan, which are suspended on the grounds that the suspected perpetrators of criminal offenses are inaccessible to the prosecution authorities<sup>35</sup>. KLI assesses that closed cases are the cases in which prosecutors file indictments, dismiss

---

<sup>31</sup> Note: Prosecutors of Special Prosecution of the Republic of Kosovo, beside the base salary, they receive also additional allowance in monthly bases of 800 euros on behalf of danger at work and sensitive cases that they treat based on legal powers.

<sup>32</sup> KLI interview with Ms. Sevdije Morina, Deputy/Chief Prosecutor of SPRK. December 2014 and January 2014.

<sup>33</sup> KLI assesses again that working conditions and stimulation that prosecutors take in SPRK is much better than the one that prosecutors of other prosecutions take, so in this aspect, this state investment has been made to have better results in fighting crime, which is in the competences of SPRK. Just to compare, KLI shows to you the results of fighting corruption of the prosecution alike which operates in Croatia. Unlike SPRK, the Bureau for Combating Corruption and Organized Crime in Croatia (USKOK) has an excellent performance in fighting crime. In 2012, from 283 indictments and represented by Croatian courts, USKOK has managed to protect 95 of them, by announcing 252 conviction judgments for these indictments. This proves the efficiency and quality of the function of USKOK-for investigating and prosecuting high level profiles. (see the report at the page 7 [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4%282013%297\\_Croatia\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4%282013%297_Croatia_EN.pdf)). While, SPRK was founded and functionalized based in the Law On The Special Prosecution Office Of The Republic Of Kosovo in 2008. (Last checked on July 30, 2014) [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L052\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L052_al.pdf))

<sup>34</sup> BP in Pristina is the most failed prosecution in solving corruption cases registered in the Action Plan with only 27%, then it is PB in Mitrovica with 48% and SPRK which has failed to solve even the half of cases or 47% them.

<sup>35</sup> Note: After submitting the draft report to the Prosecutorial Council, the same is forwarded to all prosecutions in accordance with the obligations of the Memorandum of Cooperation between KLI and KPC. The Chief Prosecutor of BP in Gjakova, Ms. Shpresa Bakija is the only one who has returned comments on the draft report of KLI. The Chief Prosecutor Bakija, has assessed as completed cases 3 cases with 6 persons, because according to her, the prosecution has completed the work, while without the fault of the prosecution, because of the non-achievement of the suspected persons, the cases are pending. She has considered these cases as completed, although KLI assesses that the suspension can not be considered completed, but completed cases by prosecutors are considered the ones in which they file indictments, issue decisions on dismissal of criminal charges or issue decisions on termination of investigations. Below, find the full commentary of the Chief Prosecutor Shpresa Bakija: *"I say this because in the BP in Gjakova 3 cases with 6 persons are suspended, due to the fact that the suspected perpetrators of the criminal offenses are inaccessible for the prosecution authorities. All actions have been taken to questioning injured parties, witnesses and providing material evidence, but no final decision can be taken in the absence of suspects who was not possible to interview. It is about the cases that remain unsolved dating from 2013 as follows: PP/I.nr.79/2013 with 3 persons, the suspension ruling on 22.04.2014, PP/nr.84/2014 with 2 persons, the suspension ruling on 22.04.2014 and PP/I.nr.111/13-I. with 1 person, the suspension ruling on 22.04.2014"*.

criminal charges or terminate investigations, while suspended cases are the incomplete cases until they get another status for the status of suspended cases. Except the method of solving old cases according to prosecutions, KLI has also identified the method of solving old cases according to applicants, for this reporting period. From 107 persons in total involved in old solved cases, prosecutors have solved cases against 76 persons filed by KP, for which against 32 persons have dismissed criminal charges and terminated investigations,<sup>36</sup> while against 34 persons have filed indictments<sup>37</sup> The following table presents the method of solving old cases according to applicants for the reporting period (October, November, December 2014).

<b>PP – The method of solving old cases according to applicants for the reporting period</b>	<b>Dismissal</b>	<b>Termination</b>	<b>Punitive order</b>	<b>Direct indictments</b>	<b>Indictments after investigation</b>	<b>Total</b>
<b>ACA</b>					5	5
<b>KP</b>	15	27		12	22	76
<b>The inj. par.</b>	5				3	8
<b>KPI</b>						
<b>The Citizen</b>		2			5	7
<b>KPA</b>						
<b>For. Author.</b>					1	1
<b>Hol.property</b>	3	1			3	7
<b>Received by competence</b>					1	1
<b>Unidentified</b>	2					2
<b>TOTAL</b>	25	30		12	40	107

**Table 13 – The method of solving cases registered until November 4, 2013 solved during the reporting period October, November, December 2014**

<sup>36</sup> Note: According to statistics results that prosecutors in cases filed by KP, against 15 persons have dismissed criminal charges, while against 27 persons, have terminated investigations.

<sup>37</sup> Note: According to statistics results that prosecutors in cases filed by KP against 12 persons have filed direct indictments, while against 22 persons have filed indictments after investigations.

After KP, the injured party and the holder of property are the applicants against whom have been resolved more old cases regarding the reporting period. Against 8 persons in which the applicants were the injured parties, against 5 persons criminal charges were dismissed, while against 3 persons were filed indictments after investigations. On the other hand from 7 persons in total involved on corruption cases, which were solved by prosecutors, in which the applicants have been the holders of property, against 3 persons criminal charges were dismissed, against 1 persons investigation were terminated, while against 3 persons direct indictments were filed.

## **b) NEW RECEIVED CASES AND THE METHOD OF SOLVING THEM**

Besides solving old cases, registered until November 4, 2013, prosecutors have received and solve also new cases accepted after November 4, 2013.

KLI has also analyzed the trend of solving new cases received after November 4, 2013, which SPRK and BP's have solved in the reporting period (October, November, December 2014).

According to statistical analysis of KLI, it results that for this reporting period, prosecutors have solved cases against 218 persons in total. BP in Pristina is the prosecution with the largest number of new cases that have been resolved. From 218 persons in total, BP in Pristina has solved cases against 75 persons.<sup>38</sup>

After BP in Pristina, BP in Gjilan has solved cases against 36 persons, BP in Prizren has solved cases against 35 persons.<sup>39</sup> SPRK has solved cases against 23 persons, BP in Ferizaj has solved cases against 16 persons, BP in Gjakova has solved cases against 14 persons, BP in Peja has solved cases against 10 persons and BP in Mitrovica has solved cases against 9 persons.<sup>40</sup>

---

<sup>38</sup> Note: For the period October – December 2014, BP in Pristina from 75 persons in total included in the solved corruption cases, against 13 persons dismissed the criminal charges, against 8 persons terminated the investigations, against 4 persons filed direct indictment while against 50 persons, filed indictment after investigations.

<sup>39</sup> Note: During the period October – December 2014, BP in Gjilan has solved new cases (received after November 4, 2013) for 36 persons in total, of whom for 27 persons has dismissed the criminal charges, for 3 persons has terminated the investigations, while for 6 persons has filed indictments. During the same period, BP in Prizren from 35 persons in total, for 10 persons has dismissed the criminal charges, for 13 has terminated the investigations while for 12 persons has filed indictments.

<sup>40</sup> Note: Based on the data provided in KPC, KLI has categorized the new solved cases due to the method of solving for each prosecution, where among 23 persons included in the new solved cases in SPRK during the period October – December 2014, for 1 person has dismissed the criminal charge, for 7 persons has terminated the investigations and against 15 persons has filed indictment. BP in Ferizaj, from 16 persons in total, against 8 persons has dismissed the criminal charges, while against 8 others, has filed indictment, direct or

PP - The method of solving new cases according to prosecutions received in the reporting period October 1-December 31, 2014	Dismissal	Termination	Punitive order	Direct indictments	Indictments after investigation	Total
SPRK	1	7			15	23
Pristina	13	8		4	50	75
Prizren	10	13			12	35
Peja		5	2		3	10
Gjilan	27	3			6	36
Mitrovica				4	5	9
Ferizaj	8			2	6	16
Gjakova	2	8		1	3	14
<b>Total</b>	<b>61</b>	<b>44</b>	<b>2</b>	<b>11</b>	<b>100</b>	<b>218</b>

**Table 14 - The method of solving cases received after November 4, 2014 for the reporting period.**

Even in previous reports, KLI has treated the issue of the large number of dismissed cases of criminal charges and termination of investigations. Even in this period, KLI considers disturbing the large number of cases of dismissed criminal charges and the ones of termination of investigations. From all the cases solved involving 218 persons for this reporting period, almost for half of them criminal charges were dismissed and investigations were terminated. Prosecutors have dismissed criminal charges and terminated investigations against 105 persons, towards 113 persons against whom indictments were filed.

In proportion with the number of new cases solved for this reporting period, BP in Gjilan is the prosecution with the largest number of cases in which criminal charges were dismissed and investigations were terminated. Prosecutors of Gjilan, from solved cases involving

---

after investigations. BP in Gjakova which has solved cases against 14 persons, for 2 persons has dismissed the criminal charge, for 8 persons has terminated the investigations, for 1 person has filed direct indictment while for 3 others has filed indictment after investigations. BP in Peja has terminated investigations for 5 persons, for 2 others has proposed pronouncement of punitive order, while for 3 persons has filed indictment after investigations. BP in Mitrovica, from 9 persons in total involved in new solved cases, against 9 persons has filed indictment (for 4 persons direct indictment, while for 5 others indictment after investigations).

36 persons in total, against 30 persons have dismissed criminal charges and terminated investigations, towards 6 persons against whom have filed indictments.

BP in Prizren in new cases solved against 35 persons, against 23 persons has dismissed criminal charges and terminated investigations, towards 12 persons against whom has filed indictment.

BP in Gjilan in new cases solved against 14 persons, against 10 persons has dismissed criminal charges and terminated investigations, towards 4 persons against whom has filed indictment.

For half of the persons involved in new cases solved during the period October-December 2014, BP in Ferizaj and BP in Peja have filed an indictment,<sup>41</sup> while BP in Pristina and SPRK have filed indictments for more than half of the persons involved in solved cases, by dismissing criminal charges and terminating investigations for less than half of the persons involved in new cases solved.<sup>42</sup> Unlike all prosecutions, BP in Mitrovica is the only prosecution which in all new cases solved for the reporting period, has filed an indictment, by not dismissing or terminating investigations not for one single case.<sup>43</sup>

KLI has also categorized the method of solving new cases according to applicants for the reporting period October-December 2014. Even for such cases solved, the biggest applicant appears to be KP, followed by the injured party as applicant, to proceed with other applicants as ACA, received by competence, KPI and KPA (Kosovo Property Agency), Holder of Property, the Citizen, Prosecutor with self-initiative and others for which in the basis of data provided by KPC, does not appear the applicant. Such cases, are categorized as with unidentified applicants.

The following table, presents in details the method of solving new cases according to applicants for the reporting period October-December 2014:

---

<sup>41</sup> BP in Ferizaj from 16 persons in total involved in the new solved cases for the period October – December 2014, for 8 persons has filed indictment, while BP in Peja from 10 persons in total, for 5 persons has filed indictment, while for 5 others has terminated the investigations and has dismissed the criminal charges.

<sup>42</sup> For the period October – December 2014, BP in Pristina from 75 persons in total involved in the solved corruption cases, for 54 persons has filed indictment, while for 21 persons has terminated the investigations (against 13 persons has dismissed the criminal charges, against 8 persons has terminated the investigations, against 4 persons has filed direct indictment while against 50 persons, has filed indictment after investigations).

For the same period, SPRK among 23 persons involved in new solved cases, for 15 persons has filed indictment while for 8 persons has terminated investigations or dismissed the criminal charges (for 1 person has dismissed the criminal charge, for 7 persons has terminated the investigations and against 15 persons, has filed indictment).

<sup>43</sup> BP in Mitrovica, from 9 persons in total involved in new solved cases, against 9 persons has filed indictment (for 4 persons direct indictment, while for 5 others indictment after investigations)

PP - The method of solving new cases according to applicants for the reporting period (October 1-December 31, 2014)	Dismissal	Termination	Punitive order	Direct indictments	Indictments after investigation	Total
ACA	1	8			29	38
KP	6	31	2	6	62	107
The injured par.	34	2		1	2	39
KPI		1			4	5
The Citizen	2					2
KPA	5					5
Pros. with self-i.	2					2
Holder of prop.	4					4
Received by co.		2		4		6
Unidentified	7				3	10
<b>TOTAL</b>	<b>61</b>	<b>44</b>	<b>2</b>	<b>11</b>	<b>100</b>	<b>218</b>

**Table 15 - The method of solving cases according to applicants received after November 4, 2014 for the reporting period.**

From all 218 persons in total involved in new cases solved for the reporting period, for 107 persons as applicant has been KP, where against 68 persons were filed indictments, against 2 persons was proposed the imposition of punitive order, while against 37 persons criminal charges were dismissed and investigations were terminated. New cases solved filed by citizens, the KPA, the prosecutor with self-initiative and holder of property, were all dismissed,<sup>44</sup> while against 39 persons involved in cases filed by the injured party, only against 3 persons was filed an indictment, while against 36 other persons, criminal charge was dismissed and investigations were terminated.

<sup>44</sup>Note: Criminal charges were dismissed against 2 persons where the applicant was the citizen, against 5 persons with ACA as applicant, against 2 persons when the prosecutor has initiated the case with self-initiative and against 4 persons when criminal charges were dismissed with Holder of Property as applicant.

The third biggest applicant of new cases solved after KP and the injured party, ACA, from 38 persons in total involved in solved cases, for 29 persons has filed an indictment, while for 9 persons has dismissed criminal charges. All cases categorized by the method of solving, according to applicants for the reporting period October-December 2014, are presented in the table above.

### c) UNSOLVED CASES AT THE END OF THE ACTION PLAN

The solution of only 52% of “old” cases registered in the Action Plan by the prosecutions, has undoubtedly left a large number of unsolved corruption cases at the end of the reporting period on December 31, 2014. KLI expresses concern that there are still cases that have remained unsolved from 2001, 2003 and onwards. To have a clear picture for old corruption cases, KLI has presented in the table below, cases and persons for each prosecution, for each year. As in previous reports, KLI has offered this overview for the actors of prosecutorial system in order to have clear the problems and the risk of prescription of these unsolved cases over the years.

KLI assesses that the status of these old unsolved cases will lead as in other cases to the reaching of the deadline of criminal prosecution statutory limitation. Cases inherited from previous years starting from 2001, directly affect the quality and efficiency of prosecutors work. As in previous reports, KLI assesses that it is very difficult for prosecutors to defend their cases in court for the criminal offenses which they pretend that are committed in distant years as in 2001. In these cases has gone a long time from committing the criminal offense and is very difficult ensuring the witnesses and credibility of their statements regarding these cases.

Compared with the number of unsolved cases at the end of the previous reporting period (July, August, September 2014) in this reporting period (October, November, December 2014), the number of cases has decreased from 575 cases with 1,613 persons, in 530 cases with 1,556 persons. However, it remains extremely disturbing that prosecutions are failing to make the difference of the number of corruption cases, always comparing with cases registered until November 4, 2013 at the beginning of the Action Plan. In table 16, KLI has presented all cases of corruption, which have remained unsolved on December 31, 2014, for each prosecution over the years:

Unsolved cases with persons at the end of the reporting period (December 31, 2014)	2001		2004		2006		2007		2008		2009		2010		2011		2012		2013		2014		Total	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
SPRK													7	30	5	27	6	35	7	38	24	131	49	261
Pristina	1	1	1	1	4	14	8	30	15	41	2	2	13	42	19	98	33	112	63	274	162	298	321	913
Prizren											1	4	1	1	1	1	1	1	3	4	18	53	25	64
Peja													1	1					6	15	20	50	27	66
Gjilan																					6	13	6	13
Mitrovica											1	2	1	2	4	4	9	23	17	59	24	51	56	141
Ferizaj			1	4			1	2					2	4			1	4	9	25	18	33	32	72
Gjakova																	1	1	6	11	7	14	14	26
<b>Total:</b>	1	1	2	5	4	14	9	32	15	41	4	8	25	80	29	130	51	176	111	426	279	643	530	1,556

Table 16 - Unsolved cases at the end of the month on September 30, 2014

Despite the fact as the prosecution with the largest number of solved cases in this reporting period (October, November, December 2014), BP in Pristina continues to remain the prosecution with the largest number of unsolved cases, which on December 31, 2014, has in its drawers 321 unsolved cases with 913 persons.<sup>45</sup>

BP in Pristina and BP in Ferizaj are the only prosecutions which have old cases of the periods from 2001, up to 2008. While for such period BP in Ferizaj has 2 cases with 6 persons, BP in Pristina has 29 cases with 87 persons. KLI considers disturbing the fact that prosecutions continue to have in proceedings cases for more than 14 years, who actually besides the harassment of citizens in the evidence of suspect persons, has a negative effect even in risking the statutory limitation of such cases.

<sup>45</sup> Note: After BP in Pristina is SPRK with 49 cases and 261 persons, followed by BP in Mitrovica which has 56 cases with 141 persons unsolved at the end, BP in Ferizaj with 32 cases and 72 persons, BP in Peja with 27 cases and 66 persons, BP in Prizren with 25 cases with 64 persons, BP in Gjakova with 14 cases with 26 persons and BP in Gjilan with only 6 cases and 13 persons unsolved at the end of the reporting period, namely on December 31, 2014.



KLI finds that more than 50% of persons involved in these criminal charges for corruption, belong to the period from 2001 up to 2003. From all unsolved cases involving 1,556 persons at the end of this reporting period, which belong to the period 2001-2014, 913 persons or 58.6% of them, belong to the period of cases from 2001 up to 2013, towards 643 persons or 41.4% which belong to the period of new cases, received in 2014.

Categorization of unsolved cases at the end, except according to prosecutions, was done also according to applicants over the years. Table 17, has presented unsolved cases with persons at the end of this reporting period, respectively unsolved cases until December 31, 2014:

Unsolved cases according to applicants at the end on December 31, 2014	2001	2004	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total:
ACA				10	16		19	19	91	98	122	375
TAK							2					2
Costums		4								9	1	14
EULEX							12	11	1	6	24	30
KPI									10	8	24	42
KP			7	13	14	3	25	27	45	236	276	646
The Citizen							11	25	11	37	67	151
The injured party				7	1	5	7	5	5	28	79	137
Minicipial Admini.								1			2	3
Received by compt.											44	44
Holder of property	1	1	7	2	10		4		13	1	13	52
Forestry Authority										2		2
Pros. with self-initi.								41		1	15	57
Unidentified								1				1
<b>Total:</b>	1	5	14	32	41	8	80	130	176	426	643	1,556

Table 17 - Unsolved cases with persons according to applicants at the end on December 31, 2014

Kosovo Police continues to be the biggest applicant of corruption cases, which from a total of 1,556 persons involved in such cases, has filed criminal charges against 646 persons. ACA is the second biggest applicant of filed cases from 2007.

From a total of 1,556 persons involved in unsolved case at the end, ACA has filed criminal charges for 375 persons. After KP and ACA, the citizens are the third biggest applications with 151 persons, then the injured party with 137 persons, prosecutor with self-initiative with 57 persons, the Holder of Property with 52 persons, there were received in competence criminal charges against 44 persons, KPI has filed criminal charges against 42 persons, EULEX against 30 persons, Kosovo Customs against 14 persons etc.

Holder of Property, Kosovo Customs, KP and ACA are the applicants with the oldest cases. While the cases filed by the holder of property date from 2001. Those filed by customs date from 2004, KP 2006, ACA 2007 etc.. For more, all cases filed over the years from the applicants, are presented in the table above.

KLI also has categorized the same unsolved cases at the end according to the applicants, and criminal offenses for which are suspected the persons involved in criminal charges. In the table below, are presented such cases according to the complainants and offenses:

PP - Unsolved cases at the end of reporting period according applicants and criminal offenses (December 31, 2014)	Persons in total	Non-declaration of assets	Abusing Official Position or Authority	Unlawful Collection and Disbursement	Giving Bribes	Falsifying Official Document	Accepting Bribes	Fraud in Office	Issuing Unlawful Judicial Decisions	Misappropriation in Office	Trading in Influence	Misuse of Economic Authorizations	Participation in or Organization of an Organized Criminal Group	Entering into a harmful contract	Misusing Official Information	Money Laundry	Violation of the rights of license	Prohibited Trade	Unauthorized Import, Export, Supply, Transport, Production,	Does not belong to any characteristic criminal offense	Without criminal offense
ACA	375	65	277			16			1	2	12				1		1				
KP	646	1	467	101	4	13	12	4	5	23	1	1		4				7	1		2
KPI	42		33			1	3			5											
The injured party	137	1	117			6	1		1	9		2									
TAK	2		2																		
Forestry Authority	2		2																		
Kosovo Customs	14		5									4	5								
Prosecutor with self-initiative	57		52							5											
The Citizen	151		127		2	5		7				2	8								
Holder of Property	52		46					2		4											
Received by competence	44		39			1		1			1					1				1	
EULEX	30		18		3		3					6									
Municipal Administration	3		2							1											
Unidentified	1		1																		
<b>Total</b>	<b>1,556</b>	<b>67</b>	<b>1,188</b>	<b>101</b>	<b>9</b>	<b>42</b>	<b>19</b>	<b>14</b>	<b>7</b>	<b>49</b>	<b>14</b>	<b>15</b>	<b>13</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>2</b>

Table 18 - Unsolved cases according applicants and criminal offenses, at the end on December 31, 2014

From the data presented in the table, same as in previous period reports, KP continues to be the biggest applicant of cases. From the total of 1,556 persons against to whom were filed criminal charges, unsolved cases until December 31, 2014, KP has filed criminal charges against 646 persons. ACA is the second biggest applicant with 375 persons, the citizens with 151 persons, the injured party with 137 persons etc.

The applicants have filed criminal charges mostly for the criminal offense of "Abusing Official Position or Authority " with a total of 1,188 suspects, then the criminal offense "Unlawful Collection and Disbursement" with a total of 101 suspects, the offense "Non-declaration of assets" with 67 persons, etc. All cases and suspected persons filed by applicants and the criminal offenses, are presented in the table above.

The Chief Prosecutor of BP in Pristina, whose prosecution also possesses the largest number of unsolved cases of corruption, said that prosecutors of his prosecution, were more successful during the recent period in raising and protecting the indictments. In the interview for KLI, the Chief Prosecutor said that he is determined to treat corruption cases with an absolute priority.<sup>46</sup> Also prosecutors of other prosecutions have stated similar regarding this issue.

Acting Chief Prosecutor of SPRK expressed the commitment of this prosecution to achieve greater results in solving corruption cases.<sup>47</sup> Chief Prosecutor of BP in Prizren and Peja, in addition of the commitment to solve corruption cases, they have also required to increase the number of prosecutors and their profilization<sup>48</sup>. Acting Chief Prosecutor of BP in Ferizaj has also required to increase the number of prosecutors in order to increase the efficiency of prosecution in solving corruption cases.<sup>49</sup>

---

<sup>46</sup> KLI, interview with the Chief State Prosecutor of BP in Pristina, Mr. Imer Beka, February 2015

<sup>47</sup> "We will continue to work with a great commitment in solving these cases by aiming to have greater results", Acting Chief Prosecutor of the Special Prosecution of the Republic of Kosovo, Mrs. Sevdije Morina, interviewed in January 2015.

<sup>48</sup> "The aim of BP in Prizren is the profilization of prosecutors for corruption cases (as it is the case in BP of Peja), because we think that this is the way to increase the efficiency in solving corruption cases", Mr. Metush Biraj, Acting Chief Prosecutor of BP in Prizren, interviewed in January 2015;

"According Chief Prosecutor of BP in Peja said that this prosecution will continue the implementation of the Action Plan with the same pace, according to whom, they need to engage one more prosecutor in corruption cases, in order to proceed quickly", Mr. Agron Galani, Chief Prosecutor of BP in Peja, interviewed in January 2015.

<sup>49</sup> "The first steps that will be taken are to have a greater focus on corruption cases, since the moment of receiving them, the prosecutor immediately will register it and distribute to the prosecutor of the specific case and all the necessary actions will be undertaken; completion of registered cases before November 4, 2013, and also the engagement of SPRK experts for complex cases; and by selecting also two prosecutors we will engage one more prosecutor in Serious Crimes Department ", Mr. Rasim Maloku, Acting Chief Prosecutor of BP in Ferizaj, interviewed in January 2015.

Besides difficult working conditions, the Chief Prosecutor of BP in Mitrovica, said that they will continue to treat with priority all corruption cases.<sup>50</sup> Chief Prosecutors of BPs in Gjilan and Gjakova, have also expressed their commitment in treating with priority corruption cases, under the obligations of the Action Plan.<sup>51</sup>

## VI. CORRUPTION CASES IN THE PHASE OF GATHERING INFORMATION- PPN

### a) UNSOLVED CASES IN THE BEGINNING ON NOVEMBER 4, 2013

Besides cases categorized as PP, SPRK and Basic Prosecutions continued to treat corruption cases that are at the stage of gathering information, or as they are known as PPN. Although the number of these cases is smaller than cases of PP category, PPN category cases continue to overload the Prosecutions of the Republic of Kosovo.

Compared to the beginning of the previous reporting quarter (July, August, September, 2014), cases categorized as PPN have increased at the beginning of the subsequent quarter (October, November, December 2014), despite KPC strategies for solving cases of corruptive nature. While at the beginning of the previous quarter (July 1, 2014) prosecutions were loaded with 276 cases which included 631 persons, at the beginning of the subsequent quarter (October 1, 2014), their number has increased to 288 cases with 681 persons.

In the table below are presented unsolved cases at the beginning of the reporting period (October 1 2014), for each prosecution over the years:

---

<sup>50</sup> "Although we have problems with the space of offices, we are committed to treat such cases with priority", Mr. Shyqyri Sylja, Chief Prosecutor of BP in Mitrovica, interviewed in January 2015.

<sup>51</sup> "This prosecution will implement all requirements arising from the Action Plan, by being committed especially to the requirements for confiscation and sequestration, respectively freezing assets of all perpetrators of these criminal offenses, that have benefited by their illegal actions" Mr. Jetish Maloku, Chief Prosecutor of BP in Gjilan, interviewed in January 2014.

"The implementation of the Action Plan is going well, according to plan and are making efforts to solve more cases, in particular cases that belong to the period before November 2013", Mrs. Shpresa Bakija, Chief Prosecutor of BP in Gjakova, interviewed in November 2014, and January 2014.

PPN- Unsolved cases at the beginning of the reporting period (October 1, 2014)		2006		2007		2008		2009		2010		2011		2012		2013		2014		Total	
		Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
1	SPRK									1	1	1	2	2	8	4	8	22	89	30	108
2	Pristina	3	3	4	13	7	17	4	4	6	16	16	67	38	73	48	128	16	28	142	349
3	Prizren									1	3			1	1	1	5	17	34	20	43
4	Peja															13	32	3	7	16	39
5	Gjilan																	9	12	9	12
6	Mitrovica											2	4	5	9	6	11	13	13	26	37
7	Ferizaj	1	1	2	2	1	4	1	1	1	3	2	2	3	3	14	20	10	21	35	57
8	Gjakova													1	2	7	12	2	2	10	16
9	Total:	4	4	6	15	8	21	5	5	9	23	21	75	50	96	93	216	92	206	288	661

Table 19 - Old unsolved cases during years, for each prosecution at the beginning of this reporting period on October 1, 2014

Same as PP cases, BP in Pristina continues to be the prosecution with the greatest number of PNN category cases. From a total of 288 cases with 661 persons, at the beginning of the reporting period BP in Pristina had 142 cases with 661 persons, or almost the half cases of all prosecutions, or 49.30% of cases. BP in Ferizaj and SPRK, are the next ones with 35 cases and 57 persons, respectively 30 cases with 108 clients, followed by BP in Mitrovica with 26 cases and 37 persons, BP in Peja with 16 cases and 39 persons etc. All of these are presented in the table above.

Unlike cases of PP category which date from 2001, cases of PPN category date from 2006. BPs in Pristina and Ferizaj are the prosecutions which have the oldest cases of PPN category.

The categorization of PPN cases was done also according applicants during years. At the following table are presented PPN cases according applicants during years, for which were suspected 661 persons at the beginning of the reporting period:

PPN - Unsolved cases at the beginning of the reporting period, according applicants during years	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
ACA		4	12	3	13	13	10	12	5	72
TAK						4			2	6
Kosovo Customs								2		2
EULEX								4	1	5
KPI							1	3	7	11
KP		3	1	1	5	29	45	84	93	261
The Citizen			4		1	2	10	7	68	92
The injured party	4	4		1	4	14	23	78	22	150
Municipal Administ.									3	3
Kosovo Prop. Agency								4		4
Received by comp.									3	3
Holder of property						1	5	18		24
Forestry Authority		4				5				9
Prosecutor self-initiati							2	4	2	8
General Auditor			4							4
Unidentified						7				7
<b>Total:</b>	4	15	21	5	23	75	96	216	206	661

Table 20 – Cases according applicants, during years at the beginning on October 1, 2014

Based on the data presented in the table, same as PP cases, KP continues to be the biggest applicant of PPN cases in respective prosecutions. From a total of 661 persons involved in cases categorized as PPN, KP has initiated cases for 261 persons. After KP, the injured parties are the second biggest applicant with a total of 151 persons, followed by the citizens with 92 persons, ACA with 72 persons, the Holder of Property with 24 persons etc. All of these data are presented in the table above.

During the monitoring of the Action Plan and the analysis of the statistics provided by KPC, KLI has also identified unsolved cases at the beginning of the reporting period (October 1, 2014) according applicants and criminal offenses. At the table below are presented unsolved cases of PPN category at the beginning of the reporting period (October 1, 2014) according applicants and criminal offenses:

PPN - Unsolved cases at the beginning of the reporting period according applicants and criminal offenses	Persons in total	Abusing Official Position or Authority	Unlawful Collection and Disbursement	Giving Bribes	Falsifying Official Document	Accepting Bribes	Fraud in Office	Issuing Unlawful Judicial Decisions	Misappropriation in Office	Misuse of Economic Authorizations	Entering into a harmful contract	Money Laundry	Misusing Official Information	Unauthorized use of Property	Conflict of Interest
ACA	72	71							1						
KP	261	232		2	9	14	1					2	1		
KPI	11	10													1
The injured party	150	138	1		1	2	2	4					1	1	
TAK	6	6													
Forestry Authority	9	9													
Kosovo Customs	2	2													
Prosecutor self-initia	8	8													
The Citizen	92	88				1	1				2				
Holder of Property	24	22								2					
Received by comp.	3	3													
EULEX	5	1								4					
Municipal Adminis.	3	3													
Kos. Prop. Agency	4	4													
General auditor	4	4													
Unidentified	7	7													
<b>Persons in total</b>	<b>661</b>	<b>608</b>	<b>1</b>	<b>2</b>	<b>10</b>	<b>17</b>	<b>4</b>	<b>4</b>	<b>1</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>

Table 21 - Unsolved cases at the beginning of the reporting period, according applicants and criminal offenses



Based on data from the table above, from the total of 661 persons involved in unsolved cases of PPN category at beginning of the reporting period, 608 of them or 91.98% of persons are suspected for the criminal offense "Abusing Official Position or Authority ", 17 persons for the criminal offense "Accepting bribes", 10 persons for the crime "Falsifying Official Document" etc. All of these cases according applicants and the criminal offenses are presented in the table above.

#### **b) RECEIVED CASES DURING THE ACTION PLAN**

In the reporting period from October to December 2014, SPRK and Basic Prosecutions, alongside existing cases categorized as PPN, have also received new cases, which are at the stage of gathering information. Although it is a large number of unsolved cases at the beginning of the reporting period, with a total of 288 cases and 661 persons, for the reporting period (October, November, December 2014), prosecutions are loaded with 52 new cases and 105 persons suspected of committing criminal corruption offenses. Compared with the previous reporting period (July, August, September, 2014), in this reporting period prosecutions have received the greatest number of new cases from PPN category.<sup>52</sup>

KLI has identified and categorized received cases of PPN category, according prosecutions for the reporting period (October, November, December 2014). At the table below, you may see cases at the stage of gathering information:

---

<sup>52</sup> In the period from July to September 2014, prosecutions have received 31 cases with 78 persons, categorized as PPN cases.

TOTAL PPN Received cases and persons according prosecutions (October - December 2014)	Cases in October 2014	Persons in October 2014	Cases in November 2014	Persons in November 2014	Cases in December 2014	Persons in December 2014	Cases in total	Persons in total
SPRK	4	18	1	1	2	2	7	21
Pristina	2	6	1	15			3	21
Prizren	6	12	1	1	8	15	15	28
Peja	2	2	5	6	5	6	12	14
Gjilan			3	4			3	4
Mitrovica					2	3	2	3
Ferizaj	2	5	3	4	4	4	9	13
Gjakova			1	1			1	1
<b>Total</b>	16	43	15	33	21	30	52	105

**Table 22 - The trend of received cases at each prosecution during the three months period (October, November, December, 2014)**

During this reporting period (October, November, December 2014), BP in Prizren has received the greatest number of PPN cases. From a total of 52 cases with 105 persons for the reporting period, BP in Prizren has received 15 cases with 28 persons, followed by SPRK and BP in Pristina, then BPs in Peja, Ferizaj, Gjilan, Mitrovica and the last one, BP in Gjakova with only one case and one person.<sup>53</sup> All of these are presented at the table above.

KLI has also categorized received cases during months for the reporting period, according applicants. At the following table, are presented such cases:

<sup>53</sup> During the period from October to December 2014, SPRK has received 7 cases with 21 persons, BP in Pristina 3 cases with 21 persons, BP in Peja 12 cases with 14 persons, BP in Ferizaj 9 cases with 13 persons, BP in Gjilan 3 cases with 4 persons and BP in Mitrovica 2 cases with 3 persons.

<b>TOTAL PPN - Received cases and persons according applicants (October- December 2014)</b>	<b>Cases in October 2014</b>	<b>Persons in October 2014</b>	<b>Cases in November 2014</b>	<b>Persons in November 2014</b>	<b>Cases in December 2014</b>	<b>Persons in December 2014</b>	<b>Cases in total</b>	<b>Persons in total</b>
<b>KP</b>	7	14	10	26	7	7	24	47
<b>KPI</b>			2	3	3	5	5	8
<b>The Holder of Property</b>	1	2					1	2
<b>The Injured party</b>	4	9	1	1	5	11	10	21
<b>The Citizen</b>	3	14	1	1	4	5	8	20
<b>Municipal Administration</b>					1	1	1	1
<b>Received by competence</b>	1	4	1	1	1	1	3	6
<b>Total</b>	16	43	15	32	21	30	52	105

**Table 23 - The trend of received cases according applicants at each prosecution, during the three months period (October, November, December 2014)**

Kosovo Police continues to be the biggest applicant for cases known as PPN. From a total of 52 cases with 105 received persons for the reporting period (October, November, December 2014), PK has initiated 24 cases with 47 persons with its information, or 46% of all reported cases. The second applicant after the KP are the injured parties with 10 cases and 21 persons, then the citizens with 8 cases and 20 persons, KPI with 5 cases and 8 persons etc. For more, you may see the table above.

The received data for this reporting period are also categorized according criminal offenses. At the following table, are presented received persons for the reporting period, according applicants and criminal offenses.

TOTAL - PPN - Received persons according applicants and criminal offenses (October-December 2014)	Persons total	Abusing Official Position or Authority	Falsifying Official Document	Accepting Bribes	Fraud in Office	Smuggling of Goods	No criminal offense
KP	47	43		2	1	1	
KPI	8	8					
The holder of property	2	2					
The injured party	21	20	1				
The Citizen	20	17					3
Municipal Administration	1			1			
Received by competence	6	6					
Total	105	96	1	3	1	1	3

Table 24 - The trend of received cases according applicants and criminal offenses during the three months period (October, November, December 2014)

From 105 received persons for the reporting period (October, November, December 2014), 96 persons or 91.42% of them, are suspected for the criminal offense "Abusing Official Position or Authority", while 9 persons or 8.58% of them are suspected for criminal offenses "Accepting bribes" , " Falsifying official document" and others. All of these are presented at the table above.

#### c) SOLVED CASES AND THE METHOD OF SOLVING THEM

During this reporting period, SPRK and Basic Prosecutions, have received 52 cases with 105 persons, while they solved 47 cases with 105 persons. Compared to the previous reporting period (July, August, September, 2014),<sup>54</sup> during this reporting period prosecutors have solved a greater number of cases and persons.

<sup>54</sup> During the period from July to September 2014, prosecutions had solved cases against 90 persons, while cases against 105 persons were solved in the reporting period from October to December 2014.

As in previous periods, even in this reporting period (October, November, December 2014) KLI considers concerning the method of solving cases of this category. From the data provided from KPC, KLI has identified that in cases solved by prosecutors, against 105 persons the criminal charges were dismissed and the investigations were terminated, while the investigations did not get advanced at none of the cases, during criminal proceedings. From these 105<sup>55</sup> persons, to 104 of them the criminal charges were dismissed, while to one person the investigation was terminated.

At the table below, you may see such cases and the method of solving them according prosecutions:

<b>PPN - The method of solving, according applicants for the reporting period (October 1-December 31, 2014)</b>	<b>Dismissal</b>	<b>Termination</b>	<b>Total:</b>
<b>SPRK</b>	33		33
<b>Pristina</b>	38		38
<b>Prizren</b>	12		12
<b>Peja</b>	6		6
<b>Gjilan</b>	7	1	8
<b>Mitrovica</b>			
<b>Ferizaj</b>	6		6
<b>Gjakova</b>	2		2
<b>Total</b>	104	1	105

**Table 25 - The method of solving PPN cases for each prosecution**

<sup>55</sup> Note: From corruption cases solved against 105 persons, 93 of them were suspected for committing the criminal offense "Abusing Official Position or Authority", 4 persons for the criminal offense "Accepting Bribes", 3 persons for the offense "Fraud in Office" 2 persons for the criminal offense "Money Laundering" and by one person for criminal offenses "Falsifying Official Document", "Smuggling of goods" and "Misusing Official Information".

Based on the data presented on the table, BP in Pristina continues to be the prosecution which has the largest number of the persons involved in solved cases, with a total of 38 persons. The next one is SPRK with 33 persons, then BP in Prizren with 12 persons, followed by other prosecutions presented in the table above.<sup>56</sup>

#### d) UNSOLVED CASES AT THE END OF THE ACTION PLAN

While at the beginning of the reporting period (October, 2014) SPRK and Basic Prosecutions had in total 288 unsolved cases with 661 persons, at the end of the reporting period (December 31, 2014), prosecutions had 302 unsolved cases with 685 persons.

As in the previous report, KLI continues to consider concerning the large number of unsolved cases known as PPN, in all prosecutions. Same as the category of unsolved cases at the beginning (October 1, 2014), even for the category of unsolved cases at the end (December 31, 2014), KLI has identified old cases dating from 2006. At the table below, you may see PPN cases during years at all prosecutions:

---

<sup>56</sup> Note: BP in Gjilan has solved cases for 8 persons, BP in Ferizaj has solved cases for 6 persons, BP in Gjakova has solved cases for 2 persons, while BP in Mitrovica did not solve any of cases from PPN category.

PPN – Unsolved cases during years, at the end of the reporting period	2006		2007		2008		2009		2010		2011		2012		2013		2014		Total	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
SPRK									1	1	1	2	2	8	4	8	27	93	35	112
Pristina	3	3	4	13	5	12	3	3	5	11	12	60	33	60	42	118	19	49	126	329
Prizren									1	3			1	1	1	5	27	55	30	64
Peja															13	32	11	14	24	46
Gjilan																	6	9	6	9
Mitrovica											2	4	5	9	7	12	14	15	28	40
Ferizaj	1	1	2	2	1	4	1	1	1	3	2	2	3	3	14	20	18	33	43	69
Gjakova													1	2	7	12	2	2	10	16
<b>Total:</b>	4	4	6	15	6	16	4	4	8	18	17	68	45	83	88	207	124	270	302	685

Table 26 – PPN unsolved cases at the end of the reporting period on December 31, 2014 for each prosecution

Despite the largest number of cases (126 cases with 329) BP in Pristina possesses also the oldest unsolved cases dating from 2006. After Pristina, SPRK continues to be the prosecution with the largest number of unsolved cases at the end of the reporting period, with 35 unsolved cases and 112 persons. BP in Ferizaj has 43 cases with 69 unsolved persons, dating from 2006. After SPRK and BP in Ferizaj, prosecutions with the largest number of cases are BP in Prizren which has 30 cases with 64 persons, BP in Mitrovica with 28 cases and 40 persons, BP in Peja with 24 cases and 46 persons, BP in Gjakova with 10 cases and 16 persons and BP in Gjilan with 6 cases and 9 persons.

KLI has made the categorization of these cases according applicants, and the biggest applicants of cases from PPN category, remains to be Kosovo Police. At the following table you may see cases with persons during years, according applicants.

<b>PPN - Unsolved cases at the end of this reporting period according applicants</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>Total</b>
ACA		4	11	2	8	13	10	12	5	65
TAK						4		2		6
Kosovo Customs								2		2
EULEX								4	1	5
KPI							1	3	17	21
KP		3	1	1	5	22	40	81	117	270
The Citizen			4		1	2	10	8	74	99
The injured party	4	4		1	4	14	15	71	38	151
Munic. Admin.									4	4
PAK								4		4
Received by competence									9	9
Holder of property						1	5	18	2	26
Forestry Authority		4				5				9
Pros. with self-int.							2	4	1	7
Unidentified						7				7
<b>Total</b>	<b>4</b>	<b>15</b>	<b>16</b>	<b>4</b>	<b>18</b>	<b>68</b>	<b>83</b>	<b>207</b>	<b>270</b>	<b>685</b>

Table 26 - PPN unsolved cases at the end of the reporting period on December 31, 2014 according applicants

From a total of 685 persons involved in unsolved cases at the end, KP has initiated cases for 270 persons, followed by the injured party with 151 persons, whose cases date from 2006 which are considered as old cases. Other applicants are the citizens with 99 persons, ACA with 65 persons, the Holder of Property with 26 persons, KPI with 21 persons and other applicants, which are presented at the table above.



## VII. COURT SENTENCES ON CASES OF CORRUPTION

As in previous reporting periods, KLI has continued to monitor the solving of corruption cases also at courts. Based on data provided by the Tracking Mechanism for solved cases by the courts during this reporting period (October, November, December 2014), were identified only solved corruption cases against 28 persons. At the table 27 are presented solved cases of corruption from the courts, during this reporting period and the method of solving them:

The number of persons for whom courts made decisions during this reporting period	The number of persons to whom courts have made decisions/judgments	Persons who are found guilty	Acquitted persons	Refused indictments
SPRK	9	9		
BP in Pristina	1	1		
BP in Prizren	8	5	2	1
BP in Peja	1	1		
BP in Gjilan				
BP in Mitrovica				
BP in Ferizaj	3	3		
BP in Gjakova	6	1	5	
<b>Total:</b>	28	20	7	1

**Table 27 - The number of persons for whom courts made decisions during this reporting period**

Based on the data presented in the table, from a total of 28 persons involved in solved cases by the courts for this reporting period (October, November, December 2014), 20 persons were found guilty, 7 persons were acquitted while for 1 person the indictment was refused.

SPRK had more persons involved at solved cases by the courts than other prosecutions, for this reporting period. From a total of 28 persons, 9 of them belong to the cases represented by SPRK, and all of them were found guilty by the courts, then it is BP in Prizren with a total of 8 persons to whom the court has solved the cases (5 of them were found guilty, 2 of them were acquitted, while to one of them the indictment was refused). BP in Gjakova has represented cases against 6 persons and only one of them was found guilty, while five others were acquitted from the indictment. 3 persons represented by BP in Ferizaj were found guilty and by one person represented by BP in Peja and Pristina, were found guilty.

## VIII. FAILURE IN RESPECTING THE TRACKING MECHANISM FOR CORRUPTION CASES

Basic Prosecutions and SPRK, during fourteen months have failed to respect scrupulously the rules of the Tracking Mechanism for registering cases of corruption. These failures were also determined by the internal mechanisms of KPC in February 2014.<sup>57</sup> KLI continues to consider as crucial the respect of this mechanism, as one of the obligations of the Action Plan<sup>58</sup>. In this regard, during the monitoring, KLI has found that some of prosecutions have constantly failed in respecting the Tracking Mechanism.

For the reporting period (October, November, December 2014), KLI has identified unregistered cases or registered with delay, and cases that do not figure in the data register of the Tracking Mechanism at all, even though the same cases existed in the previous registers of this mechanism.<sup>59</sup>

Further, KLI will present its findings regarding the number of cases and persons, that responsible persons have failed to register in time to the Tracking Mechanism. In the Table 28, you may see cases and persons registered on delay, and the number of cases and persons that are not listed in the registry data for this reporting period.

---

<sup>57</sup> "Commission report: Commission in charge of overseeing and verifying statistical data, sent by the Basic Prosecution and the Special Prosecution of the Republic of Kosovo regarding the implementation of the plan to increase the efficiency of prosecutorial system in fighting corruption". Kosovo Prosecutorial Council. February 2014.

<sup>58</sup> Article 5.2 and 4.1. "Action Plan to Increase the Efficiency of Prosecutorial System in Fighting Corruption", Kosovo Prosecutorial Council. November 4, 2013.

<sup>59</sup> Note: KLI has found that some cases with some persons have existed in the database in previous months and at the end of December 2014. Same cases do not figure at all in the register of solved cases, and in the register of unsolved cases at the end of December 2014. From this results that these cases and these persons do not figure in the registers and there is no explanation for them.

Cases and persons registered on delay and the ones which are not listed in the register, according prosecutions	Registered on delay		Are not listed in the register at all		TOTAL	
	Cases	Persons	Cases	Persons	Cases	Persons
<b>SPRK</b>	2	4	2	7	4	11
<b>BP in Pristina</b>	5	13	10	34	15	47
<b>BP in Gjakova</b>	1	1	1	3	2	4
<b>BP in Gjilan</b>	1	2	1	1	2	3
<b>BP in Ferizaj</b>	3	4			3	4
<b>BP in Mitrovica</b>			1	5	1	5
<b>BP in Peja</b>			1	1	1	1
<b>TOTAL</b>	12	24	16	51	28	75

**Table 28 – Cases and persons registered on delay and the ones which are not listed in the register of the Tracking Mechanism at the end of this reporting period**

As you may see from the table above, except BP in Prizren all other prosecutions continued to violate the rules of the Tracking Mechanism. SPRK<sup>60</sup>, BP in Pristina<sup>61</sup>, BP in Gjakova<sup>62</sup>, BP in Gjilan<sup>63</sup>, BP in Ferizaj<sup>64</sup>, BP in Mitrovica<sup>65</sup> and BP in Peja<sup>66</sup>, possessed cases

<sup>60</sup> Note: SPRK has in total 4 cases with 11 persons, that were registered on delay and which were not listed in the Tracking Mechanism. In order to be correct regarding these cases, KLI gave explanations for each case. Further, you may see SPRK cases, which were registered on delay in the Tracking Mechanism:

1. Case number 143/14 PPS, with 3 persons, registered on July 19 2013; 2. Case number 149/14 PPS, with 1 person, registered on March 19 2014.

While SPRK cases which are not listed in the Tracking Mechanism are:

1. Case number 22/14 PPS, with 4 persons, registered on March 5 2014; 2. Case number 32/14 PPS, with 3 persons, registered on April 1 2014.

<sup>61</sup> Note: BP in Pristina has in total 15 cases with 47 persons, which were registered on delay and are not listed in the Tracking Mechanism. Regarding these cases, KLI give explanations for each case. Further you may see cases of BP in Pristina, which were registered on delay in the Tracking Mechanism:

1. Case number 1011/14-IPR, with one person, received in September 30 2014; 2. Case number 1106/14-IPR, with 5 persons, received on July 16 2014;

3. Case number 1170/14-IPR, with 5 persons, received on September 25 2014; 4. Case number 6199/12-IIPR, with one person, received on September 25 2014;

5. Case number 7258/14-a-IPR, with one person, received on May 08 2013;

While cases of BP in Pristina, which are not listed in the Tracking Mechanism are:

registered on delay in the Tracking Mechanism or cases which were listed in the register but were not listed in the final register of the Tracking Mechanism. KLI found no explanation related to this issue, because these cases are not listed at the register of solved cases neither at the register of unsolved cases or at the evidences of cases delegated by competence. The Chief Prosecutor of BP in Gjakova, has given an explanation about cases of her prosecution, and she admits that they are not listed in the Tracking Mechanism, but she explained about them. She said that cases were ceded and have passed in the competence of SPRK, therefore they do not appear in the register<sup>67</sup>. KLI clarifies that these ceded and delegated in competence cases are listed in the Tracking Mechanism, but these cases which

1. Case number 324/11-IPR, with one person, received on March 3 2010; 2. Case number 946/08-IPR, with 4 persons, received on December 1 2008; 3. Case number 4345/14-IIPR, with one person, received on June 12 2014; 4. Case number 4346/14-IIPR, with one person, received on June 12 2014; 5. Case number 942/13-IPR, with 4 persons, received on September 27 2013; 6. Case number 361/14-IPR, with 14 persons, received on April 14 2014; 7. Case number 420/10-IPR, with 5 persons, received on April 29 2008; 8. Case number 381/12-IPR, with one person, received on May 18 2012; 9. Case number 528/12-IPR, with 2 persons, received on July 26 2013; 10. Case number 5202/14-IIPR, with 1 person, received on July 10 2014.

<sup>62</sup> Note: BP in Gjakova has in total 2 cases with 4 persons, that are registered on delay and are not listed in the Tracking Mechanism. Regarding these cases, KLI give explanations for each case. Further you may see cases of BP in Gjakova, which were registered on delay in the Tracking Mechanism:

1. Case number 39/14-GjA-I - PPN, with one person, received on February 24 2014;

While the case of BP in Gjakova which is not listed in the Tracking Mechanism is:

1. Case number 219/14-Gja-I-PP, with 3 persons, received on September 19 2014;

<sup>63</sup> Note: BP in Gjilan has in total 2 cases with 3 persons, that were registered on delay and are not listed in the Tracking Mechanism. Regarding these cases, KLI give explanations for each case. Further you may see cases of BP in Gjilan, which were registered on delay in the Tracking Mechanism:

1. Case number 219/2014-I-Gji, with 2 persons, received on September 25 2014;

While the case of BP in Gjilan which is not listed in the Tracking Mechanism is:

1. Case number 80/14-IGJI, with one person, received on March 27 2014;

<sup>64</sup> Note: BP in Ferizaj have in total 3 cases with 4 persons, that were registered on delay in the Tracking Mechanism. Regarding these cases, KLI give explanations for each case. Further you may see cases of BP in Ferizaj, which were registered on delay in the Tracking Mechanism:

1. Case number 422-2/11-IFE, with 2 persons, received on May 8 2014; 2. Case number 131-7/2010-IFE, with one person, received on May 8 2014;

3. Case number 2367/11-IFE, with one person, received on December 17 2014.

<sup>65</sup> Note: BP in Mitrovica has only one case with 5 persons, which was registered but was not listed in the Tracking Mechanism. Regarding this case KLI give an explanation on this specific case. Further you may see the case of BP in Mitrovica, which is not listed in the register of the Tracking Mechanism:

1. Case number 238/14-IIMI, with 5 persons, received on September 25 2014.

<sup>66</sup> Note: BP in Peja have only one case with one person, which was registered but was not listed in the Tracking Mechanism. Regarding this case KLI give an explanation on this specific case. Further you may see the case of BP in Peja, which is not listed in the register of the Tracking Mechanism:

1. Case number 50/14 - I -PE, with one person, received on February 13 2014.

<sup>67</sup> The comment of Acting Chief Prosecutor of BP in Gjakova: "On page 57 of the report is stated that there have been delays in registration of cases in BP of Gjakova. Case PP / I.nr.219 / 2014 for which it was noted that it was received on September 19, 2014 and does not appear now on the Tracking Mechanism". THE COMMENT of the Chief Prosecutor Shpresa Bakija: "This case is not listed now in the Tracking Mechanism, but this was to the due that on 10.10.2014, this case was ceded to SPRK. So after the ceding of cases, they are not listed in the Tracking Mechanism, but are registered to the respective Prosecution in order to not make a double registration.

In BP of Gjakova, we had three such cases of corruption with 10 persons which have passed in SPRK. So except the above case, it is also case PP / I.nr.156 / 14 with 2 persons, which has passed to SPRK in competence, on 04/08/2014, and it is not listed anymore in the Tracking Mechanism in BP of Gjakova. Case PP. / I.nr.240 / 2014 with 5 person, was also forwarded in competence to SPRK on 31/12/2014, and it is not listed in the register of the Tracking Mechanism. Case nr.PPN / I.39 / 2014 was undertaken with self-initiative, and it is noted in the book the name of the prosecutor who have that case. These cases were treated as confidential cases, so besides reserving a number to those cases and noting the name of prosecutors, there were no other notes until the conclusion of the case. The case was dismissed on 11.10.2014, because of the absence of evidence".

were reported are not listed at all. For more, see the table for each prosecution and the number of cases, for which the ruled of the Tracking Mechanism were violated.

At the Section 11, the Action Plan defines the obligation to impose disciplinary measures for all those who hinder the implementation of the Action Plan. From the entry into force of the Action Plan on November 4, 2013, prosecutions have repeatedly failed to respect the rules of the Tracking Mechanism for the registration of cases of corruption, but until now Chief Prosecutors and KPC have not imposed any measures against anyone. KLI has consistently criticized the issue of impunity within the prosecutorial system, to make the responsible persons to give their account in order to avoid the problems and the possibility to repeat them in the future.

## **IX. FULFILLMENT OF OBLIGATIONS OF THE ACTION PLAN**

Besides solving corruption cases, each prosecution has had several obligations, which are defined by the Action Plan to Increase the Efficiency of Prosecutorial System in Fighting Corruption.

As in previous reports, also for this reporting period (October, November, December 2014), KLI has placed its indicators to measure the implementation of the Action Plan for each prosecution. The preparation of special reports for each prescribed case, treating specific cases with an absolute priority, the separation of cases based on their perpetrators, the implementation of provisions relating to the confiscation and sequestration of goods arising from criminal offenses, the appointment of experts, regular meetings with law enforcement agencies and others, have been some of the main duties and responsibilities for each Basic Prosecutions and SPRK.

Article 3.2 of the Action Plan has foreseen the obligation of each prosecution in the preparation of special reports on all cases that have reached the period of statutory limitation, for which prosecutions had issued decisions for prescription. During the monitoring of the Action Plan and analyzing prosecutions' legal acts for this reporting period (October, November, December 2014), KLI has identified a total of 12 prescription cases of criminal prosecution, but prosecutions did not prepared special and grounded reports for all prescribed cases of corruption. BP in Mitrovica, BP in Pristina and BP Ferizaj, had prepared special and grounded reports for prescription cases, while BP in Prizren and SPRK did not prepared these reports. In the interviews made by KLI with the Acting Chief Prosecutor of BP in Prizren, Mr. Metush Biraj and Acting Chief Prosecutor of SPRK Mrs. Sevdije Morina, they have stated that during this reporting period their prosecutions did not have any cases prescription, therefore they did not prepare special reports of prescription corruption cases.<sup>68</sup> After the entry into force of the Action Plan, for the first time these special reports on prescription cases were sent to the Office of the

---

<sup>68</sup> KLI interview with the Acting Chief Prosecutor of BP un Prizren, Mr. Metush Biraj and Acting Chief Prosecutor of SPRK, Mrs. Sevdije Morina. January 2015

Anti-Corruption National Coordinator. This obligation was fulfilled by BP in Pristina, Ferizaj and Mitrovica, while such an obligation was not fulfilled by SPRK and BP in Prizren.

The other obligation foreseen by the Article 5.1 for the identification of cases and their division according to their competence was fulfilled by the Basic Prosecutions and SPRK.

The obligation specified in the Article 5.2 of the Action Plan had defined identifying cases that could not be reported in the register of criminal charges. This obligation has not been fulfilled completely by some prosecutions. During monitoring, KLI has found that a number of cases and persons are not reported on time in the database of the Tracking Mechanism, some of them were reported on delay and other cases that have been listed in the register did not figure there at the end of this reporting period. Neither Chief Prosecutors nor the Anti-Corruption National Coordinator are not aware about the violation of the Tracking Mechanism rules. That is why there were no reports for such cases, as it is foreseen in the Action Plan obligations. KLI has reacted through the media about this constant failure, to KPC, by requiring the implementations of KPC decisions, to ask prosecutors and officials who have failed in respecting the Tracking Mechanism about their accountability.<sup>69</sup>

The allocation of cases with an absolute priority and their division according to the type of their perpetrators is another obligation foreseen by the Article 6.3 of the Action Plan, which turns to be met. However, BP in Peja continues to make an exception to the unique practice of dividing the cases to prosecutors. While all prosecutions have engaged a large number of prosecutors to deal with corruption cases, BP in Peja has engaged only one prosecutor for solving corruption cases.<sup>70</sup>

Another obligation foreseen by the Article 7.3 of the Action Plan is the implementation of legal provisions relating to sequestration and confiscation of material benefit obtained by a criminal offense. KLI has identified that during this reporting period (October, November, December 2014), except SPRK and BP in Pristina, which have declared several cases of money, cars and apartments sequestration, other Chief Prosecutors have stated that they are not aware if such provisions were applied during this reporting period.<sup>71</sup>

---

<sup>69</sup> KLI has officially reacted at KPC members and at media, about the failure of Prosecutorial Council in keeping responsible prosecutors and officials who have failed to respect the rules of the Tracking Mechanism, regarding registering corruption cases. "Reaction against Kosovo Prosecutorial Councils about inadequate criminal policies in combating corruption", KLI's react was published on November 3, 2014.

<sup>70</sup> Note: KLI found that within the prosecutorial system does not exist a unique practice for the division of cases to prosecutors. In all prosecutions are engaged 41 prosecutors in solving corruption cases. Except BP in Peja which has engaged only one prosecutor to deal with all cases of corruption, other prosecutions have engaged all prosecutors of Serious Crimes Department, and some prosecutors of the General Department. BP in Pristina has engaged all prosecutors of the Serious Crime Department and the General Department which include twelve (12) prosecutors. BP in Prizren has engaged all prosecutors of the Serious Crime Department and the General Department, which include 10 prosecutors. BP in Gjilan has engaged four (4) prosecutors. BP in Gjakova has engaged two (2) prosecutors, BP in Ferizaj has engaged two (2) prosecutors, BP in Mitrovica has engaged three (3) and SPRK has engaged seven (7) prosecutors.

<sup>71</sup> KLI interviews with Chief Prosecutors and Acting Chief Prosecutors of SPRK and BPs. November, December 2014 and January 2015.

The obligation defined in the Article 7.1 for holding regular meetings with the Kosovo Police, ACA, other institutions and agencies of law enforcement, was partially fulfilled. For this reporting period, BPs in Peja and Mitrovica declared that they held regular meetings with all other institutions except ACA. BP in Prizren has declared that they held regular meetings only with KP. On the other hand SPRK, BPs in Gjilan, Gjakova and Ferizaj have declared that they held regular meetings with all institutions, according to the obligations of the Action Plan. BP in Pristina has declared that they held regular meetings with all institutions, in particular with the KP, to which they have met almost every day.<sup>72</sup>

Regarding the obligation of the Article 8.2 which obliges Prosecutions to report on the progress of the Action Plan at the Anti-Corruption National Coordinator, KLI found that this obligation was fulfilled. While, unlike other prosecutions BP in Pristina has reported to the Coordinator on weekly regular basis.

The obligation specified in the Article 10.1 for engaging SPRK experts from Basic Prosecutions, was partially fulfilled. During this reporting period experts were engaged only by BP in Pristina and BP in Prizren. Chief Prosecutors stated that it has not been necessary to engage experts from SPRK during this period.<sup>73</sup> In the table below, KLI has presented the indicators for each prosecutions' obligations and their implementation in details, for this reporting period (October, November, December 2014).

---

<sup>72</sup> KLI interview with the Chief Prosecutor of BP in Pristina, Mr. Imer Beka. February 2015.

<sup>73</sup> KLI interviews with Chief Prosecutors and Acting Chief Prosecutors of SPRK and BPs. November, December 2014 and January 2015.

OBLIGATION	DEADLINE	RESPONSIBLE PERSONS	COMMENT
Special and grounded report on every case that has reached the statutory limitation	<i>As soon as possible</i>	<u>Respective prosecution (The Chief Prosecutor) reports to KPC</u>	
<b>SPRK</b>	<p><b>Anti-Corruption National Coordinator, Laura Pula:</b> SPRK did not submit any report on statutory limitation for criminal prosecution on corruption cases, at the Office of the Anti-Corruption National Coordinator.</p> <p><b>Acting Chief Prosecutor, Sevdije Morina:</b> During the reporting period October-December 2014, SPRK did not possess any prescribed cases or any decision of this prosecution for prescription. As a result, there was no special report on prescribed cases.</p> <p><b>KLI's comment:</b> According to KLI findings, it appears that SPRK had one corruption case which has reached the statutory limitation for criminal prosecution. This case was not reported by the Acting Chief Prosecutor of SPRK to KLI or to the Anti-Corruption National Coordinator.</p>		
<b>BP in Pristina</b>	<p><b>Koordinatorja Nacionale, Laura Pula:</b> BP in Pristina did not submit any report on statutory limitation for criminal prosecution on corruption cases, at the Office of the Anti-Corruption National Coordinator.</p> <p><b>Kryeprokurori, Imer Beka:</b> We made special reports on statutory limitation cases.</p>		
<b>BP in Prizren</b>	<p><b>National Coordinator, Laura Pula:</b> BP in Prizren did not submit any report on statutory limitation for criminal prosecution on corruption cases, at the Office of the Anti-Corruption National Coordinator.</p> <p><b>U.d. Kryeprokurorit, Metush Biraj:</b> During this period of time, we did not have any statutory limitation cases of corruption, in the Basic Prosecution of Prizren.</p> <p><b>KLI's comment:</b> According to KLI findings appears that during this reporting period (October, November, December 2014), BP in Prizren had one corruption case which has reached the statutory limitation for criminal prosecution. This case was not reported by the Acting Chief Prosecutor of SPRK to KLI or to the Anti-Corruption National Coordinator..</p>		
<b>BP in Peja</b>	<p><b>National Coordinator, Laura Pula:</b> BP in Peja did not submit any report on statutory limitation for criminal prosecution on corruption cases, at the Office of the Anti-Corruption National Coordinator.</p> <p><b>Chief Prosecutor, Agron Galani:</b> He stated that the Basic Prosecution in Peja did not possess prescribed cases, and therefore there was no special report on prescribed cases.</p>		
<b>BP in Gjakova</b>	<p><b>National Coordinator, Laura Pula:</b> BP in Gjakova did not submit any report on statutory limitation for criminal prosecution on corruption cases, at the Office of the Anti-Corruption National Coordinator</p> <p><b>Chief Prosecutor, Shpresa Bakija<sup>74</sup>:</b> The Basic Prosecution in Gjakova did not possess prescribed cases, and therefore there was no special report on prescribed cases.</p> <p><b>KLI's comment:</b> According KLI's findings, it appears that BP in Gjakova has reported one prescribed</p>		

<sup>74</sup> The comment of the Chief Prosecutor of BP in Gjakova, Mrs. Shpresa Bakija: "On page 61 of the draft report was noted that BP in Gjakova had one prescribed case of corruption. Despite this finding I do not agree with the fact of which cases are considered as prescribed and when should they be reported. In that case BP in Gjakova did not have any prescribed cases. I'm saying this based on the fact that we had only cases that have been prescribed in the moment when they were submitted to the prosecution. While we have the Tracking Mechanism where cases are registered in the moment that they receive and when they are closed, we can automatically verify that we have to deal with cases received which are already prescribed, and not with cases that remained in the prosecution for any reason without being closed. There is also a contact prosecutor in the Appellate Prosecution for each Basic Prosecution, who control all of dismissed cases, terminations of the procedure, by evaluating each case, and if he/she finds violations in this regard he/she may propose disciplinary measures".



	case of corruption in previous reporting periods.		
<b>BP in Ferizaj</b>	<p><b>National Coordinator, Laura Pula:</b> BP in Ferizaj submitted a report on statutory limitation for criminal prosecution for one corruption case, at the Office of the Anti-Corruption National Coordinator.</p> <p><b>Acting Chief Prosecutor, Rasim Maloku:</b> During this period, BP in Ferizaj had only one prescribed case, which was submitted in competence in BP of Pristina, and for this case a special report was sent to the Anti-Corruption National Coordinator.</p>		
<b>BP in Mitrovica</b>	<p><b>National Coordinator, Laura Pula:</b> BP in Ferizaj submitted a report on statutory limitation for criminal prosecution for one corruption case, at the Office of the Anti-Corruption National Coordinator.</p> <p><b>Chief Prosecutor, Shyqyri Sylja:</b> We had prescribed cases during the period from October to December 2014 and we prepared special reports on such cases.</p>		
<b>BP in Gjilan</b>	<p><b>National Coordinator, Laura Pula:</b> BP in Gjilan did not submit any report on statutory limitation for criminal prosecution on corruption cases, at the Office of the Anti-Corruption National Coordinator.</p> <p><b>Chief Prosecutor, Jetish Maloku:</b> This prosecution had not any such cases, neither during the period from October to December 2014.</p>		
The plan of identifying and separating cases according to the competences (Article 5.1 AP)	<i>As soon as possible after the entry into force of AP</i>	TChief Prosecutors of respective prosecutions and SPRK	
<b>SPRK</b>	<p><b>National Coordinator, Laura Pula:</b> It was finished based on the Action Plan.</p> <p><b>Acting Chief Prosecutor, Sevdije Morina:</b> After reviewing and analyzing the case we made the identification of cases of corruption and separated them according to their competence, this was done to the Acting Chief Prosecutor.</p>		
<b>BP in Pristina</b>	<p><b>National Coordinator, Laura Pula:</b> It was finished based on the Action Plan.</p> <p><b>Chief Prosecutor, Imer Beka:</b> This was done. We continued this practice same as previous periods.</p>		
<b>BP in Prizren</b>	<p><b>National Coordinator, Laura Pula:</b> It was finished based on the Action Plan</p> <p><b>Acting Chief Prosecutor, Metush Biraj:</b> At first we sent all cases in the archive, where the preliminary identification of corruption cases is done. Clarks identify cases through the identification tape, which later was submitted to me (Chief), and then according to the sequential number we send cases to engage prosecutors.</p>		
<b>BP in Peja</b>	<p><b>National Coordinator, Laura Pula:</b> It was finished based on the Action Plan</p> <p><b>Chief Prosecutor, Agron Galani:</b> The Chief Prosecutor of Peja make the identification of cases on his own, and corruption cases are sent to the only one prosecutor engaged to deal with such cases.</p>		
<b>BP in Gjakova</b>	<p><b>National Coordinator, Laura Pula:</b> It was finished based on the Action Plan</p> <p><b>Chief Prosecutor, Shpresa Bakija:</b> The separation of cases by priority continuous to be the same as it is foreseen by the Action Plan.</p>		
<b>BP in Ferizaj</b>	<p><b>National Coordinator, Laura Pula:</b> It was finished based on the Action Plan.</p> <p><b>Acting Chief Prosecutor, Rasim Maloku:</b> Corruption cases were identified in cooperation with the applicants of criminal charges and we done the verification in the Prosecution, where corruption cases were marked in order to be identified. Their separation was done in the relevant departments in accordance with prosecutors' competences.</p>		
<b>BP in Mitrovica</b>	<p><b>National Coordinator, Laura Pula:</b> It was finished based on the Action Plan.</p>		

	<b>Chief Prosecutor, Shyqyri Sylja:</b> The identification of cases in BP of Mitrovica continues to be the same, which is done by the Chief Prosecutor, and corruption cases are allocated to all prosecutors, numbered sequentially.		
<b>BP in Gjilan</b>	<b>National Coordinator, Laura Pula:</b> It was finished based on the Action Plan. <b>Chief Prosecutor, Jetish Maloku:</b> The supervisor of the prosecution does the identification of corruption cases, and the separation of cases based on their competences. .		
The identification of cases that could not be reported in the register of criminal charges (Article 5.2 AP)	<i>As soon as possible</i>	<u>Chief Prosecutors of relevant prosecutions and SPRK</u>	
<b>SPRK</b>	<b>National Coordinator, Laura Pula:</b> There was not reported any such case in the Office of Anti-Corruption National Coordinator. <b>Acting Chief Prosecutor, Sevdije Morina:</b> During the period from October to December 2014, SPRK has made regular reports at KPC and there were not any statistical discrepancies of registered cases in the database of the SPRK.		
<b>BP in Pristina</b>	<b>National Coordinator, Laura Pula:</b> There was not reported any such case in the Office of Anti-Corruption National Coordinator. <b>Chief Prosecutor, Imer Beka:</b> According to our information, we had an identified case which was registered on delay, but that did not affected in proceeding of this case.		
<b>BP in Prizren</b>	<b>National Coordinator, Laura Pula:</b> There was not reported any such case in the Office of Anti-Corruption National Coordinator. <b>Acting Chief Prosecutor, Metush Biraj:</b> There were no such cases during this period, and this is because we harmonize reports every month with the applicants of criminal charges and we have regular meetings with them (Kosovo Police).		
<b>BP in Peja</b>	<b>National Coordinator, Laura Pula:</b> There was not reported any such case in the Office of Anti-Corruption National Coordinator. <b>Chief Prosecutor, Agron Galani:</b> BP in Peja did not have such problems during the period from October to December 2014.		
<b>BP in Gjakova</b>	<b>National Coordinator, Laura Pula:</b> There was not reported any such case in the Office of Anti-Corruption National Coordinator. <b>Chief Prosecutor, Shpresa Bakija:</b> BP in Gjakova did not have such problems during the period from October to December 2014.		
<b>BP in Ferizaj</b>	<b>National Coordinator, Laura Pula:</b> There was not reported any such case in the Office of Anti-Corruption National Coordinator. <b>Acting Chief Prosecutor, Rasim Maloku:</b> We did not have problems with the non-reporting and non-compliance of statistics for the period October-December 2014. All of statistics of BP in Ferizaj have been harmonized in full compliance with all other institutions.		
<b>BP in Mitrovica</b>	<b>National Coordinator, Laura Pula:</b> There was not reported any such case in the Office of Anti-Corruption National Coordinator. <b>Chief Prosecutor, Shyqyri Sylja:</b> Except the problems in the first phase of the implementation of the Action Plan, in which phase were identified cases of non-compliance and non-harmonization of statistics, BP in Mitrovica had not any such problems of during the reporting period.		
<b>BP in Gjilan</b>	<b>National Coordinator, Laura Pula:</b> There was not reported any such case in the Office of Anti-Corruption National Coordinator.		

	<b>Chief Prosecutor, Jetish Maloku:</b> We have not noticed any statistical discrepancy in the register of criminal charges after the September 30, 2014, but we have been engaged for every case in order to demand account from every official who is not careful.		
Case assignment according the absolute priority and their separation based on the type of perpetrators (Article 6.3 AP) ( <u>How many prosecutors were engaged before and after AP</u> )	<i>As soon as possible</i>	<u>Chief Prosecutors of relevant prosecutions</u>	
<b>SPRK</b>	<b>National Coordinator, Laura Pula:</b> This obligation was fulfilled by prosecutions. <b>U.d. Kryeprokurorja, Sevdije Morina:</b> SPRK treat with priority corruption cases, while the separation of corruption cases according to their preparations and type of the offense, depends from prosecutors who organize and manage their cases.		
<b>BP in Pristina</b>	<b>National Coordinator, Laura Pula:</b> This obligation was fulfilled by prosecutions. <b>Chief Prosecutor, Imer Beka:</b> Corruption cases are treated with an absolute priority in BP of Pristina, also they are separated according to the type of their preparations except of those cases which are not in our competences.		
<b>BP in Prizren</b>	<b>National Coordinator, Laura Pula:</b> This obligation was fulfilled by prosecutions. <b>Acting Chief Prosecutor, Metush Biraj:</b> All of corruption cases are treated with an absolute priority in our Prosecution.		
<b>BP in Peja</b>	<b>National Coordinator, Laura Pula:</b> This obligation was fulfilled by prosecutions. <b>Chief Prosecutor, Agron Galani:</b> Corruption cases continue to be treated with an absolute priority.		
<b>BP in Gjakova</b>	<b>National Coordinator, Laura Pula:</b> This obligation was fulfilled by prosecutions.. <b>Chief Prosecutor, Shpresa Bakija:</b> The assignment of cases with priority continues to be the same as it was until now, as it is foreseen by the Action Plan.		
<b>BP in Ferizaj</b>	<b>National Coordinator, Laura Pula:</b> This obligation was fulfilled by prosecutions. <b>Acting Chief Prosecutor, Rasim Maloku:</b> BP in Ferizaj did not has any special cases, by considering the level of public officials, but cases of detention on remand were treated with an absolute priority.		
<b>BP in Mitrovica</b>	<b>National Coordinator, Laura Pula:</b> This obligation was fulfilled by prosecutions. <b>Chief Prosecutor, Shyqyri Sylja:</b> We keep treating corruption cases with an absolute priority, which according to their type, are not very serious.		
<b>BP in Gjilan</b>	<b>National Coordinator, Laura Pula:</b> This obligation was fulfilled by prosecutions. <b>Chief Prosecutor, Jetish Maloku:</b> The separation of cases were done according to the competences.		
The implementation of legal provisions relating to sequestration and confiscation of material benefit obtained from the commission of a criminal offense (article 7.3 of the AP)	<i>During all the time</i>	<u>Chief Prosecutors and prosecutors of relevant prosecutions</u>	
<b>SPRK</b>	<b>National Coordinator, Laura Pula:</b> At the Office of Anti-Corruption National Coordinator, no one reported about any case of sequestration or confiscation of material benefit		

	<p>obtained from the commission of a criminal offense.</p> <p><b>Acting Chief Prosecutor, Sevdije Morina:</b> We had cases of sequestration and confiscation of monetary assets, cars, electronics equipments, real estate, etc.</p>
<b>BP in Pristina</b>	<p><b>National Coordinator, Laura Pula:</b> At the Office of Anti-Corruption National Coordinator, no one reported about any case of sequestration or confiscation of material benefit obtained from the commission of a criminal offense.</p> <p><b>Chief Prosecutor, Imer Beka:</b> We had the enforcement of legal provisions relating to the sequestration and confiscation of assets and it is the first time that besides sequestration / confiscation, the request was done also for such a thing. We do not possess accurate information on the number of such cases yet.</p>
<b>BP in Prizren</b>	<p><b>National Coordinator, Laura Pula:</b> At the Office of Anti-Corruption National Coordinator, no one reported about any case of sequestration or confiscation of material benefit obtained from the commission of a criminal offense.</p> <p><b>Acting Chief Prosecutor, Metush Biraj:</b> We did not have cases of confiscation during the period from October to December 2014.</p>
<b>BP in Peja</b>	<p><b>National Coordinator, Laura Pula:</b> At the Office of Anti-Corruption National Coordinator, no one reported about any case of sequestration or confiscation of material benefit obtained from the commission of a criminal offense.</p> <p><b>Chief Prosecutor, Agron Galani:</b> As we know, we did not have cases of confiscation during the period from October to December 2014, we are not aware if we had such cases.</p>
<b>BP in Gjakova</b>	<p><b>National Coordinator, Laura Pula:</b> At the Office of Anti-Corruption National Coordinator, no one reported about any case of sequestration or confiscation of material benefit obtained from the commission of a criminal offense.</p> <p><b>Chief Prosecutor, Shpresa Bakija:</b> There have been cases of only mandatory sequestration, while we did not have such cases foreseen by the Action Plan, during the reporting period.</p>
<b>BP in Ferizaj</b>	<p><b>National Coordinator, Laura Pula:</b> At the Office of Anti-Corruption National Coordinator, no one reported about any case of sequestration or confiscation of material benefit obtained from the commission of a criminal offense.</p> <p><b>Acting Chief Prosecutor, Rasim Maloku:</b> BP in Ferizaj did not has any case of sequestration or confiscation of material benefit obtained from the commission of a criminal offense, during the period from October to December 2014.</p>
<b>BP in Mitrovica</b>	<p><b>National Coordinator, Laura Pula:</b> At the Office of Anti-Corruption National Coordinator, no one reported about any case of sequestration or confiscation of material benefit obtained from the commission of a criminal offense.</p> <p><b>Chief Prosecutor, Shyqyri Sylja:</b> The Chief Prosecutor is not aware if during this period (October, November, December 2014), there have been any cases of sequestration or confiscation of material benefit obtained from the commission of a criminal offense, according to the Action Plan.</p>
<b>BP in Gjilan</b>	<p><b>National Coordinator, Laura Pula:</b> At the Office of Anti-Corruption National Coordinator, no one reported about any case of sequestration or confiscation of material benefit obtained from the commission of a criminal offense.</p> <p><b>Chief Prosecutor, Jetish Maloku:</b> During the period from October to December 2014, BP in Gjilan had not any case of sequestration or confiscation of material benefit obtained from the commission of a criminal offense of corruption.</p>

Regular meeting with KP, ACA and other institutions (Article 7.1)	<i>During all of the time</i>	<u>Chief Prosecutor of the relevant prosecution</u>	National Coordinator: I had meetings with Chief Prosecutors, but not with ACA
<b>SPRK</b>	<b>National Coordinator, Laura Pula:</b> Regular meetings were held mainly with Kosovo Police, while with the representatives of other institutions were held only on certain cases, like with Customs, TAK and ACA representatives. <b>Acting Chief Prosecutor, Sevdije Morina:</b> We had regular meetings with Kosov Police, Customs and TAK.		
<b>BP in Pristina</b>	<b>Chief Prosecutor Kryeprokurori, Imer Beka:</b> We had regular meetings with all institutions, especially with KP, to which we met almost every day.		
<b>BP in Prizren</b>	<b>Acting Chief Prosecutor, Metush Biraj:</b> We had regular meetings with Kosovo Police, as one of the applicants of criminal offenses.		
<b>BP in Peja</b>	<b>Chief Prosecutor, Agron Galani:</b> We had regular meetings with all institutions except ACA, to which we did not met during this reporting period.		
<b>BP in Gjakova</b>	<b>Chief Prosecutor, Shpresa Bakija:</b> Meetings and cooperation with other institutions, as it were foreseen by the Action Plan, were done almost with all institutions. At the end of November 2014 we held meetings with ACA, Kosovo Police, Kosovo Customs etc, and we discussed about the progress of the Action Plan and mutual cooperation.		
<b>BP in Ferizaj</b>	<b>Acting Chief Prosecutor, Rasim Maloku:</b> We had regular meetings with the National Coordinator, Kosovo Prosecutorial Council, Kosovo Police, Unit for investigation of economic crimes and corruption, and we discussed about corruption cases.		
<b>BP in Mitrovica</b>	<b>Chief Prosecutor, Shyqyri Syla:</b> We had held regular meetings with Kosovo Police, in the municipal and regional level, and with all other mechanism for law enforcement according to the Action Plan, but we did not hold meetings with ACA. BP in Mitrovica has appointed a contact point with ACA and all of cases filed by ACA were solved.		
<b>BP in Gjilan</b>	<b>Chief Prosecutor, Jetish Maloku:</b> This prosecution has held monthly and weekly meetings with relevant institutions, as it is the unit for economic crime under Kosovo Police, TAK, Kosovo Customs etc.		
Obligatory reporting on the progress of the Action Plan (Article 8.2 AP)	<i>At the end of each month</i>	<u>Chief Prosecutor of the relevant prosecution at KPC Commission about the coordination of corruption cases (National Coordinator)</u>	
<b>SPRK</b>	<b>National Coordinator, Laura Pula:</b> In the Office of Anti-Corruption Coordinator it was reported on a monthly regular basis, about the progress of the Action Plan. <b>Acting Chief Prosecutor, Sevdije Morina:</b> Yes, it was done.		
<b>BP in Pristina</b>	<b>National Coordinator, Laura Pula:</b> In the Office of Anti-Corruption Coordinator it was reported on a monthly regular basis, about the progress of the Action Plan. <b>Chief Prosecutor, Imer Beka:</b> We have reported regulary.		
<b>BP in Prizren</b>	<b>National Coordinator Laura Pula:</b> In the Office of Anti-Corruption Coordinator it was reported on a monthly regular basis, about the progress of the Action Plan. <b>Acting Chief Prosecutor, Metush Biraj:</b> We have reported regulary to KPC, while at the end of the		

	month we reported to the National Coordinator.		
<b>BP in Peja</b>	<p><b>National Coordinator, Laura Pula:</b> In the Office of Anti-Corruption Coordinator it was reported on a monthly regular basis, about the progress of the Action Plan.</p> <p><b>Chief Prosecutor, Agron Galani:</b> We have reported on regulary monthly basis at KPC as it was needed.</p>		
<b>BP in Gjakova</b>	<p><b>National Coordinator, Laura Pula:</b> In the Office of Anti-Corruption Coordinator it was reported on a monthly regular basis, about the progress of the Action Plan.</p> <p><b>Chief Prosecutor,, Shpresa Bakija:</b> We have reported on regulary monthly basis at KPC as it was needed.</p>		
<b>BP in Ferizaj</b>	<p><b>National Coordinator, Laura Pula:</b> In the Office of Anti-Corruption Coordinator it was reported on a monthly regular basis, about the progress of the Action Plan.</p> <p><b>Acting Chief Prosecutor, Rasim Maloku:</b> We have reported to KPC as it was foreseen by the Action Plan, while according to the requirment of KPC we have also reported to the Narional Coordinator, the report was done also for short periods.</p>		
<b>BP in Mitrovica</b>	<p><b>National Coordinator, Laura Pula:</b> In the Office of Anti-Corruption Coordinator it was reported on a monthly regular basis, about the progress of the Action Plan.</p> <p><b>Chief Prosecutor, Shyqyri Sylja:</b> The report to KPC is ragular and it was done on monthly basis</p>		
<b>BP in Gjilan</b>	<p><b>National Coordinator, Laura Pula:</b> In the Office of Anti-Corruption Coordinator it was reported on a monthly regular basis, about the progress of the Action Plan.</p> <p><b>Chief Prosecutor, Jetish Maloku:</b> Every time KPC required to report, BP in Gjilan as other prosecutions, has been willing to report about the implementation of the Action Plan.</p>		
Two preliminary assessment of AP (Article 8. 3 and 8.4 of AP)	<p>1. At the first week of January 2014</p> <p>2. At the first week of April 2014</p>	<u>Kosovo Prosecutorial Council</u>	Koordinatorja nacionale:
Overall assessment of AP (Article 8.5 of AP )	June 302014	<u>Kosovo Prosecutorial Council</u>	
Five experts of SPRK against corruption will assist BPs with the cases foreseen by AP (Article 10. 1 of AP)	<i>During the period of AP implementation</i>	<u>The Experts of SPRK will assist the Chief Prosecutors and the prosecutors of BPs</u>	
<b>BP in Pristina</b>	<p><b>National Coordinator:</b> No one reported at the Office of Anti-Corruption Coordinator, whether experts against corruption were engaged or not.</p> <p><b>Chief Prosecutor, Imer Beka:</b> Experts were engaged in some cases during this reporting period (October, November, December 2014).</p>		
<b>BP in Prizren</b>	<p><b>National Coordinator:</b> No one reported at the Office of Anti-Corruption Coordinator, whether experts against corruption were engaged or not.</p> <p><b>Acting Chief Prosecutor, Metush Biraj:</b> One of SPRK experts was engaged at one case.</p>		

<b>BP in Peja</b>	<b>National Coordinator:</b> No one reported at the Office of Anti-Corruption Coordinator, whether experts against corruption were engaged or not. <b>Chief Prosecutor, Agron Galani:</b> According the information of Chief Prosecutor, during these three months there were several cases of the engagement of SPRK experts.		
<b>BP in Gjakova</b>	<b>National Coordinator:</b> No one reported at the Office of Anti-Corruption Coordinator, whether experts against corruption were engaged or not. <b>Chief Prosecutor, Shpresa Bakija:</b> During this reporting period we did not engage any of SPRK experts.		
<b>BP in Ferizaj</b>	<b>National Coordinator:</b> No one reported at the Office of Anti-Corruption Coordinator, whether experts against corruption were engaged or not. <b>Acting Chief Prosecutor, Rasim Maloku:</b> During the period from October to December 2014, BP in Ferizaj did not engage any of SPRK experts, foreseen by the Action Plan, because there was no need for their assist for corruption cases.		
<b>BP in Mitrovica</b>	<b>National Coordinator:</b> No one reported at the Office of Anti-Corruption Coordinator, whether experts against corruption were engaged or not. <b>Chief Prosecutor, Shyqyri Syla:</b> After September 30, 2014 BP in Mitrovica did not engage such experts. This was because BP in Mitrovica did not need their expertise on their cases, therefore they were not engaged		
<b>BP in Gjilan</b>	<b>National Coordinator:</b> No one reported at the Office of Anti-Corruption Coordinator, whether experts against corruption were engaged or not. <b>Chief Prosecutor, Jetish Maloku:</b> BP in Gjilan did not engage SPRK experts during this reporting period.		
Administrative support is obliged for BP and SPRK ( <i>Article 12 of AP</i> )	<i>During the period of AP implementation</i>	<u>The Secretariat of KPC</u>	National Coordinator: Anti-Corruption National Coordinator Office, but also other prosecutions, have declared that they had the needed support of administrative staff for the implementation of the Action Plan.
Administrative support is obliged for BP and SPRK ( <i>Article 12 of AP</i> )	<i>During the period of AP implementation</i>	<u>The Unit for Prosecution performance review</u>	National Coordinator: Anti-Corruption National Coordinator Office, but also other prosecutions, have declared that they had the needed support of the Unit for Prosecution performance review for the implementation of the Action Plan.
Public communication ( <i>Article 13. Of AP</i> )	<i>Every two weeks</i>	<u>Kosovo Prosecutorial Council</u>	National Coordinator: Anti-Corruption National Coordinator Office has issued only a press release (November 24, 2014) during this reporting period.
Signing of Memorandums of Understanding ( <i>Article 13. 2 of AP</i> )	<i>At the beginning of the implementation of Action Plan</i>	<u>KPC with interested NGOs</u>	KPC has signed a Cooperation Memorandum with KLI for monitoring and assessment of the Action Plan, until December 31, 2014. KLI has made a request for the extension of the Memorandum of Cooperation, while KPC has established a Working Group , consisting of

			Chief State Prosecutor, Sylë Hoxha, Acting Chief Prosecutor of SPRK, Sevdije Morina and the lawyer Teki Bokshi. This Working Group will made a concrete proposal to KPC members, of how this Cooperation Memorandum, between KPC and KLI will continue.
Disciplinary measures for non-implementation of AP	<i>During all of the time</i>	<u>KPC</u>	National Coordinator: The Office of the National Coordinator did not receive any report or information whether some of Chief Prosecutors or KPC have imposed any disciplinary measures against prosecutors or staff, who hindered the implementation of the Action Plan.

## X. COMMENTARY ON LEGAL ACTS

In accordance with the Memorandum of Understanding with KPC, KLI has admitted and analyzed the prosecutorial legal acts for corruption cases (the decisions for dismissal of criminal charges, the decisions for termination of investigations and filed indictments) that includes the period October, November, December 2014. The legal acts were provided by the seven BP's and SPRK, while the procedure of their submission and acceptance by prosecutions to monitors of KLI is made by eliminating all personal data from them. As in previous reports, even for this reporting period (October, November, December 2014), the analysis of these acts by KLI, is focused on making decisions against legal provisions, always maintaining the highest professional standard and by not commenting the discretion of prosecutors and their subjective assessment for the placement of cases.<sup>75</sup>

For this reporting period (October, November, December 2014), KLI has identified cases of statutory limitation of prosecution through prosecutions and cases of non-compliance of legal procedural provisions dealing with the deadline of placement for the cases received in prosecution. KLI has identified 12 corruption cases of criminal prosecution statutory limitation, in which SPRK and BP's, have issued decisions for dismissing criminal charges and terminating investigations because of the criminal prosecution statutory limitation.

<sup>75</sup> Note: KLI respects all legal provisions, professional and ethical standards for the analysis of prosecutorial and judicial acts, and KLI in no way comment on prosecutors' discretion in making decisions. KLI highly appreciates the independence of prosecutors in decision making and in this regard the Institute had a special attention in analyzing legal acts in order to respect the highest professional standards and to not make a perception of interference in decision making. KLI clarifies that the analysis of legal acts is done only to violation of legal provisions but not to subjective assessments by prosecutors in decision making.



Monitoring and analysis of KLI has also identified 12 other cases in which prosecutions have ignored legal provisions by dismissing criminal charges.

## **SPECIAL FINDINGS:**

When analyzing the legal acts of SPRK and basic prosecutions, KLI has identified 12 cases in total that have reached the period for statutory limitation for criminal prosecution, BP in Mitrovica has dismissed criminal charges for 4 cases due to the reaching of the period for statutory limitation. Also SPRK, BP in Ferizaj and BP in Prizren have dismissed criminal charges for one case for same reasons, while BP in Pristina from 5 cases in total of reaching the period for statutory limitation, in 4 cases has dismissed criminal charges, while for one case has terminated the investigations for the same reasons, for the reporting period (October, November, December 2014).

## **I - CASES OF PRESCRIPTION OF CRIMINAL PROSECUTION**

### **BASIC PROSECUTION MITROVICA**

1. Case PP-II. with number 237/2010 on October 7, 2014. Dismissal of the criminal charge. Criminal offense "Abuse of Official Duty or Authority" .<sup>76</sup>

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

2. Case PP-I. with number 148/2011 on December 30, 2014. Dismissal of the criminal charge. Criminal offense "Falsifying Official Documents" .<sup>77</sup>

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

---

<sup>76</sup>Note: According to the ruling of October 7, BP in Mitrovica has dismissed the criminal charge of the Directorate of Investigation of Economic Crimes and Corruption (DIECC) in Mitrovica, for the criminal offense "Abusing Official Position or Authority" under the Article 339 par. 1 of KCPC, because the period of statutory limitation for criminal prosecution has expired.

<sup>77</sup>Note: According to the ruling of December 30, 2014, BP in Mitrovica has dismissed the criminal charge of the Directorate of Investigation of Economic Crimes and Corruption in Mitrovica, for the criminal offense "Falsifying Official Document" under the Article 332 of KCPC because the period of statutory limitation for criminal prosecution has expired.

3. Case PP-II. with number 522/2009 on December 30, 2014. Dismissal of the criminal charge. Criminal offense "Abuse of Official Duty or Authority" .<sup>78</sup>

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Acton Plan..*

4. Case PP-I. with number 205/2012 on October 7, 2014. Dismissal of the criminal charge. Criminal offenses "Fraud", "Abuse of Official Duty or Authority", "Enabling unlawful marriage" .<sup>79</sup>

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

## **BASIC PROSECUTION IN FERIZAJ**

1. Case PP/I with number 232/2014 on November 10, 2014. Dismissal of the criminal charge. Criminal offenses "Fraud", "Abuse of Official Duty", "Falsifying Official Documents" and "Hiding" .<sup>80</sup>

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

## **BASIC PROSECUTION IN PRIZREN**

---

<sup>78</sup> Note: According to the ruling of December 30, 2014, BP in Mitrovica has dismissed the criminal charge of KP, Police Station in Leposaviq of Mitrovica, for the criminal offense "Abusing Official Position or Authority" under the Article 339 par. 1 of KCPC because the period of statutory limitation for criminal prosecution has expired.

<sup>79</sup>Note: According to the ruling of October 7, 2014 BP in Mitrovica has dismissed the criminal charge of KP, DIECC, in Mitrovica, for criminal offenses "Fraud", "Abusing Official Position or Authority", "Enabling unlawful marriage" under the Article 339 par. 1 of KCPC because the period of statutory limitation for criminal prosecution has expired.

<sup>80</sup>According to the ruling of November 10, 2014 BP in Ferizaj has dismissed the criminal charge DIECC in Pristina, for the criminal offenses "Fraud" and "Abusing Official Position or Authority" because the period of statutory limitation for criminal prosecution has expired, and for the criminal offenses " Falsifying Official Document" and "Concealment" because the period of absolute statutory limitation for criminal prosecution has expired.

1. Case PP with number 175/14 on October 21, 2014. Dismissal of the criminal charge. Criminal offenses “Illegal construction works”, “Abuse of Official Duty or Authority” .<sup>81</sup>

*KLI: No special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

## **BASIC PROSECUTION IN PRISTINA**

1. Case PP with number 335/2013 on October 16, 2014. Dismissal of the criminal charge. Criminal offenses “Abuse of Official Duty”, “Falsifying Official Documents, etc” .<sup>82</sup>

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

2. Case PP with number 448-3/2009 on October 13, 2014. Dismissal of the criminal charge. Criminal offense “Abuse of Official Duty or Authority” .<sup>83</sup>

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

3. Case PP with number 927-1/2009 on October 23, 2014. Dismissal of the criminal charge. Criminal offense “Abuse of Official Duty or Authority” .<sup>84</sup>

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

4. Case PP with number 62/2004 on October 28, 2014. Termination of investigations. Criminal offense “Abuse of Official Duty or Authority” .<sup>85</sup>

---

<sup>81</sup> BP in Prizren has ruled under the Article 82 par. 1 point 1.1 and 1.2 of KCPC, through which were dismissed the criminal charge or offense "Illegal construction ", because the period of absolute statutory limitation for criminal prosecution has expired and for the criminal offense "Abusing Official Position or Authority" because there is no reasonable suspicion that such person has committed the offense.

<sup>82</sup> According to ruling of October 16, 2014, BP in Pristina, has dismissed criminal charges for the offenses "Abusing Official Position or Authority", "Falsifying Official Document" etc, because the period of absolute statutory limitation for criminal prosecution has expired.

<sup>83</sup> According to the ruling of October 13, 2014, BP in Pristina, has dismissed the criminal charge for the criminal offense "Abusing Official Position or Authority", because the period of absolute statutory limitation for criminal prosecution has expired.

<sup>84</sup> According to the ruling of October 23, 2014, BP in Pristina has dismissed the criminal charge for the criminal offense "Abusing Official Position or Authority", because the period of absolute statutory limitation for criminal prosecution has expired.

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

5. Case PP with number 1170/2014 on December 9, 2014. Dismissal of the criminal charge. Criminal offense “Abuse of Official Duty or Authority” and “Issuing unlawful judicial decisions” .<sup>86</sup>

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

6. Case PP. I with number 1170/2014 on December 12, 2014.<sup>87</sup> Dismissal of the criminal charge, BP in Pristina. Criminal offenses “Abuse of Official Duty or Authority” and “Issuing unlawful judicial decisions” .<sup>88</sup>

*KLI: Special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

## SPECIAL PROSECUTION OF THE REPUBLIC OF KOSOVO - SPRK

1. Case PP with number 120/2014 on October 27, 2014. Dismissal of the criminal charge. Criminal offenses “Issuing unlawful judicial decisions”, and “Accepting Bribes” .<sup>89</sup>

*KLI: No special report was prepared for this case of prescription for KPC according to the obligations arising from the Action Plan.*

---

<sup>85</sup> According to the ruling of October 28, 2014, BP in Pristina has dismissed the criminal charge for the offense "Abusing Official Position or Authority", because the period of absolute statutory limitation for criminal prosecution has expired.

<sup>86</sup> According to the ruling of December 9, 2014, BP in Pristina, has dismissed criminal charges for criminal offenses of "Abusing Official Position or Authority" and "Issuing Unlawful Judicial Decisions," because the period of absolute statutory limitation for criminal prosecution has expired.

<sup>87</sup> *Vërejtje: Për lëndën e njëjtë, PP. I me numër 1170/2014, PTh në Prishtinë ka nxjerrë dy vendime për parashkrim, mirëpo në data të ndryshme. Derisa njëri vendim i PTh në Prishtinë është i datës 09 dhjetor, vendimi tjetër po për këtë lëndë, për personat e njëjtë të dyshuar për veprat e njëjta penale dhe me të njëjtin arsyetim, është nxjerrë me 12 dhjetor 2014.*

<sup>88</sup> According to the ruling of December 12, 2014, BP in Pristina, has dismissed criminal charges for criminal offenses "Abusing Official Position or Authority" and "Issuing Unlawful Judicial Decision" because the period of absolute statutory limitation for criminal prosecution has expired.

<sup>89</sup> According to the ruling of October 27, 2014, SPRK has dismissed criminal charges for offenses "Issuing Unlawful Judicial Decision" and "Accepting bribes", because the period of absolute statutory limitation for criminal prosecution has expired..

## II – VIOLATION CASES OF LEGAL TERMS FOR PLACEMENT

KLI has also identified cases of non-compliance of the legal deadlines of 30 days, foreseen also in the criminal procedural provisions, when deciding the dismissal of criminal charges. From 12 cases in total identified in SPRK and basic prosecutions for the period October-December 2014 in which was set in opposition with the criminal procedural provisions, in 7 such cases decided the BP in Prizren, SPRK and BP in Gjilan with two cases and BP in Pristina in one case.

Following are presented the cases of dismissing criminal charges contrary to the criminal procedural provisions:

### BASIC PROSECUTION IN PRIZREN

1. Case PP with number 229/2014 on November 14, 2014. Dismissal of the criminal charge. Criminal offense “Abusing Official Duty or Authority” .<sup>90b</sup>

*KLI: Based on such decision it appears that the criminal charge has been accepted in BP in Prizren on August 15, 2014, while the Prosecution has decided on November 14, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, BP in Prizren had issued a decision after almost 3 months after receiving the criminal charge.*

2. Case PP with number 2820/13-II, on December 1, 2014. Dismissal of the criminal charge. Criminal offense “Misappropriation in Office”.

*KLI: Based on such decision it appears that the criminal charge has been accepted in BP in Prizren on November 29, 2014, while the Prosecution has decided on November 1, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, BP in Prizren had issued a decision after more than a year after receiving the criminal charge.*

3. Case PP with number 557/14, on October 7, 2014. Dismissal of the criminal charge. Criminal offense “Falsifying Official Document” .<sup>91</sup>

---

<sup>90</sup> BP in Prizren has issued a ruling based on the Article 82 par. 1 subpar. 1.1 of KCPC, through which was dismissed the criminal charge for criminal offenses on the grounds that there was no reasonable suspicion that such person has committed the offense.

<sup>91</sup> BP in Prizren has issued a ruling based on the Article 82 par. 1 point 1.5 of KCPC through which was dismissed criminal the criminal charge for offenses on the grounds that there was no reasonable suspicion that such person has committed the offense.

*KLI: Based on such decision it appears that the criminal charge has been accepted in BP in Prizren on August 8, 2014, while the Prosecution has decided on October 7, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, BP in Prizren had issued a decision after almost 2 months after receiving the criminal charge.*

4. Case PP with number 331/14 on December 23, 2014. Dismissal of the criminal charge. Criminal offense “Misuse of Economic Authorizations”.

*KLI: Based on such decision it appears that the criminal charge has been accepted in BP in Prizren on November 8, 2014, while the Prosecution has decided on December 23, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, BP in Prizren did not respect the deadline and had issued a decision after more than 45 days after receiving the criminal charge.*

5. Case PP with number 175/14 on October 21, 2014. Dismissal of the criminal charge. Criminal offense “Illegal construction works, Abusing Official Duty or Authority” .<sup>92</sup>

*KLI: Based on decision it appears that the criminal charge has been accepted in BP in Prizren on June 16, 2014, while the Prosecution has decided on October 21, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, BP in Prizren had issued a decision after almost 3 months after receiving the criminal charge.*

6. Case PPN with number 282/14 on December 15, 2014. Dismissal of the criminal charge. Criminal offense “Abusing Official Duty or Authority” .<sup>93</sup>

*KLI: Based on such decision it appears that the criminal charge has been accepted in BP in Prizren on June 17, 2014, while the Prosecution has decided on December 15, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, BP in Prizren had issued a decision after almost 6 months after receiving the criminal charge.*

---

<sup>92</sup> The Basic Prosecution in Prizren has issued a ruling based on the Article 82 par. 1 point 1.1 and 1.2 of KCPC through which was dismissed the criminal charge for the criminal offense "Abusing Official Position or Authority" on the grounds that there is no reasonable suspicion that such person committed the offense, and for the criminal offense "Illegal construction", because the period of absolute statutory limitation for criminal prosecution has expired.

<sup>93</sup> The Basic Prosecution in Prizren has issued a ruling based on the Article 82 par. 1 subpar. 1 point 1.5 of KCPC through which was dismissed the criminal charge for the criminal offense "Abusing Official Position or Authority" on the grounds that there is no reasonable suspicion that such person committed the offense.

7. Case PPN with number 188/14 on December 12, 2014. Dismissal of the criminal charge. Criminal offense "Assault on Constitutional Order of the Republic of Kosovo, Inciting hatred, discord and non-racial enduring, religious, ethnic, violation of the equal status of Kosovo residents and Abusing Official Duty or Authority" .<sup>94</sup>

*KLI: Based on decision it appears that the criminal charge has been accepted in BP in Prizren on May 7, 2014, while the Prosecution has decided on December 12, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, BP in Prizren had issued a decision after almost 6 months after receiving the criminal charge.*

## **BASIC PROSECUTION IN GJILAN**

1. Case PP with number 239/2014, on December 12, 2014. Dismissal of the criminal charge. Criminal offense "Abusing Official Duty or Authority", "Conflict of interest". "Damage to the rights of the other person", "Fraud" and "Illegal usurpation of immovable property" .<sup>95</sup>

*KLI: Based on decision it appears that the criminal charge has been accepted in BP in Gjilan on October 14, 2014, while the Prosecution has decided on December 12, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, BP in Gjilan had issued a decision after almost 2 months after receiving the criminal charge.*

2. Case PP with number 254/2014, on December 31, 2014. Dismissal of the criminal charge. Criminal offense "Abusing Official Duty or Authority", "Conflict of interest", etc. <sup>96</sup>

*KLI: Based on decision it appears that the criminal charge has been accepted in BP in Gjilan on October 3, 2014, while the Prosecution has decided on December 31, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, BP in Gjilan had issued a decision after almost more than 3 months after receiving the criminal charge.*

## **BASIC PROSECUTION IN PRISTINA**

---

<sup>94</sup> The Basic Prosecution in Prizren has issued a ruling based on the Article 82 par. 1, subpar. 1.1 of KCPC through which was dismissed the criminal charge for the criminal offense "Assault on Constitutional Order of the Republic of Kosovo, Inciting hatred, discord and non-racial enduring, religious, ethnic, violation of the equal status of Kosovo Residents and abusing official position or authority" on the grounds that there is no reasonable suspicion that such person committed the offense.

<sup>95</sup> The Basic Prosecution in Gjilan has issued a ruling based on the Article 82 par. 1 subpar. 1.1 of KCPC through which were dismissed criminal charges for criminal offenses "Abusing Official Position or Authority", "Conflict of interest" etc, on the grounds that there is no reasonable suspicion that such person committed the offense.

<sup>96</sup> The Basic Prosecution in Gjilan has issued a ruling based on the Article 82 par. 1 subpar. 1.1 of KCPC through which were dismissed criminal charges for criminal offenses "Abusing Official Position or Authority", "Conflict of interest", "Violation of another person's rights", "Fraud" and "Illegal usurpation of immovable property" on the grounds that there is no reasonable suspicion that such person committed the offense.

1. Case PP with number 113/2014 on October 2, 2014. Dismissal of the criminal charge. Criminal offense “Abusing Official Duty or Authority”, “Fraud” .<sup>97</sup>

*KLI: Based on decision it appears that the criminal charge has been accepted in BP in Pristina on January 23, 2014, while the Prosecution has decided on October 2, 2014. Prosecutin did not respect the procedural provisions in case of their application, in which case had issued a decision after more than 9 motnhs, although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days.*

## **SPECIAL PROSECUTION OF THE REPUBLIC OF KOSOVO**

1. Case PPN with number 117/14 on October 21, 2014. Dismissal of the criminal charge. Criminal offense “Abusing Official Duty or Authority” and “Fraud” .<sup>98</sup>

*KLI:Based on decision it appears that the criminal charge has been accepted in SPRK on February 27, 2014, while the Prosecution has decided on October 21, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, SPRK has issued a decision after almost 9 months after receiving the criminal charge.*

2. Case PPN with number 103/14 on October 9, 2014. of the criminal charge. Criminal offense “Abusing Official Duty”, “Misappropriation in Office”, etc.,<sup>99</sup>

*KLI: Based on decision it appears that the criminal charge has been accepted in SPRK on August 28, 2014, while the Prosecution has decided on October 9, 2014. Although the Criminal Procedure Code of Kosovo for such cases foresees to decide within 30 days from the receiving of the criminal charge, SPRK has issued a decision after this deadline.*

## **XI. RECOMMENDATIONS**

---

<sup>97</sup> Under the Article 82 paragraph 1 subpar. 1.1 of KCPC, BP in Pristina has issued a ruling by which it dismissed criminal charges for such offenses on the grounds that there is no reasonable suspicion that such person committed the offense.

<sup>98</sup> Under the Article 82 paragraph 1 subpar. 1.1 of KCPC, SPRK has issued a ruling by which has dismissed criminal charges for such offenses on the grounds that there is no reasonable suspicion that such person committed the offense.

<sup>99</sup> Under the Article 82 paragraph 1 subpar. 1.1 of KCPC, SPRK has issued a ruling by which has dismissed criminal charges for such offenses on the grounds that there is no reasonable suspicion that such person committed the offense.



Kosovo Law Institute based on the findings during the process of monitoring and assessment of implementation of the Action Plan, as in previous reports issues the following recommendations for Kosovo Prosecutorial Council :

**I - Kosovo Prosecutorial Council should implement the obligations, which has approved in the Action Plan itself, including:**

1. Assessing the performance of the Chief Prosecutors of Basic Prosecutions and SPRK and prosecutors of these prosecutions for the implementation of the Action Plan until in this reporting period.
2. The responsibility of Chief Prosecutors that have not pronounced any disciplinary measures against employees, for whom defalcations were concluded by the Commission in charge of overseeing and verification of the data for corruption cases. The evidenced violations must be sanctioned in order to increase the responsibility of supporting staff to respect the positive legislation and Tracking Mechanism. Otherwise, the violations of the Tracking Mechanism, will continue, as they have in this reporting period.
3. The responsibility of Chief Prosecutors who have not created special reports with justification for each case that has reached the deadline of prescription. The same reports should continue to be prepared separately for each case for KPC.
4. KPC should require greater account from the Chief Prosecutors for non-implementation of legal provisions for sequestration and confiscation of material benefits. The prosecutors in each case when there is legal space shall apply these provisions.
5. KPC should create internal mechanisms to analyze the solution of corruption cases, with a focus on analyzing the dismissed cases of criminal charges and the termination of investigations by the applicants of these acts. In this direction it should be analyzed, especially the cases prescribed by Kosovo Police and ACA because of the large number of dismissal and termination of them. This is the only way to enable the creation of criminal adequate policies in fighting corruption.
6. Basic Prosecutions should treat with priority criminal charges of ACA, related with cases of declaration of assets, during 2015 and they should implement uniform practices.
7. Cases of high-level corruption should be identified at the Special Prosecution and Basic Prosecution, and such cases should be treated with the same priority under the direct supervision of Chief Prosecutors and Chief State Prosecutor.
8. Despite the commitment to re-organize the work in BP of Pristina and its positive results during this reporting period, KPC should continue to provide support in solving problems in BP of Pristina, due to the large number of cases and the type of perpetrators of corruption criminal offenses, in this prosecution.

9. KPC should take urgent steps and very concrete to improve the working conditions for the BP in Mitrovica. Without the insurance of the elementary working conditions, it is hard for the prosecutors and the support staff in this prosecution to prove positive results.
10. KPC should oblige the prosecutions to put the data for corruption cases on daily basis, by updating the data in the Tracking Mechanism to be accessible at any time.
11. KPC should invest in profilization and specialization of prosecutors dealing with corruption cases.
12. Prosecutors should testify self-initiative in initiating corruption cases.

### **1. II - National Coordinator against Corruption should:**

1. Report on regular basis in KPC for all the obstacles that faces during the implementation of the Action Plan.
2. Respect the internal mechanisms of gathering informations from Prosecutors Performance Review Unit, respectively from the database by Tracking Mechanism.
3. Respect the foreseen deadlines in the Action Plan for communication with the public on two weeks regular basis, fulfilling one of the obligations of the plan to keep the public informed, increasing the transparency and being accountable to the public for each prosecution.
4. The progress of implementation of the Action Plan where are included the informations about the status of corruption cases that should be published in two weeks regular basis on the website of the State Prosecutor in order for the public and media to have easy access.

### **III - KPC and ODC should cooperate closely in taking disciplinary measures regarding:**

1. Corruption cases placed in contradiction with the legal provisions (the cases identified by KLI and others)
2. Cases of the prosecutors who for years have not treated at all corruption cases submitted by the applicants