



Kosovo Law Institute

CORRUPTION IN KOSOVO 2:

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

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ABOUT KLI

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

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I. EXECUTIVE SUMMARY

In the framework of the Strategic Plan for inter-institutional cooperation in combating organized crime and corruption, Kosovo Prosecutorial Council, in November 4, 2013, has adopted an Action Plan to Increase Efficiency of Prosecutorial System in Fighting Corruption. For independent monitoring and evaluation of the implementation of this Action Plan, Kosovo Prosecutorial Council (KPC) has entered into a Memorandum of Understanding with Kosovo Law Institute (KLI) on December 27, 2013. As a result, KLI has monitored prosecutorial system in implementation of this plan. In March 2014, KLI published the first report on monitoring and evaluation of implementation of the Action Plan, which was approved by KPC¹. This is the second comprehensive report on implementation of the Action Plan prepared by KLI based on findings, information and resources taken from KPC and State Prosecution Office.

KLI acknowledges adoption of the Action Plan which prioritizes the fight against corruption with concrete actions to solve corruption cases. However, KLI considers that this is not a comprehensive plan to fight corruption, but same as in the first report it assesses the efforts to explain the real situation and to identify problems in the prosecutorial system in terms of solving these cases.

This plan, for the first time reflects the situation in a more inclusive way about recording all unsolved corruption cases and affirmed absolute priority of such cases aiming to oblige prosecutors to increase performance and achieve concrete results in combating corruption². In this regard the performance in solving corruption cases is directly linked with the Chief Prosecutors, who in case of failure to implement the Action Plan will be responsible and disciplinary measures will be taken against them.

The status of unsolved corruption cases in prosecution offices remains almost the same as it was at the beginning of the Action Plan. In beginning of the Action Plan, on November 4, 2013, there were 516 unsolved cases with 1,682 persons involved. At the end of the Action Plan, on June 30, 2014, there were 548 cases unsolved and 1,488 persons. Therefore, there is a small decrease in the number of cases unsolved by means of persons for 12% or 194 persons less than in the beginning. If we analyze the number of cases from November 4, 2013 and the number of cases received during the Action Plan, it shows that prosecutions have had 866 cases with 2307

¹ Note: in Kosovo Prosecutorial Council meeting held on April 25, 2014, the members discussed and approved KLI report "Corruption in Kosovo"; an assessment report on the efficiency of prosecutorial system to implement the Action Plan in fighting corruption, in which, besides findings and assessment it provides concrete recommendations for efficient implementation of action plan and increase the efficiency of prosecutorial system in fighting corruption (see-<http://psh-ks.net/?page=1,8,557>).

² Concrete results achieved in fighting corruption in Kosovo are two basic criteria in which Kosovo is going through visa liberalization process and SAA between Kosovo and EU.

persons involved. From this total number of cases, prosecution offices managed to solve 321 cases with 839 persons or 36% in total. KLI considers that this is a poor performance of prosecutors in solving corruption cases.

To measure the implementation of the Action Plan, KLI has established indicators, based on obligations arising from the Action Plan. KLI decided to measure the performance of the plan, based on corruption cases that have been registered until November 4, 2013. According to this indicator, it turns out that neither half of the action plan is implemented. With the entry into force of the plan on November 4, 2013, prosecutions had 516 cases with 1682 persons. From the date when the action plan was approved until the end of term, June 30, 2014, prosecutors have managed to solve 224 cases with a total of 685 persons or 41%.

From all these solved cases, results that against all persons involved on corruption cases, more than half of them are dismissed from criminal charges. The cases against 379 persons or 55% charges are dismissed, while over 306 persons or 45% of them were filed indictments. The method of solving cases is a good pointer for those who submit criminal charges, some of which must be analyzed by the relevant institutions to assess the quality performance of their work. KLI has given an overview of the prosecutors' decisions of criminal charges submitted by each applicant on this, it is noted that Anti-Corruption Agency as the second largest applicant after the Kosovo Police don't show quality of these acts neither well argued when filing charges. Prosecutors dismissed criminal charges filed by Anti-Corruption Agency for 31 persons or 44% of the cases.

BP in Prishtina remains to be the one who mostly failed to implement the Action Plan; prosecutors managed to solve only 13% of persons or 98 out of 777 persons as they were registered at the beginning of the plan. This is due to the fact that large number of cases were loaded by former District Prosecution in Pristina and former Municipal Prosecution in Pristina as well as due to the small number of prosecutors. Following Pristina, BP in Mitrovica is the second who failed to implement the Action Plan. This prosecution managed to solve only 26% of persons or 36 out of 141 persons registered at the beginning of the plan. Nevertheless, the poor results in BP in Mitrovica are due to well known situation of poor working conditions that prosecutors of Mitrovica face with. SPRK has failed to solve even half of those cases registered at the beginning of the Action Plan. Out of 232 persons as were registered, SPRK has resolved 107 or 46% of persons. It is worth mentioning that the special prosecutors are the most paid prosecutors in Kosovo³. Over half of persons managed to solve BP in Ferizaj, where out of 126 persons, 81 cases are solved or 64% of persons. BP in Gjakova has made some progress in solving corruption cases, where out of 64 persons, 52 or 81% are solved. BP in Prizren has also managed to solve 85% of the persons, or 149 out of 175 persons, BP in Peja has managed to solve 94% or 81 persons out of 86 persons.

³ Note: The prosecutors from Special Prosecution of the Republic of Kosovo besides the base salary receive additionally compensation of 800 Euro based on sensitive or level of risky cases they deal with.

Whereas, BP in Gjilan managed to implement 100% of Action Plan in terms of solving the cases registered up to November 4, 2013, with 23 cases or 81 persons. Based on monitoring of this Action Plan, KLI considers that not all prosecutions treated the corruption cases with absolute priority as it shows on the results achieved presented in this report.

In addition of solving cases, the Anti-Corruption National Coordinator and Chief Prosecutors had a number of obligations under the Action Plan, which are not met. Specific reports on statutory limitations, identification of cases and their division by competences, sign up cases with an absolute priority, implementation of provisions relating to the sequestration and confiscation of assets in criminal cases, the assignment of experts, regular meetings etc, were some of the duties and responsibilities for each Basic Prosecution and SPRK for implementation of the Action Plan.

KLI finds that the obligation defined in Article 3, paragraph 2 of the Action Plan is not fulfilled. Prosecutors dealt with statutory limitation cases, while for the period January-May did not prepare any special report justifying each case to the National Coordinator. From the analysis of legal acts, KLI finds that BP in Ferizaj and SPRK had no statutory limitation cases, but six (6) other basic prosecution had 25 such cases, but neither case provided any justification to KPC.

KLI acknowledges the Office of Disciplinary Prosecutor (ODP), which, based on KLI previous report⁴ on implementation of the Action Plan, has initiated a number of investigations against prosecutors⁵, where KLI reported violations due to negligence in their performance of prosecutorial duties. ODP has also managed to complete investigations of these cases and has found misconduct by prosecutors, and addressed it in accordance with the law to the Disciplinary Commission of KPC⁶.

The obligation to identify cases and divide by competences is fulfilled by all prosecution offices. Regarding not reported cases to the registry of criminal charges (Article 5.2 of the Action Plan) in addition to the problems already identified by the Commission for Monitoring and Verification, Chief Prosecutors stated that they have not more unregistered cases.

⁴ Gashi A. and Musliu B. *“Corruption in Kosovo: Assessment report on prosecutor efficiency in implementation of Action Plan in fighting corruption cases”*. (Pristina: Kosovo Law Institute, March 2014).

⁵ Note: KLI was informed by the Office of Disciplinary Prosecutor for the initiation of disciplinary investigations against a number of prosecutors as reported in KLI report published in March 2-14 for implementation of action plan.

⁶ Note: KLI was informed by the Office of Disciplinary Prosecutor that the disciplinary investigation to one of the prosecutor, has resulted with improper behaviour of this prosecutor. The final report ZPD 2014-207\F-A, will be submitted to Disciplinary Commission of Kosovo Prosecutorial Council for disciplinary procedure. Disciplinary Prosecutor office: 22 July, 2014.

The other obligation in determining the absolute priority of cases and divided by the aspect of the perpetrators (Article 6.3 of the AP) is met by the prosecutors. KLI finds that within the prosecutorial system there is not a unique practice of case division. In all prosecutions offices, there are 42 prosecutors engaged in solving corruption cases. BP in Peja assigns such cases to single prosecutor, while other offices engage all prosecutors from the Serious Crimes Department even some prosecutors from the General Department.

The obligation set out in article 7.3 of the Action Plan on the implementation of the legal provisions relating to the sequestration and confiscation of assets gained through criminal offense is minimally met. Chief Prosecutors of SPRK and BP in Gjilan, claim to have dealt with the major cases of sequestration and confiscation; BP in Peja states that there were two cases of sequestration; BP in Pristina, Ferizaj, Gjakova, claim to not have such cases; whereas the Chief Prosecutors in BP in Mitrovica and Prizren are not aware if they had any cases of sequestration and confiscation. National Coordinator confirmed that she did not receive any information from any prosecutor about the sequestration and confiscation.

The obligation set out in article 7.1 of the Action Plan, on regular meetings between Chief Prosecutors and State Prosecution (SP), Anti-Corruption Agency and other institutions is partly fulfilled. While the KP meetings were held due to the daily job of prosecutors and police officers in investigating corruption cases, no meeting was held with officials of ACA. For a period of eight months after Action Plan was signed, chief prosecutors met only once with ACA in Ohrid, Macedonia to determine contact points between prosecutions and ACA. KLI considers that lack of communication between ACA as the second largest applicant of criminal charges for corruption cases and Chief Prosecutors is one of the reasons of the lack of a proper coordination and the results in solving cases.

The obligation set out in article 8.2 about reporting progress of the Action Plan, KLI finds that this Article is fully implemented because the reporting is done on a regular basis to the National Coordinator.

The obligation set out in article 10.1 to engage five experts from SPRK to help prosecutors to solve corruption cases is partially implemented. Chief Prosecutors in Prizren, Ferizaj and Gjilan claim to have used the help of experts, while BP in Gjakova, Peja and Pristina did not engage experts of SPRK. National Coordinator has not received any official information if prosecutors have engaged experts of SPRK.

The obligation set out in article 13.1 of the Action Plan on communication with public is minimally met. This article obliged National Coordinator to hold regular press conferences every two weeks to inform the public about the implementation of the Action Plan. Out of 16 press conferences intended to be held, only 3 took place and one press release was issued. Anti-Corruption National Coordinator was at the same time National Coordinator for Elections. Due to the fact that Kosovo had local and parliamentary elections during the

Action Plan period, the National Coordinator engagement was apprehended to hold regular press conferences as foreseen in the Action Plan.

After problems with corruption cases data, KPC created a Commission for Monitoring and Verification of corruption cases throughout prosecution offices. Work results of this Commission, revealed a chain of irresponsibilities in prosecutions, who did not respect rules of the Tracking Mechanism for recording corruption cases in the database. Findings and recommendations were adopted by the KPC, which asked the Chief Prosecutors to take disciplinary actions against those responsible. However, no measure is taken in this regard. The chief prosecutors stated that for those employees that violations are identified, the verbal warning was made. KLI expresses concern for this culture of impunity for those responsible for the failures. KLI is also concerned about the Chief Prosecutors who have not executed the decision of the highest institution in prosecutorial system, the Prosecutorial Council, but also expressed concern about the failure of the Prosecutorial Council itself for not executing the decision to penalize the Chief Prosecutors who did not punish their employees for violations identified.

II. INTRODUCTION

Kosovo as the emerged country from the war in 1999, faced many problems in building self-governing institutions, always under international administration of the United Nations through their mission in Kosovo, known as UNMIK. State/public assets were targeted by criminal groups, which sought to acquire it using by any tool and means. In this regard, undoubtedly the largest contributor remains the justice system, which by not conducting duties in a fair and efficient enforcement of the law, has contributed to such an environment with a high level of impunity to crimes and criminals. Obviously a large part of the blame in this regard carry international representatives of the justice system from the time of UNMIK and EULEX now, who have had exclusive competences to prosecute and adjudicate crimes of high profile corruption and organized crime. The rule of law has always remained the most sensitive area in which there were no concrete results from the holders of judicial and prosecutorial functions among the locals, as well as international. Strengthening the rule of law, except as declarative aspect of national or international leaders, remained at the crossroads and along the major processes of state-building, since the declaration of independence, the transfer of responsibilities from internationals to locals until the completion of internationally supervised independence.

Kosovo has made significant progress in legal and strengthening of institutions in fighting corruption and organized crime. Entry into force of the Provisional Criminal Code of Kosovo in 2004⁷ was a great achievement for criminal justice, substantially changing role of State Prosecutor in the prosecution of criminal offenses and offenders. Furthermore in 2013 we have significant progress of the Criminal Code of the Republic of Kosovo, through which was criminalized and was hardened a number of specific actions in order to contribute to combat them⁸. The new Criminal Code has devoted a separate chapter against official corruption offenses and offenses against official duty. Finally, through an instruction has been made classification of offenses which, in the jargon of policymakers are known as “high-level corruption”.⁹ Just because of these actions coming from high level in Kosovo we have on daily basis public

⁷Provisional Criminal Code of Kosovo. 6 July 2003.

⁸ Chapter XXXIV. "Official Corruption and Crimes Against Official Duty". The Criminal Code of Kosovo. July 13, 2012.

⁹Offenses that are considered high-level corruption under instruction issued on November 13, 2013 by the State Prosecutor are: *Entering into contracts, burdened by bribery* (Article 291 para 2), *Unreasonable gift giving* (Article 316) , *Escape of persons deprived of liberty, aggravated by bribes* (Article 405 paragraph 2), *Enable escape of detained, exacerbated by bribes* (Article 406 paragraph 2), *Abusing Official Position or Authority* (Article 422), *Misappropriation in Office* (Article 425), *Fraud in Office* (Article 426), *Unauthorized use of property* (Article 427), *Accepting bribes* (Article 429), *Bribery of foreign public official* (Article 430), *Trading in Influence* (Article 431), *Issuing Unlawful Judicial Decisions* (Article 432), *Illegal Collection and Payment* (Article 435), *Unlawful appropriation of property in case of search or execution of judicial decision* (Article 436). And when applied to one of the conditions specified in paragraph 2.3 and 4; Section 2. *When the subject suspected of committing the offense is: a) the President of Kosovo, b) the President and Members of Parliament of the Assembly, c) The Prime Minister, Deputy Prime Minister / s and ministers of the Government, d) Heads of municipalities, e) judges of the Supreme Court of Kosovo, f) judges of the Court of Appeal, g) State prosecutor, h) Chief Prosecutors, regardless of the value of the offense or benefit gained. Article 3 - Where the person suspected of committing this offense is: a) Deputy Minister of the Government, b) civil servants of the senior management level (Permanent Secretary or equivalent position), c) Employees of ministries and*

charges for high level state officials because of their large assets declared in the Anti-Corruption Agency. In this regard, fighting the property generated through criminal acts, Kosovo adopted in January 2013 Extended Competencies Law on Confiscation of Property Acquired by Criminal Offense.¹⁰ This law was criticized for its content by civil society representatives, who demanded that the law needs to have more advanced content, to facilitate the work of prosecutors in fighting criminal acts through which illegal assets were gained in Kosovo and return these assets in the hands of the state.¹¹

The biggest problems in fighting corruption and organized crime in Kosovo remain in implementing the policy and legal framework. In this regard have influenced many factors, ranging from constant undermining of the justice system, as the international community as well as from two other local governments, which constantly affect the justice system.¹² In Kosovo there is a great lack of coordination of the institution of the State Prosecutor and other agencies of law enforcement.¹³ As a result of poor coordination lacks efficiency and effectiveness in solving corruption cases in fighting crime, the illegal confiscation of assets and what is most important to the loss of trust in the justice system.

One of the biggest problems in the justice system remains the prescription of cases in the court as well as at the prosecution.¹⁴ Prescription of corruption cases, as we can see in this report remains extremely worrying because of lack of coordination and inaction of prosecutorial office holders in solving cases. The report identifies corruption cases pending from 2001 onwards.

institutions public in decision-making or advisory positions; and "Where the benefit of a criminal offense or damage caused as a result of a specific offense of corruption exceeds EUR 500.000.00; Section 4 - A corruption offense will be considered as high-level corruption in any case where the benefit of a criminal offense or damage caused as a result of a specific offense of corruption of exceeding EUR 1.000.000.00. Guidance issued by the prosecutor general of the State, Chief EULEX and the Special Prosecution Kreprokurori on November 13, 2013.2013.

¹⁰Law no. 04 / L-140 for enhanced competencies for the confiscation of property derived crime. Under this law, the prosecutor has the right to require the forfeiture proceedings be initiated if the conditions of Articles 6, 7 and 8 of this law. Prosecutor within 30 days of the judgment has become final seeks confiscation of property while it must provide convincing evidence that the legal conditions are met to seek confiscation of illegally acquired property.

¹¹ "NGOs oppose draft law for confiscation of property ". Radio Free Europe. August 9, 2012 (last accessed July 10, 2014 with http:

www.evropaelire.org/content/article/24671904.html)

¹² European Commission Progress Report for Kosovo in 2013. P.13

¹³ Same as previous.

¹⁴ Note: "From 2001 to 2013, we have a large number of criminal cases which are prescribed (obsolete). The total number of subjects prescribed / outdated in 7 basic court and in 17 branches, in the years 2001 to 2013, was 10.504. In municipal courts, only within the years 2011-12, are prescribed 1,845 criminal cases, and only in 2013, the number of statutory subject in 2230. Just goes Basic Court of Prizren, during 2013, were prescribed 709 criminal cases, in Basic Court of Pristina, the branch in Podujevo, are prescribed 485 criminal cases, and the Basic Court of Pec, Istok branch, are prescribed 172 criminal cases. From a total of 10,504 subjects prescribed during 2001-2013, 31% (3160 cases), belonging to the relative aspect obsolescence; 55% (5,830 cases), belong to the absolute aspects of aging; obsolescence; 55% (5,830 cases), belong to the absolute aspects of aging; and 14% (1,514 cases), belonging to criminal executions, or uncategorized ". Demhasaj A.

Building aspect of policy for the justice system continues to be problematic due to the lack of real data on the existing systemic problems. Statistics continue to be incorrect, remaining challenge for policymakers to develop adequate policies, not being able to rely on the real situation of problems, to address them and to develop recommendations for improving the situation. In this regard nor the statistics presented in the Action Plan were not accurate. Despite creating Tracking Mechanism from Kosovo Prosecutorial Council, unification of statistical data on characteristic offenses, problems have not stopped. The institution of the State Prosecutor has not respected this mechanism and since the beginning of the Action Plan have surfaced drastic discrepancy between the institution of the State Prosecutor about cases of corruption. This situation has created the need to establish a special commission Prosecutorial Council to verify all cases of corruption, which are at work in all prosecutions. Failure to respect Tracking Mechanism by the State Prosecutor and other agencies of law enforcement remains a major concern to build a realistic picture of the state of corruption and developing appropriate policies to combat corruption. In this regard should Tracking Mechanism should be respected maximally to avoid inconsistency between institutions regarding cases of corruption and have avoid flow management corruption cases. Failure to respect this mechanism, obviously has created confusion among the institutions that enforce the law, non-governmental organizations to monitor the fight against corruption and public opinion about the state of corruption cases in Kosovo due to unification of data. Each institution has consistently presented various data corruption contributing to the blurring of the real situation of corruption which officially prosecuted by the State.¹⁵

Combating problems of corruption also presented numerous addresses of the institutions created in order to fight corruption. Aiming results, policymakers have created the mist in creating numerous institutional mechanisms, which have their mandate to prevent and combat corruption. The KLI estimates that this approach of policymakers in Kosovo, has created the opposite effect, creating mechanisms with uncertain mandate and distributing responsibility addresses, thereby not keeping anyone responsible for poor results in fighting corruption.¹⁶

"Monitoring Report: Prescription prescription prosecution and execution of sentences in the first instance courts of the Republic of Kosovo in the years 2001-2013". Arise Organization (Pristina, June 2014)

¹⁵See reports of FOL Movement, "*Corruption Monitor*", *the annual report 2012*, "*Corruption Monitor*", *the first half of 2013 and the Anti-Corruption Statistics platform where data appear different from the ones reported by the Prosecutor's Office state*. (See <http://levizjafol.org/platformatika-statistikave-anti-korrupsion>).

¹⁶*Note:* In Kosovo there are some mechanisms within their mandate dealing with the prevention and combating of corruption. Besides the three main links of the justice system, which deal with the prevention and combating of corruption as police, prosecution and judiciary, are also created other institutions such as the Anti-Corruption Agency, the Special Task Force on Anti-Corruption Special Prosecutor of the Republic of Kosovo, Coordinator National Anti-Corruption Prosecutor State, National Anti-Corruption Council of the Office of President of the Republic of Kosovo, National Coordinator of the Economic Crime and the EULEX mission.

The culture of impunity in Kosovo also remains enormous problem. Results in prosecuting and adjudication of senior officials involved in corruption affairs have been disappointing, and resulted in a loss of trust in the justice system. Impunity of perpetrators of crimes of corruption, undoubtedly affects indirectly the stimulation of committing criminal offenses of corruption. Criminal prosecution and adjudication of corruption in Kosovo remains at low levels, indicating in this way the application of selective justice in the country.

III. METHODOLOGY

KLI in order to compile a comprehensive and analytical report, 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 Understanding 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 the Performance Review Unit of the Prosecutor, the Anti-Corruption National Coordinator and Chief Prosecutors of the seven Basic Prosecutions in Kosovo for corruption offenses¹⁷.

¹⁷The Action Plan for Increasing Efficiency of the Prosecutorial System on 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 term 13 offenses old Criminal Code offenses involving Chapter XXIX (19): Section 339 - "Abusing Official Position or Authority", Article 340 - "Misappropriation of duty", Article 341- "Fraud on duty ", 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 - "The discovery of official secrecy", Article 348 - "Falsifying Official Document", article 349 -"The collection and illegal payments", Article 350 -"The release of a person unlawfully deprived of liberty" as and Article 351 – "Unlawful Appropriation of Property During a Search or Execution of a Court Decision". The Action Plan from the new Penal Code has contained 19 criminal offenses against corruption from the Chapter XXXIV (34) and XXV (25). The criminal offenses from the Chapter XXXIV (34) include: Article 422 - "Abusing Official Position or Authority", Article 423 – "Misusing Official Information", Article 424 – "Conflict of Interest", Article 425 - "Misappropriation of duty", Article 426 - "Fraud on duty ", Article 427 - Unauthorized use of property ", Article 428 - "Accepting Bribes", Article 429-"Giving bribes", Article 430 – "Giving Bribes to Foreign Public Official", Article 431 – "Trading in Influence", Article 432 - "Issuing unlawful judicial decisions", Article 433 - "The discovery of official secrecy", Article 434 - "Falsifying Official Document", Article 435 – "Unlawful Collection and Disbursement", Article 436 - "Unlawful Appropriation of Property During a Search or Execution of a Court Decision", Article 437 – "Non declaration or false declaration of assets, of incomes, gifts, other material benefits or financial liabilities", while th criminal offenses from Chapter XXV (25) include: Article 290 – "Misuse of Economic Authorizations", Article 291 – "Entering into Harmful Contract" and Article 316 "Unjustified Giving of Gifts".

Reports provided by the 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 cases of corruption for which the KLI has provided data from the Performance Review Unit of the Prosecutions.¹⁸ Category on investigation cases which are filed with criminal charges by the applicant or as they are known to the State Prosecution as PP and category of cases for which we are providing information on corruption by the applicants, namely cases that are at the stage of gathering information or as they are known to the State Prosecution as PPN. For these two categories of cases of corruption KLI has collected data on at the start of the Action Plan on November 4, 2013, for the admission of new cases of these categories, to solve them and the method of solving them during reporting period and for the status of cases which are pending at the end of the Action Plan on June 30, 2014. The database was used to identify issues of concern relating to the implementation of the Action Plan mainly for solution, way of solution and unsolved cases of corruption by prosecutors. Through KLI statistics analyzed some aspects which are presented and commented in tables, including all the specifics of corruption cases for each prosecutor, for each applicant in the case of corruption, the seniority of reported cases on corruption and ways 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 in resolving these cases by prosecutors. So the degree of implementation of this plan is based on the solution or unsolved cases of corruption, which have been recorded as unsolved until 2013. On November 4, the KLI has analyzed and presented the resolution of new cases received during the period of November 4, 2013 to the end of the plan on June 30, 2014.

KLI has been continuously monitoring the activities of the Anti-Corruption National Coordinator, acting Chief of Special Prosecution in the Republic of Kosovo and seven Chief Prosecutors of Basic Prosecutions in Kosovo. With all these prosecutorial functions and engaged prosecutors the KLI has conducted in-depth interviews, based on indicators of the Action Plan. The interviews conducted are codified so that issues and information derived from them are included in the report. KLI also monitored meetings of Kosovo Prosecutorial Council regarding the activities and decisions about the Action Plan.

¹⁸ *Note:* National Coordinator has promised to inform the public about the positions of officials against whom corruption cases are solved. Such notifications are made only two press conferences. See the announcement for these cases issued on May 8, 2014: "In relation to persons who prosecutors have indicted, prosecutors inform you that within the period of the action plan (November 4, 2013 until April 30, 2014) filed indictments against: 3 deputies, 12 policemen, two customs officers, 7 lawyers, one mayor, one prosecutors; 1 judge, 4 doctors, 2 municipal directors, three municipal councilors, one private university manager, 5 municipal officials, 12 administration officials, agency officials 9, 6 employee health institutions, 4 tax administration officials, 114 charge / official private companies etc". (see - <http://psh-ks.net/?page=1,8,559>).

Despite all these efforts to have an accurate assessment, objective and comprehensive, KLI in accordance with the Memorandum of Understanding between the KPC and KLI, have submitted to President of KPC the draft version of this report with findings and assessments on the implementation of the Action Plan, to get comments of all Chief Prosecutors, to be included 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 combating corruption, namely the implementation of more efficient and effective Action Plan, KLI has collected and analyzed in detail the relevant local and international documents which relate 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) on November 4, 2014, has started implementation of the Action Plan to Increase the Efficiency of Prosecutorial System for Combating Corruption (hereinafter, the Action Plan). Kosovo Law Institute (hereinafter, KLI) has signed a Memorandum of Understanding¹⁹ with the KPC for external monitoring and evaluation of the implementation of this Action Plan. NID has constantly monitored the activities of the Anti-Corruption National Coordinator, Acting Prosecutor of the Special Prosecution of the Republic of Kosovo and the seven Chief Prosecutors of Kosovo Basic Prosecutions. Monitoring is done through direct visits to the National Coordinator, Chief Prosecutors of Basic Prosecutions, Performance Review Unit of the Prosecutor (hereinafter, PRUP). KLI has continuously received statistics from the National Coordinator and PRUP analyzing all the trends of cases of corruption by prosecutors. KLI to have a real picture of corruption cases which appear officially in all prosecutions in Kosovo, has created a database, through which developed all analyzes regarding the cases of corruption at work²⁰. The Institute estimates that despite a more ambitious plan, the trend of cases pending in the prosecutorial system remains a concern for several reasons. Despite major obligations envisaged Action Plan on direct responsibility and Chief Prosecutors for implementing the Action

¹⁹ Kosovo Prosecutorial Council and the Kosovo Law Institute on December 27, 2013 signed a Memorandum of Understanding *"Regarding the monitoring and evaluation of the implementation of the Action Plan related to increasing the efficiency of Prosecutorial System in Fighting Corruption"*. Kosovo Prosecutorial Council. December 27, 2013.

²⁰*Note:* KLI considers necessary to make this clarification because of numerous uncertainties generated by continuing reports either by the prosecutorial system or various reports about corruption civil society in Kosovo. Therefore, KLI has its analysis based on official data on cases of corruption, which provide prosecutorial system.

Plan, is the resolution of corruption cases, the Institute finds that neither half of the subjects have failed to resolve, or half the obligations Action Plan are not met. Moreover, if you compare the cases pending at the beginning of the entry into force of the Action Plan on November 4, 2013 and the remaining cases pending on June 30, 2014, show that the number of cases increased by 6%, respectively, from 516 cases in 548 cases. Whereas, if you compare the number of outstanding individuals in the early entry into force of the Action Plan and the end of June 30, it turns out that we have a reduction of outstanding individuals for 12%, respectively, of 1,682 persons in 1,488 persons.²¹

	State Prosecutor	November 4, 2013		June 30, 2014	
		Cases	Persons	Cases	Persons
1	SPRK	35	232	41	221
2	Pristina	224	777	346	935
3	Prizren	70	175	27	49
4	Peja	37	86	24	38
5	Gjilan	23	81	7	9
6	Mitrovica	64	141	61	153
7	Ferizaj	37	126	27	56
8	Gjakova	26	64	15	27
9	Total:	516	1682	548	1488

Tabel 1 – Difference of cases and persons in the early entry into force of the Action Plan by November 4, 2013 and end of June 30, 2014

Based on the table above, show that on November 4, 2013 there were less cases and more persons than on June 30, 2014. All prosecutions have managed to reduce the number of unsolved persons with June 30, 2014, with the exception of the Basic Prosecution in Pristina (hereinafter BPP) and Basic Prosecution in Mitrovica (hereinafter BPM). Basic Prosecution in Pristina remains still problematic prosecution regarding solving cases collected over the years. Despite the fact that a large number of subjects in this prosecution, were inherited from former District Prosecution in Pristina and former Municipal Prosecution Pristina. This prosecution

²¹*Note:* The number of cases and persons in cases of corruption may vary, depending on the method of settlement. It happens that in one case (criminal) to be involved 20 persons outstanding at the beginning of the reporting period, while the following solution for persons to be in various ways, including dismissal, termination or indictment against certain persons in the same case. Therefore, the KLI explains that the number of persons in each section matches 99%, while the number of cases may change the above-mentioned reason. To be precise in analyzing the statistics, the Institute has referred cases separately and persons who are registered in the records of the State Prosecutor.

early on November 4, 2013 had worked with 224 or 777 persons, while at the end of June 30, 2014 has increased significantly, with 346 cases remained unsolved or 35% more than at the beginning with 935 persons or 17 % more than at the beginning. Basic Prosecution in Mitrovica's initially had to work on 64 cases with 141 persons, while the bottom 61 cases remained unsolved or 5% less than at the beginning with 153 persons or 9% more than in the beginning. The problem of efficiency of cases pending in Basic Prosecution noted in previous reports of the KLI²², in which it is requested attention and the largest of the Anti-Corruption National Coordinator to influence this prosecution in increasing efficiency. However, these results are evidence that the prosecution has failed to overcome the problems to score better results in solving corruption cases. For more, see the table below shows the trend of unsolved cases and persons for each prosecution and for each month of the entry into force of the Action Plan until June 30, 2014.

PP	Unsolved cases and persons in the beginning of each month	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014
1	SPRK	35	232	33	221	31	200	32	212	34	177	36	197	39	198	40	218
2	Pristina	224	777	224	775	229	794	238	817	255	843	256	841	256	855	307	898
3	Prizren	70	175	65	157	59	146	55	145	62	148	53	132	48	127	36	77
4	Peja	37	86	26	71	18	56	18	56	20	37	22	31	23	33	24	42
5	Gjilan	23	81	23	81	8	36	14	44	12	24	9	12	10	13	8	12
6	Mitrovica	64	141	65	143	63	139	62	139	56	129	57	130	62	142	61	154
7	Ferizaj	37	126	36	125	33	69	36	75	39	81	37	81	37	81	30	61
8	Gjakova	26	64	16	44	17	45	15	27	17	30	21	38	21	39	17	30
9	Total:	516	1682	488	1617	458	1485	470	1515	495	1469	491	1462	496	1488	523	1492

Table 2 – Trend of unsolved cases and persons

²²Gashi A. and Musliu B. "Corruption in Kosovo: Assessment Report on the effectiveness of prosecutorial system in the implementation of the action plan for corruption cases". (Pristina, Kosovo Law Institute, March 2014).

As evident from this table, prosecutors only on corruption cases have huge had a workload, however obligations under the Action Plan have provided their maximum effort to treat them with absolute priority. KLI estimates based on cases solved during the implementation of the Action Plan, show that prosecutors did not take seriously the obligations arising from this plan, have failed to implement this plan.

Workload with the cases of corruption over the years is one of the biggest problems facing the justice system in Kosovo. The biggest complaints of the citizens of the Republic of Kosovo to the address of the justice system are just due to the delay of their cases to be solved, despite the fact that they have been registered for years to justice.

What is worrying about the justice system in Kosovo, obviously is the fact that despite public commitments of highest officials governing the judicial system in Kosovo, and despite the policies and strategies developed and adopted by these institutions, their implementation in practice by judges and prosecutors remain minor.²³ KLI's report presents the worrying facts regarding the non updating of cases of corruption through the prosecution and the court.

During monitoring, KLI has found a large number of corruption cases initiated by submitters of criminal charges dating from 2001, which have not yet been addressed. KLI estimates the fact that in these cases over the years not taken legal action by prosecutors, spreading messages to citizens that fighting corruption passively being pardoned by the prosecutors and indirectly corrupt offenders are stimulated by the system justice.

Commitment and declarative commitments by heads of institutions, which have a mandate to implement the law in Kosovo in fighting corruption have not convinced either Evaluation Committees of the European Commission regarding the fulfillment of criteria for visa liberalization, who estimated that despite some improvements, no concrete results and final court cases concerning the fight against corruption.²⁴ Achieving concrete results in combating organized crime and corruption is the basic criterion that Kosovo must meet to advance towards European integration processes. The degree of implementation of this plan is evidence that Kosovo lacks tangible results in fighting corruption.

²³ Kosovo Progress Report of the European Commission for 2013. p.13.

²⁴ "Second Report of Kosovo's progress in meeting the requirements of the roadmap for visa liberalization". Report from the Commission to the European Parliament and Council p.8. European Commission. Brussels. July 24, 2014.

The key element to ensure the achievement of justice in the country is the credibility of citizens in justice being shared by the judiciary. Reliability of citizens in the justice system remains at a low level,²⁵ due to the non-selection of court cases. KLI through database records created by the KPC has created a mirror for old cases and their treatment by the prosecution system.

In the table below you may notice the cases that have not been solved in the early years of the entry into force of the Action Plan. This is the condition of old cases, ie cases and persons for each prosecutor, which in the report, you can see how many of them have managed to be solved and how many remain unsolved.

Unsolved cases and persons in years	2001		2003		2004		2005		2006		2007		2008		2009		2010		2011		2012		2013		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															2	33	11	65	9	52	8	51	5	31	35	232	
Pristina	1	4	2	10	2	2	1	6	7	19	11	34	20	65	8	10	20	56	20	101	43	128	89	342	224	777	
Prizren														1	2	1	4	2	6	4	16	16	31	46	116	70	175
Peja																					5	10	32	76	37	86	
Gjilan																					3	26	20	55	23	81	
Mitrovica															8	13	4	8	11	19	14	45	27	56	64	141	
Ferizaj					1	4					1	2			2	6	3	6	2	2	6	19	22	87	37	126	
Gjakova																					2	28	24	36	26	64	
Total:	1	4	2	10	3	6	1	6	7	19	12	36	21	67	21	66	40	141	46	190	97	338	265	768	516	1,682	

Table 3 – Trend of unsolved cases and persons among the years

²⁵ "The level of satisfaction with the work of Kosovo's courts has increased by about 21 points percentage since April 2013. The level of satisfaction with the prosecution has increased by about 20 percentage points and has resulted in the amount of 38% (compared with only 18% in April 2013)". "Public Pulse 7" (Pristina: UNDP, June 2014), P.2.

KLI based on numerous reviews of citizens and various state agencies, which are submitters of criminal charges in corruption cases, has created a real picture of their treatment by prosecutors. KLI finds that criticism of the applicants are right and that the prosecution system until the entry into force of the Action Plan has not given proper response to corruption cases, despite the fact that the fight against corruption remains a priority structures of government.²⁶ The following table may notice old cases pending at the beginning of the entry into force of the Action Plan, according to the applicants to criminal charges.

PP TOTAL															
Unsolved persons on early stages (November 4) by the applicants in years		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total:
1	ACA							6	18		26	20	120	151	341
2	TAK										2				2
3	Kosovo Customs				4									9	13
4	EULEX										13	11	1	14	39
5	KPI									1		1	11	17	30
6	KP	4		7	1		11	21	26	27	60	70	143	485	855
7	The Citizen			3						29	21	26	29	31	139
8	The injured party					6	4	7	1	5	12	15	19	65	134
9	The Municipal Administration											2	1	6	9
10	Holder of property				1		4	2	22	3	7		14	3	56
11	Kosovo Forest Authority									1				13	14
12	Prosecutor with self- initiative											42		4	46
13	Financial Intelligence Unit											2			2
14	The unidentified											1		1	2
15	Total:	4		10	6	6	19	36	67	66	141	190	338	799	1,682

Table 14 – Trend of unsolved persons in the beginning according to the applicants in years

²⁶ *Note:* Kosovo has built a number of institutions, which in their mandate in different ways deal with coordination, prevention and combating of corruption in Kosovo. All these state institutions, which have a mandate to enforce the law, have developed strategic documents and action plans to combat corruption. This fact by no means confined to the fight against corruption to succeed as consistently has been a lack of concrete results. In this regard see also assessing "The second report on Kosovo progress in meeting the requirements of the roadmap for visa liberalization". European Commission. Brussels. July 24, 2014.

The table shows that in the prosecutorial system we have yet unsolved cases of corruption for which there were criminal charges in 2001 by the Kosovo Police.

Undoubtedly such outstanding cases prosecutors have directly impacted in loss of trust in the justice system. As seen in all tables, the biggest applicant of criminal charges of corruption cases is Kosovo Police.

After that, the applicant with the highest number of criminal charges remains Anti-Corruption Agency. To illustrate how such cases are handled by prosecutors proved by the fact that precisely ACA in the first year of its functioning, has filed criminal charges in 2007 (see Table 4) and by this stage these cases are not solved. This justifies continuing concerns of ACA that prosecutors are not treating such cases and the same are risking to be prescribed due to the inaction of prosecutors to stop the statute of limitation of cases.

KLI has also provided another overview of corruption cases through the prosecution. In the table below (Table 5) notice that persons who are exercising this number of criminal charges for what offenses are charged these persons. As noted criminal offense expressed within the chapter criminal acts against corruption is " Abusing Official Position or Authority ", followed by " Unlawful Collection and Disbursement", "Falsifying Official Documents", "Misappropriation in Office "etc.

These statistics clearly show that corruption lies mainly in public institutions, in which the exercise of official position and authority, done by abusing official position and authority.

Kosovo police leads the list of applicants to criminal charges for the crime of "Abusing Official Position or Authority", for which offense has criminal charges against 596 persons. Police followed by ACA, which for the same offense has criminal charges against 295 persons.

All these persons to whom are dispose criminal charges for the crime of "Abusing Official Position or Authority" for years have exercised their functions, while cases against them are not handled by prosecutors and remained unresolved. For more see Table 5 below.

PP TOTAL – Unsolved cases in the beginning of Action Plan (November 4, 2013) with applicants and offenses	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	Money Laundering	Disclosing Official Secrets	Misuse of Economic Authorizations	Misusing Official Information	Entering into Harmful Contract	Participation in or Organization of an Organized Criminal Group	Unauthorized use of assets	Unlawful Release of Persons Deprived of Liberty
ACA	341	3	295			39		1	1		2								
KP	855		596	143	14	25	13	8	6	33	2	1		7	1	4		1	1
KPI	30		16			2	7			4			1						
The injured party	134		117		1	2	2		2	7			1	2					
Kosovo Tax Administration	2		2																
Kosovo Forest Authority	14		14																
Kosovo Customs	13		4											4			5		
Prosecutor with self- initiative	46		45					1											
The Citizen	139		131		1			1	1		1			2			2		
Holder of property	56		48					2		6									
Municipal Administration	9		8			1													
EULEX	39		21		6		3				3			6					
Financial Intellegence	2											2							
Unidentified	2		2																
Total:	1,682	3	1,299	143	22	69	25	13	10	50	8	3	2	21	1	4	7	1	1

Table 5 –Trend of unsolved persons in the beginning with the applicant and the offense

b. TREND OF RECEIVED UNSOLVED CASES DURING ACTION PLAN

From the entry into force of the Action Plan by November 4, 2013 until June 30, 2014 prosecutors are overloaded constantly with new cases of corruption. SPRK along with seven Basic Prosecutions for this period have worked with 360 new cases or 625 persons. Because of the concentration of all public central institutions in the capital, Basic Prosecution has received the most new cases of corruption in total 173 cases with 287 persons. After it is the Special Prosecution, which has worked with 20 new cases or 90 persons, followed by the Basic Prosecution in Prizren with 37 new cases or 61 persons, Basic Prosecution in Peja with 37 new cases or 60 persons and Basic Prosecution in Gjakova for this period has received the less corruption cases a total of 15 new cases or 26 persons. For more see Table 6 for the cases received by each prosecutor for each month from the entry into force of the Action Plan until June 30, 2014.

PP Cases and persons received each month		Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
1	SPRK	2	8			2	18	3	6	4	22	6	17	1	1	2	18	20	90
2	Pristina	3	4	9	28	13	29	19	32	15	24	9	30	56	68	49	72	173	287
3	Prizren	3	3	4	6	3	8	12	17	3	9	5	7	4	7	3	4	37	61
4	Peja	3	5	8	13	4	4	4	12	8	8	4	7	3	6	3	5	37	60
5	Gjilan	4	4	4	5	7	9	4	6	2	2	2	3	2	3	2	2	27	34
6	Mitrovica	2	3			3	4	4	7	1	1	7	17			3	3	20	35
7	Ferizaj	2	2	3	4	4	8	5	8	2	4	2	2	1	2	2	2	21	32
8	Gjakova			4	7	2	3	2	3	4	8	2	4	1	1			15	26
9	Total:	19	29	32	63	38	83	53	91	39	78	37	87	68	88	64	106	350	625

Table 6 – Cases and persons received for each month (the period November 4, 2013 to June 30, 2014)

KLI has paid special attention to a detailed presentation of corruption cases in order to understand more accurately the activity of all stakeholders on reporting such cases to the prosecutor. In the table below (Table 7) you can see the applicant's criminal investigation of corruption for each month. Even during the Action Plan the Kosovo Police still remains the biggest applicant of criminal charges for such cases, where for this period of eight months have filed criminal charges against 297 persons, followed by ACA with criminal charges against 178 persons. In this period it is worth noting that the injured parties have exercised criminal charges against 56 persons, while active were the citizens who have exercised criminal charges against 42 persons. For more see Table 7.

PP Cases and persons received by the applicants (the period from November 4, 2013 until June 30, 2014)		Cases in Nov 2013	Persons in Nov 2013	Cases in Dec 2013	Persons in Dec 2013	Cases in Jan 2014	Persons in Jan 2014	Cases in Feb 2014	Persons in Feb 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
		1	ACA	4	9	8	15	16	23	19	19	6	14	5	9	48	49	40	40
2	KP	9	11	20	41	15	46	20	40	25	49	22	59	11	19	13	32	135	297
3	KPI	3	5	2	3	1	4	5	6	3	3	1	2			2	3	17	26
4	Kosovo Customs					1	1							1	1			2	2
5	Municipal Administration	1	1					1	1	1	1							3	3
6	EULEX	1	2															1	2
7	Holder of property					3	5	1	1			1	1	1	2	1	1	7	10
8	The Citizen			1	3			3	14	1	4	3	5	1	4	1	12	10	42
9	Prosecutor with self-initiative	1	1					1	3	1	1			1	1			4	6
10	Accepted by competence											1	1			2	2	3	3
11	The injured party			1	1	2	4	3	7	2	6	4	10	5	12	5	16	22	56
12	Total:	19	29	32	63	38	83	53	91	39	78	37	87	68	88	64	106	350	625

Table 7 – Trend of cases and persons received by the applicants for each month

New applicants on criminal charges of corruption against persons again have filed criminal charges mostly for the offense of the crime "Abusing Official Position or Authority". Besides this offense characteristic has been a new criminal offense of corruption, which entered into force with the new Criminal Code, the offense of "Non declarations or false declarations of assets ,of incomes, gifts, and other material benefit or financial liabilities ". For this offense ACA has filed criminal charges against 134 persons, who were senior state officials and who were obliged by law to declare their assets. For more see Table 8.

PP - Persons received by the applicants and offenses (the period from November 4, 2013 until June 30, 2014)		Persons	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	Disclosing Official Secrets	Misuse of Economic Authorizations	Conflict of interest	Unauthorized use of assets	Entering into Harmful Contract	Import, export of weapons
1	ACA	178	132	34			6			1		5						
2	KP	297		223	5	14	8	9	3	14	7	2	4	3	1		1	3
3	The injured party	56		47			6				1	2						
4	KPI	26		12		1		6			1	3	1			2		
5	Kosovo Customs	2		1		1												
6	EULEX	2											2					
7	Prosecutor with self-initiative	6		5										1				
8	The Citizen	42		42														
9	Holder of property	10		8							1			1				
10	Municipal administration	3		2							1							
11	Accepted by competence	3	2								1							
12	Total:	625	134	374	5	16	20	15	3	15	12	12	7	5	1	2	1	3

Table 8–Persons received by the applicants and offenses

c. TREND OF SOLVED CASES

From the entry into force of the Action Plan by November 4, 2013 until the end of June 30, 2014 prosecutors have managed to solve a total of 321 cases with 839 persons for corruption offenses. These includes unsolved cases at the beginning of the Action Plan by November 4, 2013 as well as new cases received by this date to June 30, 2014. As noted in the table below, the largest number of cases solved by prosecutors is marked in December 2013, February, May and June 2014, in November 2013, in the first month of the entry into force of the Action Plan number of persons solved was not huge, a total of 91, compared with December where are solved cases against 195 persons. KLI estimates that the priority of solution on corruption cases by prosecutors strongly is influenced from the obligation created by Prosecutorial Council through the Action Plan. Statistics prove another element to solving cases and persons in June, as the deadline for solving cases and persons due to the completion of the Action Plan. For more see Table 9 below.

PP Cases and persons solved during the period from November 4, 2013 until June 30, 2014		November 2013		December 2013		January 2014		February 2014		March 2014		April 2014		May 2014		June 2014		Cases in total	Persons in total
		Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
1	SPRK	4	19	2	21	1	6	3	41	2	2	4	16			2	15	18	120
2	Pristina	3	6	4	9	4	6	2	6	14	26	9	16	3	19	10	35	49	123
3	Prizren	8	21	10	17	7	9	5	14	12	25	11	12	14	54	12	32	79	184
4	Peja	14	17	16	28	4	4	2	31	6	14	3	5	2	2	3	9	50	110
5	Gjilan	4	4	19	50	1	1	6	26	5	14	1	2	3	4	3	5	42	106
6	Mitrovica	1	1	2	4	4	4	10	17			2	5	1	4	3	4	23	39
7	Ferizaj	3	3	7	60	1	2	2	2	4	4	2	2	6	15	5	7	30	95
8	Gjakova	11	20	4	6	5	21					2	3	5	9	3	3	30	62
9	Total:	48	91	64	195	27	53	30	137	43	85	34	61	34	107	41	110	321	839

**Table 9 - Trend of solved cases and persons the entry into force of the Plan of Action
(the period from November 4, 2013 until June 30, 2014)**

d. METHOD OF SOLVING CASES

A crucial aspect of the analysis is dedicated to the method of solving cases of corruption by prosecutors. In the table below you may notice methods used to solve cases by each prosecutor. Out of 839 persons to whom criminal charges have been solved more than half of them are dismissed or terminated by prosecutors, while less than half have been indicted. As noted to 839 persons are 183 persons or 22% persons against whom criminal charges were dismissed and to 273 or 33% persons against whom investigations have been terminated, so the total is over 54% of persons against whom prosecutors have not found elements to prosecute. Whereas, there were 383 or 46% of the persons against whom charges have been filed involving the imposition of punitive orders, establishing direct indictments and indictments after investigation.

Out of 839 persons are 41 persons or 5% of them to whom are imposed punitive orders, to 51 or 61% of persons against whom are filed direct indictment and to 291 or 35% of the persons against whom are filed indictments after investigations. So, as it turns out from these statistics, prosecutors in solving these cases freed persons from criminal responsibilities than they have managed to accuse. KLI estimates that statistical analysis show that a huge number of persons against whom criminal charges have been filed, have been held hostage for years as a result of the negligence of the prosecutorial system to solve their cases. More than half of those held hostage, turns out to have been innocent and unjustly kept in the records of the prosecutorial system as persons against whom criminal charges are initiated. The same applies to persons to whom are filed indictments. The same deserve cases to be solved in a reasonable time.

By this, KLI considers that prosecutors while treating these cases have not acted in accordance with the duties and responsibilities arising from the Law on State Prosecutor, no legal provisions, which among other prosecutors determined that while exercising prosecutorial work must be independent, fair, objective, impartial and ensure that all persons are treated equally before the law, and should implement the highest standards of care in the performance of official functions and protection of legal rights of witnesses and suspects.²⁷ State prosecutors with their actions highlighted above are not affected in combating corruption in Kosovo and therefore in the public perception in Kosovo fighting corruption selectively. For more details see table 10.

²⁷Chapter III. "The duties and powers of the State Prosecutor", "Article 7 - Duties and powers of prosecutors". Law No. 03 / L-255 on State Prosecutor. Kosovo Assembly. October 29, 2014.

State Prosecutor	Cases	Persons	Dismissal	Termination	Punitive orders	Direct indictments	Indictments after investigation
SPRK	18	121	14	86		1	20
Pristina	54	123	24	26	3	7	63
Prizren	79	184	49	52		6	77
Peja	50	110	22	55		9	24
Gjilan	41	105	21	35		20	29
Mitrovica	23	39	31			3	5
Ferizaj	30	95	14	9	38	5	29
Gjakova	30	62	8	10			44
Total:	325	839	183	273	41	51	291

Table 10 – Method of solving cases according to prosecutions

KLI assesses the applicant initiating various cases of criminal investigation of corruption to combat this phenomenon. However, filing of criminal charges should be based because the initiation of criminal cases creates serious problems for persons who may be subject to investigation. KLI estimates that the seriousness and professionalism should be raised especially by the applicants with the greatest number of criminal charges in corruption cases, respectively Kosovo Police and the Anti-Corruption Agency.

In the table below you notice that prosecutors for criminal charges filed by both these institutions have dismissed and terminated almost half of the cases. Out of the 113 persons to whom the Anti-Corruption Agency filed criminal charges, prosecutors have dismissed and terminated cases against 66 persons or 58%, while punitive orders, direct indictment and indictment after investigation were imposed against 47 or 42% of persons .

Prosecutors out of 521 persons to whom the Kosovo Police has filed criminal charges, have dismissed criminal charges against 82 or 16% persons and have terminated cases to 156 or 30% persons, while punitive orders, direct indictment and the indictment after investigations were imposed for 283 or 54% of persons. 73 or 96% of persons in order to whom the citizens have filed criminal charges were dismissed and terminated after investigations by prosecutors, while only 3 or 4% of persons have been indicted. For more details see table 11.

PP Method of solving cases according to the applicants (from November 4, 2013 to June 30, 2014)		Cases	Persons	Dismissal	Termination	Punitive order	Direct indictment	Indictment after investigation
1	ACA	53	113	38	28	3	10	34
2	KP	175	521	82	156	36	37	210
3	KPI	19	25	2	5	2	1	15
4	Municipal administration	6	9	2	3		2	2
5	Kosovo Customs	1	1					1
6	Kosovo Forest Authority	11	11		11			
7	Prosecutor with self-initiative	1	1	1				
8	EULEX	2	7					7
9	Financial Intelligence	1	2		2			
10	The Citizen	17	75	23	49			3
11	The injured party	33	63	31	19		1	12
12	Holder of property	7	11	5				6
13	Total:	326	839	184	273	41	51	290

Table 11 – Method of solving cases and persons according to the applicants (the period from November 4, 2013 until June 30, 2014)

Out of 839 solved persons, the largest number of persons to whom cases have been solved are for the offense of "Abusing Official Position or Authority", ie 586 persons or 70% of the total. In Table 12, are presented the applicants according solved persons and offenses.

PP – Solved persons according to criminal offenses (from November 4, 2013 to June 30, 2014)																				
	Abusing Official Position or Authority	Accepting bribes	Giving Bribes	Trading in Influence	Misuse of Economic Authorizations	Falsifying Official Document	Prohibited Trade	Issuing Unlawful Judicial Decisions	Disclosing Official Secrets	Non declaration of assets	Unlawful Collection and Disbursement	Misappropriation in Office	Fraud in Office	Money Laundering	Misusing Official Information	Entering into Harmful Contract	Unlawful Release of Persons Deprived of Liberty	Participation in or Organization of an Organized Criminal Group	Unauthorized use of assets	Total:
ACA	55					29				28			1							113
KP	362	13	23	1	5	11	3	1			87	9	3	1	1	1	1			522
KPI	10	7	1	2		1			2										2	25
Municipal administration	7					2														9
Kosovo Customs	1																			1
Kosovo Forest Authority	11																			11
Prosecutor with self-initiative	1																			1
EULEX	2			3					2											7
Financial Intellegence														2						2
The Citizen	72							1											2	75
The injured party	57	1				2		1	1											62
Holder of property	8											3								11
Total:	586	21	24	6	5	45	3	3	5	28	87	12	4	3	1	1	1	2	2	839

Table 12 - Persons solved according to the applicants and offenses (from November 4, 2013 to June 30, 2014)

e. IMPLEMENTATION OF ACTION PLAN FOR CASES REGISTERED UNTIL NOVEMBER 4, 2013

With the entry into force of the Action Plan deadlines when the assessment of the implementation of this plan was envisaged. The Plan provides that the date June 30, 2014 is the deadline for assessment of overall implementation of the Action Plan.²⁸ KLI for monitoring and evaluating the implementation of this plan, has set an indicator, which is based on the obligations arising from the Action Plan. To see the progress in the implementation of this plan, KLI has decided to measure the solved cases of corruption, which have been recorded until 2013. On November 4, KLI estimates that these cases prosecutors had to deal with priority absolute as defined in the Action Plan,²⁹ aiming to solve old cases, which have been collected over the years in the drawers of the prosecution. Therefore, KLI explains that the progress of implementation of the Action Plan is based on the solution of cases registered until November 4, 2013. In the following section of the report cases received and solved by prosecutors will be analyzed, but the percentage of implementation this plan will be based on the solved cases which were recorded until the day of entry into force of this plan.

KLI considers that half the Action Plan is not implemented, based on the solved cases and persons. With the entry into force of the Action Plan on November 4, 2013, prosecutors have had to work with 516 unsolved cases or 1,682 persons. From effective date of the plan by the end of the period to June 30, 2014, prosecutors have managed to solve 224 cases A total of 685 persons or 41%. The Prosecution failed to implement the Action Plan remains Basic Prosecution in Pristina, which has managed to solve only 13% of 777 persons or 98 persons, who were registered at the beginning of the plan. For these poor results were affected by the insufficient number of prosecutors to solve cases.³⁰ After Pristina, follows Basic Prosecution in Mitrovica, which has managed to solve only 26% of persons or 36 of 141 persons who have been registered at the beginning of the plan. However, for these poor results in Basic Prosecution in Mitrovica objective reasons affected working conditions. Special Prosecution has failed to solve even half of those registered at the beginning of the Action Plan. Out of 232 persons SPRK has solved 107 or 46% of persons. Over half of persons has managed to solve Basic Prosecution in Ferizaj, which for 126 persons has solved 81 or 64% of persons. Basic Prosecution in Gjakova has made some progress in solving cases from 64 persons has managed to solve 52 or 81% of them. Basic Prosecution in Prizren has also managed to solve 85% of persons, by solving 149 of 175 from the early work of the Action Plan. Basic Prosecution in Peja has managed to solve 94% persons or 81 of 86 persons as it had at the beginning of the plan. While the prosecution which has managed to

²⁸ Section 8, "Deadlines", paragraph 5 - "On June 30, 2014, Prosecutorial Council will evaluate the overall on the implementation of this plan." *Action Plan for Increasing Efficiency of Prosecutorial System in Fighting Corruption*. Prosecutorial Council, Kosovo. November 4, 2013.

²⁹ Section 4, "Giving priority to cases", *Action Plan to increase the efficiency of Prosecutorial System in Fighting Corruption*. Prosecutorial Council, Kosovo. November 4, 2013.

³⁰KLI interview with Imer Beka, the Chief Prosecutor in Basic Prosecution of Pristina. June 2014.

implement 100% Action Plan regarding the solution of cases registered until November 4, 2013 is Basic Prosecution in Gjilan which has solved all cases, namely 23 cases with 81 persons. For more details see table 13.

PP Solved cases and persons registered until November 4, 2013	Cases	Persons	Persons in percentage	Dismissal	Persons in percentage	Termination	Persons in percentage	Punitive orders	Persons in percentage	Direct indictment	Persons in percentage	Indictment after investigation	Persons in percentage
SPRK	13	107	46%	9	8%	80	75%					18	17%
Pristina	39	98	13%	24	24%	19	19%			6	6%	49	50%
Prizren	56	149	85%	37	25%	46	31%			3	2%	63	42%
Peja	31	81	94%	6	7%	54	67%					21	26%
Gjilan	23	81	100%	18	22%	27	33%			20	25%	16	20%
Mitrovica	20	36	26%	30	83%					1	3%	5	14%
Ferizaj	20	81	64%	13	16%	5	6%	35	5%	1	1%	27	33%
Gjakova	22	52	81%	7	13%	4	8%					41	79%
Total:	224	685	41%	144	21%	235	34%	35	5%	31	5%	240	35%

Table 13 – Method of solved cases and persons that have been registered up to November 4, 2013 for each prosecution

As seen in the table above about the method of solution of cases and persons registered in the Action Plan until November 4, 2013, shows that more than half of persons of cases of corruption were dismissed or terminated, than indicted. To 379 persons or 55% of those who have been solved criminal charges were dismissed or terminated, whereas 306 persons or 45% of them are indicted. Basic Prosecution in Mitrovica for 30 persons or 83% of them have dismissed criminal charges, while SPRK have terminated cases to 80 persons or 75%. Basic Prosecution in Gjakova has charged 41 persons or 79% of those to solve the cases.

Method of solving the cases is a good indicator for the applicants of criminal charges, some of whom have analyzed the relevant institutions to assess the performance of the quality of their work. KLI has given an overview of the decisions of prosecutors for criminal charges filed by each applicant.

In this regard, based on the number of decisions on dismissed or terminated corruption cases by prosecutors noticed that ACA as the second largest applicant after KP of criminal cases of corruption, had problems with the quality of these acts or arguments or the decision of prosecutors in connection with these cases. Prosecutors have dismissed criminal charges of AKM for 31 persons or 44% of solved cases. For more see Table 14 on the method to solve the persons according to criminal charges by applicants.

PP – Method of solving the cases registered until November 4, 2013	Cases	Persons	Persons in percentage	Dismissal	Persons in percentage	Termination	Persons in percentage	Punitive orders	Persons in percentage	Direct indictment	Persons in percentage	Indictment after investigation	Persons in percentage
ACA	21	71	21%	31	44%	18	25%			5	7%	17	24%
KP	126	448	52%	67	15%	130	29%	35	8%	24	5%	192	43%
KPI	11	12	40%	3	25%	3	25%					6	50%
Municipal administration	5	8	89%	2	25%	3	38%			1	13%	2	25%
Kosovo Forest Authority	11	11	79%			11	100%						
EULEX	1	5	13%									5	100%
Financial Intelligence	1	2	100%			2	100%						
The Citizen	15	65	47%	13	20%	49	75%					3	5%
The injured party	27	53	40%	24	45%	18	34%			1	2%	10	19%
Holder of property	6	10	18%	5	50%							5	50%
Total:	224	685	41%	145	21%	234	34%	35	5%	31	31%	240	35%

Table 14 - Method of cases and persons registered until November 4, 2013

In the continuation KLI has presented solving old cases over the years, which have been a work in all prosecutions. KLI has given an overview of the solving of persons for each applicant. The main complaints of all stakeholders are addressed to old unsolved cases over the years and in this regard ACA is one of the applicants in the prosecutorial system who was constantly criticized for not handling corruption cases. In the table below you will notice the priority that have undertaken prosecutors to solve old cases, for all applicants of criminal charges. As you may notice prosecutors solved old cases of 2001, but still remain unsolved old cases of 2003. For more see Table 15.

PP – Solved persons who were registered until November 4, 2013	2001	Persons in (%)	2003	Persons in (%)	2004	Persons in (%)	2005	Persons in (%)	2006	Persons in (%)	2007	Persons in (%)	2008	Persons in (%)	2009	Persons in (%)	2010	Persons in (%)	2011	Persons in (%)	2012	Persons in (%)	2013	Persons in (%)
ACA																	5	19%	1	100%	19	16%	46	30%
KP	4	100%			1	100%			2	18%	5	24%	2	8%	19	70%	27	45%	40	57%	99	69%	247	51%
KPI													1	100%	1	100%	1	100%	1	100%	1	9%	9	53%
Municipal Administration																			1	50%	1	100%	6	100%
Kosovo Forest Authority																							11	85%
EULEX																							5	36%
Financial Intellegence																			2	100%				
The Citizen			2	67%											27	93%	11	18%	1	4%	13	45%	11	35%
The injured party							6	100%	4	100%							2	10%	10	67%	12	63%	19	29%
Holder of property													4	18%	2	67%	2	29%					2	67%
Total:	4	100%	2	20%	1	17%	6		6	32%	5	14%	7	10%	49	74%	48	34%	56	29%	145	43%	356	45%

Table 15 – Solved persons according the old years registered until November 4, 2013

"Abusing Official Position or Authority" is the most expressed criminal offense under the criminal acts of corruption. As noted in the table below, of the 685 persons of cases solved, it turns out that for 505 of them have been filed criminal charges for this offense. For more details see table 16 about solved persons according to the applicants registered criminal cases until November 4, 2013.

PP –Solved persons according to criminal offenses registered until November 4, 2013	Abusing Official Position or Authority	Accepting Bribes	Giving Bribes	Trading in Influence	Misuse of Economic Authorizations	Falsifying Official Document	Prohibited trade	Issuing Unlawful Judicial Decisions	Disclosing Official Secrets	Non declaration of assets	Unlawful Collection and Disbursement	Misappropriation in Office	Fraud in Office	Money Laundering	Misusing Official Information	Unlawful Release of Persons Deprived of Liberty	Participation in or Organization of an Organized Criminal Group	Total:
ACA	48					20				2			1					71
KP	315	9	11	1	5	10	3	1			83	4	3	1	1	1		448
KPI	5	5				1			1									12
Municipal Administration	6					2												8
Kosovo Forest Authority	11																	11
EULEX	2			3														5
Financial Intellegence														2				2
The Citizen	62							1									2	65
The injured party	48	1				2		1	1									53
Holder of property	8											2						10
Total:	505	15	11	4	5	35	3	3	2	2	83	6	4	3	1	1	2	685

Table 16 – Solved persons according to the applicants and criminal offenses registered until November 4, 2013

f. NEW CASES RECEIVED AND THE METHOD OF SOLVING

Prosecutors overloaded to solve the cases of corruption except cases that were loaded in years have continuously received new cases of corruption³¹. During the same period new cases that were received prosecutors except old cases have managed to solve also a small number of new cases. From 625 persons received from November 4, 2013 until June 30, 2014 prosecutors have managed to solve only 154 persons or 25% of them. Basic Prosecution in Gjilan has managed to show good results in solving new cases where out of 34 persons received solved 24 or 71% of them. Following Gjilan, Basic Prosecution in Prizren from 61 persons received have solved 35 or 57 % of them. While Basic Prosecution in Pristina and Mitrovica have shown poor results on solving new cases, where both of them have managed to solve only 9% of persons received. Furthermore see table 17 and the methods used to solve new cases of each prosecution.

PP Received cases and the method of solving them	Cases	Persons	Dismissal	Termination	Punitive orden	Direct indictment	Indictment after investigation
SPRK	5	14	5	6		1	2
Pristina	15	25		7	3	1	14
Prizren	23	35	12	6		3	14
Peja	19	29	16	1		9	3
Gjilan	18	24	3	8			13
Mitrovica	3	3	1			2	
Ferizaj	10	14	1	4	3	4	2
Gjakova	8	10	1	6			3
Total:	101	154	39	38	6	20	51

Table 17 – New solved cases during the period of November 4, 2013 until June 30, 2014

³¹ See new cases received in Table 6 - Cases and persons received for each month (the period November 4, 2013 to June 30, 2014). P.21.

In the table below you notice persons received and solved from November 4, 2013 to June 30, 2014 for the offense "Abusing Official Position or Authority" which remain also the largest number of persons to be solved. For more see Table 18.

PP Received and solved persons according to criminal offenses	Abusing Official Position or Authority	Accepting Bribes	Giving Bribed	Trading in Influence	Falsifying Official Documents	Disclosing Official Secrets	Non Declaration of assets	Unlawful Collection and Disbursement	Misappropriation in Office	Entering into Harmful Contract	Unauthorized use of Property	Total:
ACA	7				9		26					42
KP	47	4	12		1			4	5	1		74
KPI	5	2	1	2		1					2	13
Municipal Administration	1											1
Kosovo Customs	1											1
Kosovo Forest Authority												
Prosecutor with self- initiative	1											1
EULEX						2						2
Financial Intellegence												
The Citizen	10											10
The injured party	9											9
Holder of property									1			1
Total:	81	6	13	2	10	3	26	4	6	1	2	154

Table 18 –Received and solved persons according to criminal offenses and the applicants

g. UNSOLVED CASES AT THE END OF THE ACTION PLAN

To have a clear picture of old corruption cases, KLI has shown in the table below, cases and persons for each prosecution, for each year. In this way the prosecutorial system actors have a clear understanding of problematic issues and the risk of prescription of these unsolved cases over the years. KLI considers that the condition of these old unsolved cases is extremely worrying, who still remain unsolved cases of 2003. Furthermore, cases inherited from previous years starting from 2003, have direct impact on the quality and efficiency of the work of prosecutors. KLI considers that prosecutors find very difficult to defend their cases in court for offenses which were allegedly committed years ago from 2003, given the long time elapsed since the commission of the offense, as well as providing credibility of witnesses and their statements regarding these cases. For more details see table 19..

PP- Unsolved cases and persons in June 30, 2014	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
SPRK													8	31	5	27	7	38	5	31	16	95	41	221
Pristina	2	8	1	1	5	13	9	30	18	60	7	8	17	49	19	99	36	102	86	341	146	225	346	935
Prizren											1	4	1	1	1	1	5	7	5	7	14	29	27	49
Peja																	1	3	10	15	13	20	24	38
Gjilan																					7	9	7	9
Mitrovica											3	4	3	7	4	4	12	40	23	68	16	30	61	153
Ferizaj			1	4			1	2			1	1	2	4			1	4	14	32	7	9	27	56
Gjakova			1	1													1	1	7	12	6	13	15	27
Total:	2	8	3	6	5	13	10	32	18	60	12	17	31	92	29	131	63	195	150	506	225	430	548	1,488

Table 19 - Cases and persons remaining unsolved at the end of the Action Plan by June 30, 2014

The applicants of criminal charges who continually addressed criticism of prosecutorial system for not solving old cases, based on statistics reported for unsolved cases at the end of the Action Plan, turns out that they were right for their concerns. KLI considers that it directly affects the loss of trust in the institution of the State Prosecutor, generally in the justice system and not reporting cases of corruption by them. To see more clearly the situation of persons who have remained unsolved by the applicants and years, see table 20.

PP Persons remained unsolved by June 30, 2014 according to the applicants and years		2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total:
1	ACA					6	16		21	19	101	111	130	404
2	TAK								2					2
3	Kosovo Customs		4									9	1	14
4	EULEX								13	11	1	9		34
5	KPI										10	11	9	30
6	KP	7			9	17	25	7	31	28	46	288	188	646
7	The Citizen	1						2	10	25	16	22	29	105
8	The injured party		1	2		5	1	1	10	5	6	47	45	123
9	Municipal Administration									1			2	3
10	Received by kompetence												14	14
11	Holder of property		1		4	2	18	5	5		15	1	9	60
12	Kosovo Forest Authority							1				2		3
13	Prosecutor with self-initiative									41		4	2	47
14	Unidentified									1		2		3
15	Totali	8	6	2	13	30	60	16	92	131	195	506	429	1,488

Table 20 - Persons remaining unsolved by June 30, 2014 according to the applicants and years

The following table reflects the unsolved persons remaining since 30 June 2014 in prosecutorial system according to applicants and offenses. For more details see table 21.

PP Persona të pazgjidhura me 30 qershor 2014 sipas parashtruesve dhe veprave penale	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	Entering into Harmful Contract	Conflict of interest	Participation in or Organization of an Organized Criminal Group
ACA	404	102	272			16	1		1		12				
KP	646		440	102	8	16	9	8	6	43	4	5	4	1	
KPI	30		18			1	5			5	1				
The injured party	123		106		1	6	1		1	4	2	2			
TAK	2		2												
Kosovo Forest Authority	3		3												
Kosovo Customs	14		4		1							4			5
Prosecutor with self- initiative	47		46					1							
The Citizen	105		100		1			1			1	2			
Holder of property	60		49					2		8		1			
Received by competence	14	2	11							1					
EULEX	34		19		5		4					6			
Municipal Administration	3		2							1					
Unidentified	3		3												
Total:	1,488	104	1,075	102	16	39	20	12	8	62	20	20	4	1	5

Table 21 –Unsolved cases on June 30, 2014 according to the applicants and offenses

V. CORRUPTION CASES IN THE PHASE OF GATHERING INFORMATION - PPN

h. UNSOLVED CASES FROM THE BEGINNING ON 4 NOVEMBER 2013

Kosovo prosecutors in their drawers have had Unsolved corruption cases which are filed by different applicant, which are classified as PPN cases or cases in the information gathering stage. Cases which are pending at the beginning of the Action Plan are old from 2006 onwards.

Prosecutors and police must take the responsibility to solve this cases, they must show commitment and professionalism in the development of a preliminary investigation to define cases and where there are elements of criminal acts to advance the criminal investigation, while in those cases where there are no such elements are cast claims so that persons against whom unfounded allegations raised exempted from criminal records encumbrance in the justice system, in this case the prosecution and the police.

KPC, in 2013 have approved the Strategic Plan for the establishment of coordination and cooperation between the State Prosecutor and other agencies that enforce the law in Kosovo, in fighting organized crime and corruption 2013-2015.³² Based on the KLI's findings, presented in Table 22, show that despite this Strategic Plan, coordination and cooperation between prosecutors and the applicants of criminal offenses leaves much to be desired.

Involvement of prosecutors in the pre stage and cooperation with other agencies that apply the law Kosovo almost does not exist. In such circumstances, the State Prosecutor accepts unverified information from these agencies, which in most cases are dismissed. This has a direct impact on the work of prosecutors, who invest big time in the disposal of these returns. In the table below you notice those old cases and appropriations in each prosecutor.

³² "Strategic Plan - For inter-institutional cooperation in combating organized crime and corruption 2013-2015". Kosovo Prosecutorial Council. September 19, 2012.

State Prosecutor	2006		2007		2008		2009		2010		2011		2012		2013		Total:	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
SPRK									3	9	2	15	3	11	4	11	12	46
Pristina	3	3	5	14	10	27	6	6	9	19	19	82	50	109	40	96	142	356
Prizren									3	5			2	2	4	11	9	18
Peja													1	1	20	42	21	43
Gjilan																		
Mitrovica									1	1	3	6	8	14	6	11	18	32
Ferizaj	1	1	2	2	1	4	1	1	2	4	2	2	2	2	11	17	22	33
Gjakova													1	2	7	13	8	15
Total:	4	4	7	16	11	31	7	7	18	64	26	105	67	141	92	201	232	543

Table 22 - Cases and older persons in years for each prosecutor at the beginning of November 4, 2013

In this table are presented the applicants on cases of corruption that have been unsolved the beginning of the Action Plan. Note that the largest number of cases at this stage of gathering information on corruption cases was initiated by the Kosovo Police with a total of 236 persons. After police older unsolved cases are filed by injured parties with a total of 104 persons and the ACA to 87 unsolved persons. For more see table below.

PPN TOTAL – Persons in the beginning (November 4, 2013) with the applicant over the years.		2006	2007	2008	2009	2010	2011	2012	2013	Total:
1	ACA		4	21	4	20	13	10	15	87
2	TAK						4			4
3	Kosovo Customs							3		3
4	EULEX					3			4	7
5	KPI							1	7	8
6	KP		3	2	1	7	57	76	90	236
7	The Citizen			4		1	15	10	10	40
8	The injured party	4	5		2	7	4	32	50	104
9	Holder of property						1	6	18	25
10	Kosovo Forest Authority		4				5			9
11	Prosecutor with self-initiative							2	3	5
12	Kosovo Property Agency								4	4
13	General Auditor			4						4
14	Unidentified						7			7
15	Total:	4	16	31	7	38	106	140	201	543

Table 23 - Unsolved persons at the beginning of November 4, 2013 by the applicants and years

Same as in the cases investigation phase and cases in the information gathering stage, the largest number belongs to offense "Abusing Official Position or Authority". Unlike the cases under investigation, cases in data collection phase on 504 persons or 93% of the total number of this category (543) belong to the offense " Abusing Official Position or Authority ". For more details see table below.

PPN TOTAL - Unsolved cases at the beginning of AP (November 4, 2013) with the applicants and the criminal offenses		Persons	Abusing Official Position or Authority	Giving Bribes	Falsifying Official Document	Accepting Bribes	Fraud in Office	Issuing Unlawful Judicial Decisions	Misappropriation in Office	Unauthorized use of assets	Misuse of Economic Authorizations	Disclosing Official Secrets	Money Laundering	Entering into Harmful Contract	Entering into Harmful Contract
1	ACA	87	86						1						
2	KP	236	217	1	4	7	3		1		1	1			1
3	KPI	8	8												
4	The injured party	104	94	1			2	3	1	1		2			
5	Kosovo Property Agency	4	4												
6	TAK	4	4												
7	General Auditor	4	4												
8	Kosovo Forest Authority	9	9												
9	Kosovo Customs	3	3												
10	Prosecutor with self-initiative	5	5												
11	The Citizen	40	38											2	
12	Holder of property	25	25												
13	EULEX	7		2							4		1		
14	Unidentified	7	7												
15	Total:	543	504	4	4	7	5	3	3	1	5	3	1	2	1

Table 24 – Unsolved persons at the beginning of November 4, 2013 by the applicants and criminal offenses

i. RECEIVED CASES DURING THE ACTION PLAN

Prosecutors in Kosovo have continued to be overloaded with corruption cases even in the phase of data collection. From November 4, 2013 to June 30, 2014, the prosecution received for 116 cases with 216 persons. Basic Prosecution in Pristina and Special Prosecution received the largest number of persons, where both received a total of 91 persons. In the table below you notice the trend of cases received by the prosecution of corruption cases.

PPN - Cases and persons received for each month		Cases in Nov 2013	Persons in Nov 2013	Cases in Dec 2013	Persons in Dec 2013	Cases in Jan 2014	Persons in Jan 2014	Cases in Feb 2014	Persons in Feb 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
1	SPRK	1	2	1	1	1	1			6	24	5	14			1	3	15	45
2	Pristina	8	13	3	17	4	7	2	6	1	1	1	1			1	1	20	46
3	Prizren	1	1	1	2	1	1	1	1	4	12	2	2	4	9	6	11	20	39
4	Peja	5	5	5	7			2	2			2	4	1	1	1	2	16	21
5	Gjilan					3	6	5	7	1	2	1	1					10	16
6	Mitrovica	3	8	1	1	1	3	3	4	1	1	3	5	1	1			13	23
7	Ferizaj	6	6	2	2			1	1	3	6			2	3	1	1	15	19
8	Gjakova	2	2	1	1	1	1	3	3									7	7
9	Total:	26	37	14	31	11	19	17	24	16	46	14	27	8	14		18	116	216

Table 25 - Cases and persons received by each prosecutor of each month from November 4, 2013 to June 30, 2014

Besides Kosovo Police which has the largest number of corruption cases filed in this category are also the citizens and injured parties who have filed a considerable number of persons to be investigated for corruption. While the police have filed cases against 85 persons, injured parties have filed cases against 44 persons, while citizens against 40 persons. For more details see table below.

PPN - Cases and persons received by the applicants (4 November 2013 to 30 qershor 2014)	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
ACA	1	1	1	1							1	5					3	7
KP	13	21	3	3	5	8	14	20	7	15	4	10	3	4	3	4	52	85
KPI	3	6	2	4	2	7	2	3							1	3	10	23
The injured party	4	4	4	18	3	3					3	3	5	10	3	6	22	44
Municipal Administration			1	1							1	3					2	4
The Citizen	1	1	2	2			1	1	8	30	3	3			1	3	16	40
Prosecutor with self-initiative	4	4			1	1					1	1					6	6
Received by competence			1	2											2	2	3	4
Holder of property									1	1							1	1
TAK											1	2					1	2
Total:	26	37	14	31	11	19	17	24	16	46	14	27	8	14	10	18	116	216

Table 26 - Cases and persons received by the applicants on each month

Cases and persons received for the phase of collection of information's again suspected for criminal offenses, more of the offenses of corruption, namely is the crime "Abusing Official Position or Authority". Police have filed cases on the crime of "Abusing Official Position or Authority" to 71 persons, the Kosovo Police Inspectorate on 39 persons and the citizens against 37 persons. For more details see table below.

PPN Persons received by the applicants and offenses (November 4, 2013 - June 30, 2014)	Persons in total	Abusing Official Position or Authority	Unlawful Collection and Disbursement	Giving Bribes	Falsifying Official Document	Accepting Bribes	Issuing Unlawful Judicial Decisions	Misuse of Economic Authorizations
ACA	7	2						5
KP	85	71	2	3	4	4		1
KPI	44	39	1			2	1	1
The injured party	23	18			3	1		1
Municipal Administration	6	6						
The Citizen	40	37			1			2
Prosecutor with self- initiative	2	2						
Received by competence	4	4						
Holder of property	1	1						
TAK	4	4						
Total:	216	184	3	3	8	7	1	10

Table 27 - Persons received by the applicants and criminal offenses during the period November 4, 2013 until June 30, 2014

j. SOLVED CASES AND THE METHOD OF SOLVING

Prosecutors neither in the category of cases filed on collecting information for corruption have not succeeded in solving the cases. Of the 543 persons unsolved in this category at the start of the Action Plan on November 4, 2013, prosecutors have managed to solve only 124 persons or 13% of them.

Basic Prosecution in Pristina in this category has failed to solve cases, where out of 356 persons managed to solve only 22 persons or 6% of them.

Special Prosecution in this category of 46 persons has managed to solve 32 persons or 70% of them. Special Prosecution followed by Basic Prosecution in Prizren which has managed to solve out of 18 persons to 12 persons or 67% of them.

It is worth mentioning that 124 solved persons or 100% of them were dismissed cases. For more see Table 28.

PPN – The method of solving cases with persons	Solved persons	Dismissal
SPRK	32	32
Pristina	22	22
Prizren	12	12
Peja	26	26
Gjilan	3	3
Mitrovica	19	19
Ferizaj	5	5
Gjakova	5	5
Total:	124	124

Table 28 – Solved persons and the method of solving

k. UNSOLVED CASES AT THE END OF THE ACTION PLAN

Unsolved cases persons in this category remain enormous number. As noted in the table of the cases resolved, shows that only 13% of persons in this category have managed to solve prosecutors. This is an alert for prosecutors and police, which should increase the efficiency in solving these cases, which submitted information on cases of corruption. To get a clear picture of the cases and persons who have remained unresolved at the end of the Action Plan, the Institute has shown in the following table and persons older cases over the years. To see the table below.

PPN Unsolved cases and persons with June 30, 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
SPRK									2	4	1	2	1	6	3	6	10	34	17	52
Pristina	3	3	4	13	10	27	5	5	8	18	18	82	47	102	45	115	9	16	149	381
Prizren									1	3			3	3	2	6	16	34	22	46
Peja															14	33	3	6	17	39
Gjilan																	7	13	7	13
Mitrovica									1	1	2	4	5	9	6	11	8	11	22	36
Ferizaj	1	1	2	2	1	4	1	1	1	3	2	2	3	3	14	20	7	11	32	47
Gjakova													1	2	7	13	2	2	10	17
Total:	4	4	6	15	11	31	6	6	13	29	23	90	60	125	91	204	62	127	276	631

Table 29 - Cases and persons remaining unsolved at the end of the Action Plan by June 30, 2014 according to prosecutors and years

The following table reflects the old unsolved cases at the end of the Action Plan according to the applicants for cases of corruption. Cases of Kosovo Police, injured parties, AKM and citizens remain unaddressed by prosecutors. To see the table below.

PPN –Unsolved persons at the end by applicants and years	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total:
ACA		4	21	3	14	13	10	12		77
TAK						4			5	9
Kosovo Customs							3			3
EULEX					3			4		7
KPI							1	4	10	15
KP		3	2	1	7	54	66	87	50	270
The Citizen			4		1	2	10	8	34	59
The injured party	4	4		2	4	4	28	63	21	130
Municipal Authority									3	3
Kosovo Property Agency								4		4
Received by competence									2	2
Holder of property						1	5	18	1	25
Kosovo Forest Authority		4				5				9
Prosecutor with self-initiative							2	4	1	7
General Auditor			4							4
Unidentified						7				7
Total:	4	15	31	6	29	90	125	204	127	631

Table 30 - Persons unsolved at the end according applicants and years

The following table provides the type of offenses pending at the end of the Action Plan on June 30, 2014. The offense of "Abusing Official Position or Authority" remains offenses, for which most applicant have made submissions on corruption. For more see the table below.

PPN Unsolved cases at the end according applicants and penal offenses (July 30, 2014)	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 Laundering	Misusing Official Information	Unlawful Release of Persons Deprived of Liberty	Unauthorized use of Property
ACA	77	76							1						
KP	270	243	2	3	6	10	1		1				1	1	
KPI	15	14				1									
The injured party	130	119	1			3	2	3					1		3
TAK	9	9													
Forestry Authority	9	9													
Kosovo Customs	3	3													
Prosecutor-self-initiative	7	7													
The Citizen	59	57									2				
Holder of Property	25	25													
Received by competence	2	2													
EULEX	7			2						4		1			
Municipal Administration	3	3													
Kosovo Property Agency	4	4													
General Auditor	4	4													
Unidentified	7	7													
Total:	631	582	3	5	6	14	3	3	2	4	2	1	2	1	3

Tabela 31 – Persona të pazgjidhura në fund të Planit të Veprimit me 30 qershor 2014 sipas parashtrusve dhe veprave penale

I. COURT PENALTIES FOR CORRUPTION CASES

Widespread criticism addressed to Kosovo judicial system that has failed in the trial of corruption cases, based on statistical data that possesses KPC accepted by the KJC, are accurate. There is a minimum number, to which judges in Kosovo have imposed penalties in such cases. In the Table below you may see the small number of convictions imposed by courts.

Court convictions with the applicants imposed until November 4, 2013	Judged persons	Types of decisions of the Court				Appeals of prosecutors		Appeals approved by the Court of Appellate	Response of the the prosecutor in appeals of accused party
		Dismissed indictment	Found guilty	Found not guilty	Rejection of indictment	For the decision on conviction	For other reasons		
ACA	1				1				
Kosovo Customs	1		1			1			
The injured party	1		1						
KPI	2		2			1		1	
Municip. Administ.	4			3	1		3		
KP	29	1	22	1	5	4	1		
Holder of property	4	1	2	1		1	2	1	
Total:	42	2	28	5	7	7	6	2	0

Table 32 - Persons convicted by the courts on corruption cases

After the entry into force of the Action Plan, the judges in Kosovo, according to the data, which owns the KPC, shows that only 13 persons were convicted on corruption cases.

Court convictions with the applicants imposed until November 4, 2013 until June 30, 2014	Judged persons	Types of decisions of the Court				Appeals of prosecutors		Appeals approved by the Court of Appellate	Response of the the prosecutor in appeals of accused party
		Dismissed indictment	Faund guilty	Found not guilty	Rejection of indictment	For the decision on conviction	For other reasons		
ACA									
Kosovo Customs									
The injured party									
KPI	1		1						
Municip. Adminis.									
KP	12		12			2			
Holder of property									
Total:	13		13			2			0

Table 33 – Persons convicted by the courts during the implementation of the Action Plan

VI. FULFILLMENT OF OBLIGATIONS OF THE ACTION PLAN

Obligations for basic prosecutions and SPRK, have been clearly defined in the Action Plan. Special reports prescribed subjects, identification of cases and their separation according competence, allocation of absolute priority and allocation according to the perpetrators, implementation of the provisions relating to the seizure and confiscation of material benefit to the offense , the appointment of experts, other regular meetings, were some of the duties and responsibilities for each Basic and Special Prosecution for the implementation of the Action Plan.

KLI finds that the obligation specified in Article 3 paragraph 2 of the Action Plan is not met. Prosecutors have had prescription cases, while there was not prepared any specific justified report for each prescribed case to the National Coordinator. From the analysis of legal acts, KLI finds that with the exception BP in Ferizaj and SPRK, where the subjects have not been prescribed, six (6) other basic prosecutions, had a total of 25 prescription cases, but they not made any special justified report on none of cases to KPC.

Obligation about identifying and sharing their cases according to competence is met by all prosecutors. Regarding the cases that are not being reported in the register of criminal charges (Article 5 2 of the AP), in addition to problems in the beginning, identified by the Commission on Supervision and verification of corruption cases, Chief Prosecutors declared that there were not other unregistered cases.

Another obligation in determining subjects with absolute priority and divided by the quality perpetrators (Article 6 of the AP 3) is met by the prosecutions. However, KLI finds that within the prosecutorial system does not exist a unique practice of separation of materials for prosecutors. In all prosecutions there are 42 prosecutors engaged in solving corruption cases. In addition, BP in Peja, which is an exception to the appointment of prosecutors to resolve cases of corruption, by appointing all cases exclusively to only one prosecutor, other prosecutions have engaged all prosecutors of Serious Crimes Department, and some of them even prosecutors of General Department. BP in Pristina has engaged all prosecutors of the Serious Crimes Department and General Department which included a total of twelve (12) prosecutors. Basic Prosecution in Prizren has engaged all prosecutors of the Department of Crimes and General Department, a total of 11 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) of them, and SPRK has engaged seven (7) prosecutors.

The obligation specified in Section 7.3 of the Action Plan on the implementation of legal provisions relating to sequestration and confiscation of material benefit to the offense is minimally met. Chief Prosecutors of SPRK and BP in Gjilan, stated that they had bigger cases of sequestration and confiscation, BP in Peja stated that there were 2 cases of sequestration, while BP in Pristina, Ferizaj and Gjakova, did not possess any cases, while the Chief Prosecutors in BP of Mitrovica and Prizren, are not aware if they had cases of sequestration and confiscation. National Coordinator stated that she has not received any information from any prosecution about the sequestration and confiscation.

The obligation specified in Section 7.1 of the Action Plan on regular meetings with the Chief Prosecutors of KP, ACA and other institutions is partially fulfilled. While KP meetings were held due to the daily work of prosecutors and police in the investigation of corruption cases, no meeting was held in Kosovo by officials of ACA. For eight months as it has lasted the implementation of the Action Plan from November 4, 2013 to June 30, 2014, the Chief Prosecutors have met only once with ACA officers in a meeting held in Ohrid, Macedonia about determining contact points between prosecutions and ACA. KLI estimates that this lack of more frequent contacts between ACA as the second biggest applicant of criminal charges of corruption cases and Chief Prosecutions, is one of the reasons of the lack of coordination and results in solving cases .

The obligation set out in Article 8.2 on reporting about the progress of the Action Plan, unlike the first phase of implementation of the Action Plan which have stagnated, KLI finds that this article is implemented and the reporting was done on a regular basis to the National Coordinator monthly.

Obligation set out in Article 10.1 about the commitment of five experts against corruption in SPRK to help prosecutors in solving cases of corruption is partially implemented. Chief Prosecutors of BP in Prizren, Ferizaj and Gjilan stated that they have used the help of experts, while BP in Gjakova Pristina and Peja have not any cases of involvement of SPRK experts. National Coordinator has not received information if prosecutors have engaged SPRK experts.

Obligation set out in Article 13.1 of the Action Plan regarding communication with the public is minimally fulfilled. This article has defined obligation for the National Coordinator to hold regular press conferences in every two weeks to inform the public about the implementation of the Action Plan, which shows that out of 16 press conferences foreseen to be held, only three of them were held and it was issued a written press release. Anti Corruption National Coordinator simultaneously has been also the National Coordinator of Elections and she stated that in the same period in Kosovo were two elections, local and parliamentary and commitment to them has prevented the holding of regular conferences in media, namely the implementation of this article.

After problems with data corruption cases, KPC have created a Committee for the Supervision and Verification of corruption cases within prosecutions. Results of the work of this committee, reveal the great irresponsibility of a chain around the prosecutor, who had not respected the rules of Tracking Mechanism for the registered cases of corruption in the database.³³ These findings and Recommendations of the Committee, were approved at the meeting of the KPC, wherein was asked to the Chief Prosecutors to take disciplinary actions against persons who have failed to respect the rules for the registration of cases in Tracking Mechanism.³⁴ Despite numerous violations that were identified by the Commission and the final decision of the KPC to take measures against responsible persons, Chiefs Prosecutors did not take any measures against any employee. In interviews of KLI with Chief Prosecutors, they have stated that to their employees to whom violations were identified, they have imposed only verbal admonition .

KLI expressed its concerns about this impunity for the those responsible persons for identified violations.. KLI expresses its double concerns for the Chief Prosecutors, who have not implemented the decision of the highest body in the prosecutorial system, Kosovo Prosecutorial Council, but also expresses its concerns about the non-implementation of the decision of Prosecutorial Council, to punish Chief Prosecutors³⁵ if they did not punish their employees for the identified violations.

³³ "Report of Committee: Supervision Committee for and Verification of Data, sent by the Basic Prosecutions and the Special Prosecution of the Republic of Kosovo on the implementation of the plan to increase the efficiency of the prosecution system in fighting corruption ". Kosovo Prosecutorial Council. February 2014.

³⁴ "Decision: I. It is approved the report of Performance Review Unit of the Prosecutor regarding the implementation of the Action Plan to increase the efficiency of the prosecutorial system in fighting corruption, verification and supervision of the data inputted to a tracking mechanism (database); II. Kosovo Prosecutorial Council approves findings and recommendations proposed by the commission in the report; III. Kosovo Prosecutorial Council seeks by Chief Prosecutors of Basic Prosecutions and the Special Prosecution of the Republic of Kosovo to take measures to address the issues arising from the findings and recommendations of the Commission; IV. Kosovo Prosecutorial Council requests from the Chief Prosecutors of the Basic Prosecutions and Special Prosecution of the Republic of Kosovo to take appropriate legal actions against all those responsible persons who have not fulfilled their obligations with the introduction of data tracking mechanism (database) to harmonize statistical reports and the obligations arising from the action plan for the increasing the efficiency of the prosecutorial system in fighting corruption; V. Chief Prosecutors of Basic Prosecutions and SPRK must prepare written reports on the taken measures for the the KPC ". Decision of KPC no.45-2014 taken at a meeting held on February 25, 2014.

³⁵ Note: Since none of Chief Prosecutors of Basic Prosecutions and SPRK has not prepared a written report to KPC about the taken measures against the responsible persons who have not committed obligations to input data in tracking mechanism (database), in the meeting held on April 25, 2014 KPC has decided to no. 124-2014 to make Chief Prosecutors of BPs and SPRK to report about the implementation of the decision no. 45-2014 on February 25, 2014. In addition to the failure of the first decision, Chief Prosecutors of BPs and SPRK have not implemented neither the second decision.

OBLIGATION	DEADLINE	RESPONSIBLE	COMMENT
Special justified report for any case that reached the statutory limitation (Article 3.2 AP)	<i>As soon as possible (ASAP)</i>	<u>Respective Prosecution (Chief Prosecutor) reports to KPC</u>	
SPRK	National Coordinator: No special report on the prescription of cases. Acting Chief Prosecutor: There have been no prescribed cases.		
Basic Prosecution in Pristina	National Coordinator: No special report on the prescription of cases. Chief Prosecutor: There have been cases of prescription, I do not know how. There was not made any special report about prescription cases to the National Coordinator.		
Basic Prosecution in Prizren	National Coordinator: No special report on the prescription of cases. Chief Prosecutor: In addition of the two cases in the first phase of which was reported in the previous report of KLI, there were no other cases of prescription.		
Basic Prosecution in Peja	National Coordinator: No special report on the prescription of cases. Chief Prosecutor: There was no case of prescription.		
Basic Prosecution in Gjakova	National Coordinator: No special report on the prescription of cases. Chief prosecutor: There was no such case.		
Basic Prosecution in Ferizaj	National Coordinator: No special report on the prescription of cases. Chief Prosecutor: There has been a case of prescription, to which was made a special report for the National Coordinator.		
Basic Prosecution in Mitrovica	National Coordinator: No special report on the prescription of cases. Chief Prosecutor: There are prescribed cases for which was made special report for the National Coordinator.		
Basic Prosecution in Gjilan	National Coordinator: No special report on the prescription of cases. Chief Prosecutor: There has been no case of prescribed.		
The plan of identifying and separating their cases under competence (Article 5.1 AP)	<i>ASAP after the entry into force of AP</i>	<i>ASAP after the entry into force of AP</i>	<i>ASAP after the entry into force of AP</i>
SPRK	National Coordinator: It is done. Deputy Cheaf Prosecutor: It is done.		

Basic Prosecution in Pristina	National Coordinator: Its done. Chief Prosecutor: It is done.		
Basic Prosecution in Prizren	National Coordinator: It is done Chief Prosecutor: Identification of cases is made by the prosecutor, who divided them for each prosecutor.		
Basic Prosecution in Peja	National Coordinator: It is done Chief Prosecutor: Identification of subjects made by the prosecutor, but in cases of the corruption, we have given only a prosecutor.		
Basic Prosecution in Gjakova	National Coordinator: It is done Chief prosecutor: Identification of cases and their division is done according to the principle of division of cases in the prosecution.		
Basic Prosecution in Ferizaj	National Coordinator: It is done Chief Prosecutor: It is done		
Basic Prosecution in Mitrovica	National Coordinator: It is done Chief Prosecutor: Identification of cases is made by the prosecutor, who divided proportionally cases for the each prosecutor.		
Basic Prosecution in Gjilan	National Coordinator: It is done Chief Prosecutor: Identification of cases is made by the prosecutor, who divided cases according to the line of four prosecutions.		
Identification of cases that may not be reported in the register of criminal charges (Article 5 2 AP)	<i>ASAP</i>	Chief Prosecutors of the respective prosecutions and SPRK	
SPRK	National Coordinator: Except at the beginning of the Action Plan when the KPC has appointed the Commission to verify the cases because of problems with statistics, I did not received reports from Chief Prosecutors about any problems. Acting Chief Prosecutor: Except at the beginning when the Commission has identified KPC had no such problems.		
Basic Prosecution in Pristina	National Coordinator: Except at the beginning of the Action Plan when KPC has appointed the Commission to verify the cases because of problems with statistics, I did not received reports from Chief Prosecutors about any problems.		

	<p>Chief Prosecutor: Except at the beginning when the Commission has identified KPC had no such problems.</p>
Basic Prosecution in Prizren	<p>National Coordinator: Except at the beginning of the Action Plan when KPC has appointed Commission to verify the cases because of problems with statistics, I did not received reports from Chief Prosecutors about any problems.</p> <p>Chief Prosecutor: Except at the beginning when the Commission has identified KPC we didn't have such problems.</p>
Basic Prosecution in Peja	<p>National Coordinator: Except at the beginning of the Action Plan when KPC has appointed Commission to verify the cases because of problems with statistics, I did not received reports from Chief Prosecutors about any problems.</p> <p>Chief Prosecutor: Except at the beginning when the Commission has identified that KPC had no such problems.</p>
Basic Prosecution in Gjakova	<p>National Coordinator: Except at the beginning of the Action Plan when KPC has appointed Commission to verify the cases because of problems with statistics, I did not received reports from Chief Prosecutors about any problems.</p> <p>Chief prosecutor: Except at the beginning when the Commission has identified that KPC had no such problems.</p>
Basic Prosecution in Ferizaj	<p>National Coordinator: Except at the beginning of the Action Plan when KPC has appointed Commission to verify the cases because of problems with statistics, I did not received reports from Chief Prosecutors about any problems.</p> <p>Chief Prosecutor: Except at the beginning when the Commission has identified that KPC had no such problems.</p>
Basic Prosecution in Mitrovica	<p>National Coordinator: Except at the beginning of the Action Plan when KPC has appointed Commission to verify the cases because of problems with statistics, I did not received reports from Chief Prosecutors about any problems.</p> <p>Chief Prosecutor: Except at the beginning when the Commission has identified that KPC had no such problems.</p>

<p>Basic Prosecution in Gjilan</p>	<p>National Coordinator: Except at the beginning of the Action Plan when KPC has appointed Commission to verify the cases because of problems with statistics, I did not received reports from Chief Prosecutors about any problems. Chief Prosecutor: Except at the beginning when the Commission has identified that KPC had no such problems.</p>		
<p>Allocation of cases with the absolute priority and divided by the quality of perpetrators (Article 6 3 AP) (as prosecutors were engaged before and after AP)</p>	<p><i>ASAP</i></p>	<p><u>The Chief Prosecutors and Prosecutors Respective Prosecution</u></p>	
<p>SPRK</p>	<p>National Coordinator: It is done. Deputy. Chief prosecutor: All corruption cases are being treated as priority cases. When we have serious cases, we treat the case before other cases and prosecutors are not engaged with many other cases. 7 prosecutors are engaged to such cases.</p>		
<p>Basic Prosecution in Pristina</p>	<p>National Coordinator: It is done. Chief Prosecutor: We treat with priority all cases of corruption and in each meeting of the Collegium of this Prosecution, they discuss about such cases. While about assigning priority cases within the corruption cases, divided according to the quality of offenders, this was not done. According to the Chief Prosecutor this was due to the large volume of cases. Initially there were assigned four prosecutors for the corruption cases, now there are engaged 12 prosecutors in total.</p>		
<p>Basic Prosecution in Prizren</p>	<p>National Coordinator: It is done. Chief Prosecutor: We set priorities within the cases of corruption according to the quality of offenders, such Prevala case, which has been in media. All prosecutors of serious crimes and general department (total 11), are engaged in cases of corruption.</p>		
<p>Basic Prosecution in Peja</p>	<p>National Coordinator: It is done. Chief Prosecutor: Only one of the four prosecutors of the Serious Crime Department deals with corruption cases. All cases of such nature are treated with priority</p>		
<p>Basic Prosecution in Gjakova</p>	<p>National Coordinator: It is done.</p>		

	Chief Prosecutor: Cases in Basic Prosecution in Gjakova do not involve high level of politicians and serious crime offenses. This prosecution has engaged only 2 prosecutors.		
Basic Prosecution in Ferizaj	National Coordinator: It is done. Chief Prosecutor: There are at least two cases that this Prosecution is treating with priority, based on the quality of perpetrators. This Prosecution has engaged only 2 prosecutors.		
Basic Prosecution in Mitrovica	National Coordinator: It is done. Chief Prosecutor: There have not been cases of high-level, or serious corruption offenses and therefore, we have no cases with special priority according to the quality of the perpetrators. This Prosecution has 3 prosecutors dealing with cases of corruption, while there have been two of them.		
Basic Prosecution in Gjilan	National Coordinator: It is done. Chief Prosecutor: The key is that Prosecutor did not split and all subjects treated with priority. Currently there are four prosecutors working on corruption cases.		
<i>The implementation of legal provisions relating to the sequestration and confiscation of material benefit with the offense (article 7.3 of the AP)</i>	<i>At all times</i>	<u>The Chief Prosecutors and Prosecutors of respective Prosecutions</u>	
SPRK	Deputy. Chief Prosecutor: They had several cases of sequestration. Such cases have been as apartment, car, etc., While they still do not have confiscation cases.		
Basic Prosecution in Pristina	Chief Prosecutor: We don't have cases of confiscation.		
Basic Prosecution in Prizren	Chief Prosecutor: There are cases of sequestration, but there is no accurate data on cases.		
Basic Prosecution in Peja	Chief Prosecutor: There are two cases of sequestration and confiscation.		
Basic Prosecution in Gjakova	Chief Prosecutor: There are no cases.		
Basic Prosecution in Ferizaj	Chief Prosecutor: There are no cases.		
Basic Prosecution in Mitrovica	Chief Prosecutor: It is not known if there were cases of sequestration and confiscation.		
Basic Prosecution in Gjilan	Chief Prosecutor: There have been cases of sequestration and it was more than twice.		
Regular meetings with the KP, ACA and other institutions (Article 7.1)	<i>During all the time</i>	<u>Chief Prosecutor of the respective prosecution</u>	National Coordinator: I had meetings with Chief Prosecutors, but not with ACA
SPRK	Deputy. Chief Prosecutor: We have had meetings with KP however, there was no meeting		

	with ACA.		
Basic Prosecution in Pristina	Chief Prosecutor: We have had meetings with KP, once with the KJC and the Basic Court in Pristina, while with the ACA we had a meeting once in Ohrid.		
Basic Prosecution in Prizren	Chief Prosecutor: Regular meetings with KP, Economic Crime Department, meetings with prosecutors, while with the ACA, once in Ohrid.		
Basic Prosecution in Peja	Chief Prosecutor: We had meeting with the police every day, according to the cases, ad hoc. As for the meetings with the ACA, Galani said that ACA hold meets usually in the State Prosecutor. Chief Prosecutor also mentioned the Ohrid meeting in which the meeting had achieved a lot.		
Basic Prosecution in Gjakova	Chief Prosecutor: Regular meetings with the police units, meetings with prosecutors, while with the ACA, once in Ohrid.		
Basic Prosecution in Ferizaj	Chief Prosecutor: We have had meetings with relevant institutions, while with the ACA we only met in Ohrid.		
Basic Prosecution in Mitrovica	Chief Prosecutor: Regular meetings with the police units, meetings with prosecutors, while with the ACA, once in Ohrid.		
Basic Prosecution in Gjilan	Chief Prosecutor: Regular meetings were held with the Kosovo Police on a monthly basis about the action plan. As for the meetings with the ACA, Chief Prosecutor declared that the meeting were not held, but that they agreed with ACA to designate a contact point, to be in touch with ACA.		
Mandatory reporting about the progress of the plan (Article 8 2 AP)	<i>At the end of the month</i>	<u>Chief Prosecutor of respective Prosecution to CCK Commission for Coordination of cases of corruption (National Coordinator)</u>	
SPRK	National Coordinator: There were monthly reports about solved cases. Deputy Chief Prosecutor: Report of the Special Prosecution is made on a regular monthly basis with a written report.		
Basic Prosecution in Pristina	National Coordinator: There were monthly reports about solved cases. Chief Prosecutor: Pristina reported regularly, in writing, by a monthly basis and is made from special clerks, appointed for this job.		
Basic Prosecution in Prizren	National Coordinator: There were monthly reports about solved cases.		

	Chief Prosecutor: Reporting of Basic Prosecution in Prizren is regular, in writing and is done on a monthly basis.		
Basic Prosecution in Peja	National Coordinator: There were monthly reports about solved cases. Chief Prosecutor: Reporting of BP in Peja is regular, in writing and is done on a monthly basis. This report is made in writing, by e-mail, etc., however and whenever is required.		
Basic Prosecution in Gjakova	National Coordinator: There were monthly reports about solved cases. Chief Prosecutor: Regular reporting is in writing on a monthly basis. This prosecution has its special clerk, which reports every month. Also about anti-corruption cases reports also Administrator and Chief Prosecutor, who except the regular monthly reporting, they are also in contact with the National Coordinator for any eventuality.		
Basic Prosecution in Ferizaj	National Coordinator: There were monthly reports about solved cases. Chief Prosecutor: Reporting is regular, in writing, on a monthly basis. Basic Prosecution in Ferizaj assigned special clerk to report corruption cases, which job is also done by the Administrator of the Prosecution. While regarding the contacts, the Chief Prosecutor is also in a direct contact with the coordinator, whether in daily, weekly and monthly contacts, depending on the need.		
Basic Prosecution in Mitrovica	National Coordinator: There were monthly reports about solved cases. Chief Prosecutor: Reporting is regular, in writing and done on a monthly basis. Each prosecutor reports to the Chief Prosecutor, then to National Coordinator by written reports, also verbally contacts when it is needed.		
Basic Prosecution in Gjilan	National Coordinator: There were monthly reports about solved cases. Chief Prosecutor: Reporting of Basic Prosecution in Gjilan is regular, in writing and done on a monthly basis.		
Two preliminary assessments of AP (article 8, 3 and 8.4 of the AP)	<p><i>1. In the first week of January 2014</i></p> <p><i>2. In the first week of April 2014</i></p>	<u>Kosovo Prosecutorial Council</u>	1. Prosecutorial Council has attempted to make the first assessment of the implementation of the first phase of the Action Plan on January 24, 2014. However, at the meeting of the KPC, reported statistics were not matched by any instance of prosecutorial system and it was decided to

			harmonize statistics. 2. Prosecutorial Council has not made a second assessment of the implementation of the Action Plan.
The overall rating of AP (article 8.5 of the AP)	<i>30 June 2014</i>	<u>Kosovo Prosecutorial Council</u>	3. Prosecutorial Council has not made comprehensive assessment of the implementation of the Action Plan.
Five experts against corruption of SPRK will help BPs on the cases foreseen in AP (Article 10. 1 of the AP)	<i>During the implementation of AP</i>	SPRK experts will assist the Chief Prosecutors and prosecutors of BP-s	
Basic Prosecution in Pristina	National Coordinator: I was not informed if any of experts were engaged. Chief Prosecutor: Experts were not engaged.		
Basic Prosecution in Prizren	National Coordinator: I was not informed if any of experts were engaged.. Chief Prosecutor: Basic Prosecution in Prizren had sought help of SPRK experts, at least on 3 or 4 cases.		
Basic Prosecution in Peja	National Coordinator: I was not informed if any of experts were engaged.. Chief Prosecutor: Experts of SPRK were not engaged.		
Basic Prosecution in Gjakova	National Coordinator: I was not informed if any of experts were engaged. Chief Prosecutor: Experts of SPRK were not engaged.		
Basic Prosecution in Ferizaj	National Coordinator: I was not informed if any of experts were engaged.. Chief Prosecutor: There are two cases when this Prosecution asked for SPRK expert's assistance. Experts were assigned and cases are being processed. These were done in April and May.		
Basic Prosecution in Mitrovica	National Coordinator: I was not informed if any of experts were engaged. Chief Prosecutor: We have a good cooperation with SPRK experts, we also requested the assistance of them.		
Basic Prosecution in Gjilan	National Coordinator: I was not informed if any of experts were engaged. Chief Prosecutor: We have a case when it was requested the assistance of SPRK experts.		
The administrative support for BP and Special	<i>During the implementation of</i>	<u>The Secretariat of</u>	National Coordinator and Chief Prosecutors:

Prosecution, is obliged (Article 12 of the AP)	<i>AP</i>	<u>KPC</u>	We had the necessary support from PPRU
The administrative support for BP and Special Prosecution, is obliged (Article 12 of the AP)	<i>During the implementation of AP</i>	<u>Prosecutors Performance Review Unit</u>	National Coordinator and Chief Prosecutors: We had the necessary support from PPRU
Communication with public (Article 13. 1 of the AP)	<i>Every two weeks: (under the Action Plan from November 4, to June 30, was supposed to be held 16 press conferences to inform the public)</i> National Coordinator: <i>There were three press conferences and it was issued a press release on the implementation of the Action Plan</i>	<u>National Coordinator</u>	National Coordinator: The reason of why the foreseen conferences were not held under the Action Plan is related to the intense activities that I had during this period. In the same period I have been National Coordinator of Elections and during this period in Kosovo were held two elections, local elections in November 2013 and parliamentary elections in June 2014. In addition, delays in organizing conferences in this period are the result of the mismatch statistics with the tracking mechanism, which was created by special Committee for review and verification of data, whose work has lasted more than 15 days, and that is why this is one of the reasons why I have not managed to hold regular conferences .
Signing of Memorandum of Cooperation (Article 13. 2 AP)	<i>At the beginning of the implementation of the Action Plan</i>	<u>KPC with interested NGOs</u>	Memorandum of Understanding was signed between KPC and "Kosovo Law Institute" NGO on December 27, 2013, Pristina.
Disciplinary measures for the failure of implementation of AP	<i>At all times</i>	<u>KPC</u>	National Coordinator Laura Pula: I have no information that there were imposed any measures against anyone. KPC has required the Chief Prosecutors to impose measures, based on the findings of the Commission for review and verification of data, but nothing has been done in this direction. Deputy. Chief Prosecutor of SPRK, Sevdije Morina: SPRK has identified some technical

		<p>cases, minor technical defects for which there was not given a written warning, but an oral warning about defects identified.</p> <p>Chief Prosecutor of BP Pristina, Imer Beka: I have no information if it was imposed any measure or remarks to officials, for whose fault were done the omissions, for which has contacted the Commission for Review and Verification of Data. Beka said that this is the responsibility of the administrator of the prosecution.</p> <p>Chief Prosecutor of BP Prizren, Sylë Hoxha: There have been no cases that were not registered, and we are a good example about this.</p> <p>Chief Prosecutor of BP Peja, Agron Galani: There were not found any unstamped cases, without receipt date or contrary with procedures in this prosecution. All of them have been registered.</p> <p>Chief Prosecutor of BP Gjakova, Shpresa Bakija: Audit of KPC Commission for registration of criminal charges has identified problems in registration, with the fault of prosecution clerks. No disciplinary measure has been undertaken, only verbal warnings have been imposed. This was done with the justification that about 11,300 cases were received and registered by only two clerks. Prosecution has absence of clerks, for what we opened job positions for five (5) persons. She also blames KPC, support and control of which has lacked in the receipt and registration of these cases.</p> <p>Chief Prosecutor of BP Ferizaj, Agron Qalaj: We had only three cases with errors, which were identified as not registered by the commission who made the audit. These three cases have been PPN,</p>
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		<p>while this happened due to the large volume of cases, with a total of about 7 thousand cases registered. These three cases are now registered...while regarding measures, there has been no disciplinary measure if it was not necessary. Only verbal warnings have been imposed to the clerks.</p> <p>Chief Prosecutor of BP Mitrovica, Shyqri Sylja: There were identified unregistered cases and were not imposed any written warnings. I do not give warnings to them because of the working conditions on which the employees of BP of Mitrovica are working, unless they do any substantial offense. I have imposed verbal warning to the administrator, while the administrator has done the same to the clerks, which was confirmed by the administrator.</p> <p>Chief Prosecutor of BP Gjilan, Jetish Maloku: Cases were identified by the commission, but I have not imposed any measure for identified defects, because the defects have occurred as a result of merger of District Prosecution of Gjilan and Municipal Prosecution of Gjilan.</p>
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Table 34 – KLI indicators about fulfillment of obligations specified by the Action Plan

VII. COMMENTARY ON LEGAL ACTS

KLI has analyzed all legal acts provided by SPRK and seven Basic Prosecutions under the Memorandum of Cooperation between KPC and KLI.³⁶ For this evaluation report, KLI has achieved to provide legal acts for the period January – May 2014,³⁷ which include: decisions for dismissal of criminal charges, decisions on termination of investigations, as well as filed indictments. All these acts were provided by the prosecutions, in accordance with the provisions of the memorandum. Acceptance and delivery of these legal acts from prosecutions to the KLI monitors was made by eliminating all personal data from these legal acts. KLI has analyzed issues of interest in these legal acts, which are related to the compliance of decisions towards the legal provisions, always by respecting the highest professional standards and by not commenting the discretion of prosecutors and subjective evaluation for their decision in certain.³⁸

SPECIFIC FINDINGS:

Findings from analysis of such acts are various, starting from technical ones till the substantive findings. Discrepancies between introductory part, in the enacting and justification of ruling, non-respecting of deadlines provided under the provisions of the Criminal Procedure Code, wrongful application and reference in criminal and procedural provisions, are some of the specific findings of KLI, during the analysis of these legal acts. KLI expresses its concern about the large number of prescribed cases for corruption cases, which are listed below for each case, in which is reached the statutory limitation of corruption cases, for which, as you noted in the part of fulfilling the obligations from the Action Plan, none of the Chief Prosecutors have prepared argued special report for prescription of these cases.³⁹ KLI finds that BP in Mitrovica has the largest number of decisions for termination of investigations due to the expiring of the statutory limitation, with a total 14 prescribed cases

³⁶ Kosovo Prosecution Council and Kosovo Law Institute on December 27, 2013 have signed the Memorandum of Understanding “*Regarding the monitoring and evaluation of the implementation of Action Plan for Increasing of Efficiency of Prosecutorial System in Fighting the Corruption*”. Kosovo Prosecutorial Council, December 27, 2013

³⁷Exceptionally in the report are included legal acts of period from the year 2013.

³⁸*Note:* KLI respects all legal provisions, professional and ethical standards for analysing the prosecutorial legal acts and nowise does not comment the discretion of prosecutors in decision making. KLI highly appreciates the independence of prosecutors in decision making and in this regard had a special attention in analysing the legal acts, in order to respect the highest professional standards and nowise to create the perception of interference in decision making.

³⁹Article 3 – Registry of criminal indictments, paragraph 2 “Respective prosecution will prepare special report for KPC, for each case that has reached the limit of prescription”. Action Plan for Increasing the Efficacy of Prosecutorial System in Fighting the Corruption. Kosovo Prosecutorial Council, November 1, 2013.

BASIC PROSECUTION IN PRISTINA

KLI has provided 5 cases of prescription of corruption cases in BP in Pristina for the period January - April 2014. These rulings have to deal with the dismissal of criminal charges and termination of investigations, on the grounds that in these cases the statutory limitation has expired for prosecution, whether absolute or relative. Further, KLI presents the analysis for each prescribed case of criminal prosecution for criminal corruption offenses.

PRESCRIPTIED CASES:

1. PP Case with number 85/05, of the date April 29, 2014. Termination of investigations, Basic Prosecution in Pristina - Serious Crimes Department. Criminal offense “Abusing Official Position, Fraud”.⁴⁰

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

2. PP Case with number 107-2/2006, of date April 29, 2014. Termination of investigations, Basic Prosecution in Pristina, Serious Crimes Department. Criminal offense “Misappropriation in Office”.⁴¹

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

3. PP Case with number 644/2013, of date January 22, 2014. Dismissal of Criminal Charges, Basic Prosecution in Pristina- Serious Crimes Department. Criminal offense “Abusing Official Position or Authority”.⁴²

⁴⁰ According to the prosecution, with the verdict for the PP case with number 85/05 issued on April 29, 2014, the investigations were terminated because the offense has occurred during the years 2000-2002, until the absolute prescription arrived in 2012. At the same time for the offense of fraud under the article 261, par. 1 of KPC, which is punishable up to 5 years, the absolute prescription of criminal prosecution was achieved in 2012.

⁴¹ Investigations for this offense have terminated, because has come to the relative prescription. Last action for the purpose of criminal prosecution in this case, according to the State Prosecutor was undertaken on April 4, 2006, which means that the relative prescription has reached on April 4, 2011, this is written in the decision of this case.

⁴² According to the prosecution, absolute prescription of criminal prosecution for the PP case with number 644/2013, issued on January 22, 2014, has arrived on June 6, 2013, before being admitted the indictment report on the Prosecution.

KLI: *There was prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.*

KLI: *Initially in this offense, on June 6, 2010, was reached the relative prescription of criminal prosecution, while the prosecution had received and handled the case on July 15, 2013, under the bases of which, although the subject was prescription in Police, it was delivered in prosecution. The justification of the prosecution was referred to the Article 82, paragraph 1, sub-paragraph 1.2, where they have dismissed the criminal charge.*

*The same provision also provides that the State Prosecutor, within 30 days of receipt of criminal indictment, in the case of prescription of criminal prosecution, should dismiss the criminal charge.*⁴³

*KLI finds that in this concrete case the provisions of article 82, par. 1.2 of KPCC were violated because the criminal charge was submitted on July 15, 2013, while the prosecutor has decided on January 22, 2014.*⁴⁴

Based on this, results that prosecution did not respect the defined legal deadlines, on the case of taking the decision for dismissing the criminal charge, because have passed about 6 months from the submission of the criminal charge. While based on the provision, the prosecution should have decided within 30 days, from the date of submission the criminal charge.

Basic Prosecution in Pristina: *Chief Prosecution of BP in Pristina, Imer Beka, declares that his prosecution is facing with overloaded number of cases. He emphasized that Kosovo Police in certain cases submits cases just before the prescription of criminal prosecution or files them as prescribed to the prosecutor. Mr. Beka said that he took a decision to not accept such prescribed cases, for reviewing.*⁴⁵

4. PP Case. I. with number 532-2/2011 of date January 17, 2014. Dismissal of Criminal Charges, BP in Pristina- Serious Crimes Department. Criminal offenses “Misappropriation in Office and Encroachment of the rights of pension insurance”.⁴⁶

KLI: *There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.*

⁴³ Criminal Code of Kosovo, article 82 par 1, subpar. 1.2: The state prosecutor shall issue a decision dismissing a criminal report received from the police or another source within thirty (30) days if it is evident from the report that: 1.2. the period of statutory limitation for criminal prosecution has expired

⁴⁴ PP Case with number 644/2013 of date January 22, 2014, Dismissal of Criminal Charge, BP in Pristina- Serious Crimes Department

⁴⁵ Interview with Imer Beka, Chief Prosecutor in Basic Prosecution in Pristina, interviewed on June 23, 2014.

⁴⁶ According prosecution’s documents, the decision for Dismissal of Criminal Charge - PP Case. I. with number 532-2/2011 of date January 17, 2014, prosecutor argued that the offense “Misappropriation in Office” does not stand, while “Violations of rights of pension insurances”, has reached the absolute prescription period.

5. PP Case. I. with number 1265/2013 of date March 10, 2014. Partial termination of investigations, Basic Prosecution in Pristina - Serious Crimes Department. Criminal offenses “Special cases of falsification” and “Legislation of an untruth content”.⁴⁷

KKI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

BASIC PROSECUTION IN GJILAN

PRESCRIBED CASES BEFORE ENTERING INTO FORCE OF ACTION PLAN

6. PP Case with number 2203/2012 of date February 2013. Dismissal of Criminal Charge, Basic Prosecution in Gjilan – Department for General Crimes. Criminal Offense “Serious thievery”.⁴⁸

KKI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

PRESCRIPTIED CASES AFTER ENTERING INTO FORCE OF THE ACTION PLAN:

7. PP Case. I with number 16/2014 of date January 15, 2014. Dismissal of Criminal Charge, Basic Prosecution in Gjilan –Serious Crimes Department.⁴⁹

KKI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

BASIC PROSECUTION IN GJAKOVA

PRESCRIPTIED CASES AFTER ENTERING INTO FORCE OF ACTION PLAN:

8. PP Case. I with number 195/2013 of date January 28, 2014. Dismission of Criminal Charge, Basic Prosecution in Gjakova – Serious Crimes Department.⁵⁰

⁴⁷ According the decision of Prosecution for subject PP Case. I. with number 1265/2013 of date March 10, 2014, in concrete case, they came to the absolute prescription of criminal prosecution for the first offense and relative prescription for the second offense.

⁴⁸ According to prosecution the investigations were terminated, due to prescription of criminal prosecution of criminal offense “Aggravated Theft”, according article 90, par. 1, subpar. 4 of KPC.

⁴⁹ According to prosecution criminal charge was dismissed due to the absolute and relative prescription of criminal prosecution, according article 90, par. 1, subpar. 4 of KPC. From the prescription of Criminal Charge of ACA, results that the offense happened in 2001.

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

KLI: In its reasoning, based on article 82, par. 1, subpar. 1.2, among others the prosecution issued decision for perception of criminal offense, where have dismissed the criminal charge. KLI finds that in this case the legal provision was not respected, which obliges the prosecutor to decide within the timeline of 30 days from the receiving of the criminal charge, or in case that was achieved the prescription of criminal prosecution, to dismiss the criminal charge.⁵¹ In this concrete case, KLI has found that were violated such provisions, because the prosecution did not respect the legal timelines on the occasion of the dismissing the criminal charges. The prosecution has received the criminal charge on October 9, 2012, while has decided on date January 28, 2014, that results to have decided three months late, contrary to legal provision.⁵²

BASIC PROSECUTION IN PEJA

PRESCRIPTIED CASES:

9. PP Case with number 122/2014 of date April 14, 2014. Dismissal of Criminal Charge, Basic Prosecution in Gjakova –Serious Crimes Department.⁵³

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

BASIC PROSECUTION IN FERIZAJ

SPECIAL FINDINGS:

While analyzing the acts of Basic Prosecution in Ferizaj, KLI has found that prosecution wrongly was referred to the criminal provisions regarding the articles and the level of penalty.

⁵⁰ According to prosecution the investigations were terminated, due to the absolute and relative prescription of criminal prosecution, Basic Prosecution in Gjakova has issued ruling through which, dismisses the criminal charge.

⁵¹ Kosovo Criminal Code, article 82 par 1, subpar. 1.2: The state prosecutor shall issue a decision dismissing a criminal report received from the police or another source within thirty (30) days if it is evident from the report that: 1.2. the period of statutory limitation for criminal prosecution has expired.

⁵² PP Cases. I with number 195/2013of January 28, 2014, Dismissal of Criminal Charge, Basic Prosecution in Gjakova–Serious Crimes Department.

⁵³ The investigations are dismissed because of absolute prescription of criminal offense.

10. PP Cases. I with number 236/13 of date January 31, 2014, Basic Prosecution in Ferizaj - Serious Crimes Department. Indictment for criminal offense “Unauthorized use of property” from the article 427 of KPC, related to the article 31 of KPC.

11. PP Case. I with number 226/13 of date April 28, 2014, Basic Prosecution in Ferizaj - Serious Crimes Department. Indictment for criminal offense “Giving bribes” from article 429 par. 3 of KPC.

***KLI:** In both cases, in the enacting clause of ruling, prosecution requires from the court that according to the article 493 of KPC to give punitive order, because for this criminal offense, is foreseen sentence with fine or prison up to one year.*

Initially, prosecution was summoned wrongly in article 493 of KCC, in the enacting clause of both indictment, because such an article does not exist in Kosovo Criminal Code. Perhaps it was alluded in Kosovo Criminal Procedure Code (KCPC), but in the concrete case in the indictment figures KCC - Kosovo Criminal Code.

In addition, in both cases, in both indictments and for two offenses, the one under article 427 and the one under 429 of KPC, the prosecution have written that the maximum of punishment is foreseen to be 1 year. Whereas in fact, according to the provisions 427 and 429, par. 1 of KPC, for both offenses the highest level of punishment is foreseen to be up to 3 years imprisonment.⁵⁴

KLI considers that prosecutors in such cases have to be careful in citation of the specific provisions and their content because the same may cause harms for parties in procedure. This is the evidence that the prosecutors in these cases did not respected the provisions of Kosovo Criminal Procedure Code, under which are obliged that such legal acts to fulfill with correct content of appointing the criminal offenses, by referring the provisions of Kosovo Criminal Code.⁵⁵

BASIC PROSECUTION IN PRIZREN

PRESCRIPTIED CASES AFTER ENTERING INTO FORCE OF ACTION PLAN:

⁵⁴ Unauthorized use of property, article 427 of KCC; Whoever, without authorization, uses money, securities or other movable property which has been entrusted to him or her in his or her duty or generally in his or her workplace or which has been made accessible to him or her because of his or her service or work or whoever confers such property on another person for unauthorized use shall be punished by a fine or by imprisonment of up to three (3) years.

Giving bribes, article 429 of KCC, par. 1: Whoever promises, offers or gives, directly or indirectly, any undue gift or advantage to an official person so that the official person acts or refrains from acting in accordance with his or her official duties, shall be punished by a fine or imprisonment of up to three (3) years.

⁵⁵ Article 241, par 1 point 1.5 of Kosovo Criminal Procedure Code (KCPC).

12. HP Cases with number 300/13 of date April 11, 2014. Dismissal of Criminal Charge, Basic Prosecution in Prizren –Serious Crimes Department. Criminal Offense “Abusing official position or authority”.⁵⁶

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

KLI: KLI finds that this case has reached the period of statutory limitation of criminal prosecution in police, while in prosecution was received as prescribed. KLI also finds that in this case were violated legal provisions, to decide for the case within the defined legal deadlines.⁵⁷ In this case, the criminal charge was prescribed on December 10, 2013, while the prosecution has decided on April 11, 2014.⁵⁸ KLI finds that the decision for dismissal was issued contrary to legal deadlines for deciding, which in this case were violated because the decision was issued 4 months later.

13. PP Case with number 253/13 of date January 20,2014. Dismissal of Criminal Charge, Basic Prosecution in Prizren –Serious Crimes Department. Criminal Offense “Misappropriation of official position or authority”, “Accepting bribes”, “Issuing Unlawful Judicial Decisions.”⁵⁹

KLI: Was not prepared special report for this case of prescription for KPC, under the obligations from the Action Plan.

SPECIAL FINDINGS:

While analysing the legal acts of Basic Prosecution of Prizren, KLI also have noticed cases of discrepancy of the dates of introductory part of decision, with them in the enacting clause, the reasoning and conclusion of such decision.

14. PP Case with number 166/2013 of May 2, 2014. Dismissal of Criminal Charge, Basic Prosecution in Prizren –Serious Crimes Department. Criminal Offense “Falsifying official documents”.

⁵⁶According ruling for subject HP Case with number 300/13 on date April 11, 2014, criminal charge was dismissed arguing that has happened absolute prescription of criminal prosecution. According the criminal charge actions from this case, suspected to happened during years 2004/2005, in which case against one defendant has happened relative prescription 5 years later after the actions happened, because the police did not undertook any action on the case. While, against the other defendant there were not found any suspicious elements for such act and the criminal charge against him was dismissed

⁵⁷ Kosovo Criminal Code, article 82 par 1, subpar. 1.2: The state prosecutor shall issue a decision dismissing a criminal report received from the police or another source within thirty (30) days if it is evident from the report that: 1.2. the period of statutory limitation for criminal prosecution has expired.

⁵⁸ HP Case with number 300/13 of April 11, 2014. Dismissal of Criminal Charge, Basic Prosecution in Prizren–Serious Crimes Department.

⁵⁹According the criminal charge, offenses were committed from the year 2000, until May 2003. From May 8, on the day when was issued this ruling, have passed ten years, eight months and twelve days, for which was imposed the absolute prescription of criminal prosecution, for three criminal offenses.

***KLI:** In one case of dismissal of criminal indictment,⁶⁰ in introduction part of decision, it was written another applicant of criminal indictment, while in main and reasoning part it was written another complainant. So, there is a mistake in citing the complainant of this legal act.*

BASIC PROSECUTION IN MITROVICA

PRESCRIPTIED CASES AFTER ENTERING INTO FORCE OF THE ACTION PLAN:

15. PP. Case I with number 127/2013 of February 11, 2014, Dismissal of Criminal Charges, Basic Prosecution in Mitrovica –Serious Crimes Department. Criminal Offense “Abusing Official Position or Authority “ and “Legalization of false content”.⁶¹

***KLI:** There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.*

***KLI:**KLI finds that in this case the legal provisions were violated, to file the issue within the determined legal deadlines. Such a provision foreseen that State Prosecutor, within the timeline of 30 days from admission of the criminal charge, in case of prescription of criminal prosecution, should dismiss the criminal charge of the police.⁶²These provisions were violated, as the criminal indictment was prescription on the date June 28, 2013, while the prosecutor has decided on February 11, 2014.⁶³ KLI finds that in this case were violated the legal provisions, because the decision was issued 6 months later.*

16. PP. Case I with number 41/2013 of February 11, 2014, Dismissal of Criminal Charge, Basic Prosecution in Mitrovica –Serious Crimes Department. Criminal Offense “Misuse of position or official authority”.⁶⁴

⁶⁰ The investigations were terminated because the information gathered from the Basic Prosecution in Prizren, do not testify and there were not evidences that the suspected person has committed the criminal offenses of falsification of official documents from the article 348 par. 1 of KCC.

⁶¹ According the decision for dismissal, PP. Case I with number 127/2013, the defendant was suspected for committing the criminal offenses “Abusing official position or official authority” and “Legalisation of false content” from the article 422 respectively 403 of Kosovo Criminal Code, which offenses are suspected that happened on 12.11.2007, and as a consequence have passed 5 years from the commitment of criminal offenses.

⁶² Kosovo Criminal Code, article 82 par 1, subpar. 1.2: The state prosecutor shall issue a decision dismissing a criminal report received from the police or another source within thirty (30) days if it is evident from the report that: 1.2. the period of statutory limitation for criminal prosecution has expired

⁶³ PP. Case I with number 127/2013 of February 11, 2014, Dismissal of Criminal Charge, Basic Prosecution in Mitrovica –Serious Crimes Department.

⁶⁴According the decision for dismissal, PP. Case I with number 41/2013 of February 11, 2014, the defendants were suspected to have committed criminal offense “Abusing official position or authority” from the article 422 of Kosovo Criminal Code, which offense against one defendant is suspected to have been committed on 14.12.2010, while against other defendant on 01.03.2011, as a result was used the most favorable law, the old Criminal Code, for which offense is foreseen the maximum punishment up to 1 year. And as a result, has happened the prescription of this case this is written in the decision.

KLI: *There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan*

17. PP Case. I with number 11/2013 of February 11, 2014, Dismissal of Criminal Charge, Basic Prosecution in Mitrovica – Serious Crimes Department. Criminal Offense “Abusing official position or authority”.⁶⁵

KLI: *There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.*

KLI: *KLI finds that in this case are violated the legal provisions were violated, to file the case within the defined legal deadlines. Such a provision foreseen that the State Prosecutor, within the deadline of 30 days from admission the criminal indictment, in case of prescription of criminal prosecution, should dismiss the criminal indictment of police.⁶⁶ These provisions are violated, as the criminal charge was prescribed on date July 9, 2013, while the prosecutor has issued on February 11, 2014.⁶⁷ KLI finds that in this case were violated the legal provisions, as the decision was issued seven (7) months later.*

18. PP. Case I with number 218/2013 of February 11, 2014, Dismissal of Criminal Charge, Basic Prosecution in Mitrovica – Serious Crimes Department. Criminal Offense “Abusing Official Position or Authority” and “Falsifying Official Document”.⁶⁸

KLI: *Was not prepared special report for this case of prescription for KPC, under the obligations from the Action Plan.*

KLI: *KLI finds that in this case the legal provisions were violated, to file the case within the defined legal deadlines. Such a provision foreseen that the State Prosecutor, within the deadline of 30 days from admission the criminal charge, in case of prescription of criminal prosecution, should dismiss the criminal charge of the police.⁶⁹ These provisions are violated, as the criminal charge was prescribed on date November 9, 2013, while the prosecutor has issued on February 11, 2014. KLI finds that in this case were violated these legal provisions regarding the deadline for issuing the case, as the decision was issued two (2) months later.*

⁶⁵ Even in this case, subject PP. I with number 11/2013, was applied the most favorable provision, the one that was in force in the time of commitment of criminal offense, respectively article 339, par 2 of KCC, for which offense, the maximum of punishment is foreseen to be up to 3 years. As a result from the time of commitment of criminal offense, April 15, 2009, have passed four years, which means that the prescription of criminal offense has arrived, this is written in decision.

⁶⁶ Kosovo Criminal Code, article 82 par 1, subpar. 1.2: The state prosecutor shall issue a decision dismissing a criminal report received from the police or another source within thirty (30) days if it is evident from the report that: 1.2. the period of statutory limitation for criminal prosecution has expired;.

⁶⁷ PP. Case I with number 11/2013 of February 11, 2014, Dismissal of Criminal Charge, Basic Prosecution in Mitrovica – Department Serious Crimes.

⁶⁸ According the decision for dismissal, the defendants are suspected to have committed criminal offense “Abusing official position or authority” and “Falsifying documents” from the article 339 par 1, respectively 332 par. 3 related to article 1 of KCC. Since the offenses were committed on 24.10.2010, from that time has passed 3 years, criminal offense has reached the prescription, this is written in decision.

⁶⁹ Kosovo Criminal Code, article 82 par 1, subpar. 1.2: The state prosecutor shall issue a decision dismissing a criminal report received from the police or another source within thirty (30) days if it is evident from the report that: 1.2. . the period of statutory limitation for criminal prosecution has expired.

PP. Case II with number 621/09 of February 12, 2014, Dismissal of Criminal Charge, Basic Prosecution in Mitrovica – Serious Crimes Department. ⁷⁰Criminal Offense “Abusing official position or authority”, “Misappropriation in office and abuse of trust” from the article 339 par 1, article 340 par, 1 of KCC, respectively article 269 par. 1 of KCC.⁷¹

***KLI:** There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.*

19. PPN Case II with number 08/12 of March 14, 2014, Official Note, Basic Prosecution in Mitrovica – Serious Crimes Department.⁷²Criminal Offense “Accepting bribes”, “Giving bribes”, “Falsifying of documents” from article 343, article 343 of KCC, respectively article 332, par. 3 regarding par. 1 of KCC.⁷³

***KLI:** There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.*

20. PP. Case II with number 824/2012 of date May 9, 2014. Dismissal of Criminal Charge, Basic Prosecution in Mitrovica – Serious Crimes Department. Criminal Offense “Abusing official position or authority” from the article 339, par 1.⁷⁴

***KLI:** There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.*

21. PP. Case II with number 1500/2009 of date February 6, 2014.⁷⁵Dismissal of Criminal Indictment, Basic Prosecution in Mitrovica – Serious Crimes Department. Criminal Offense “Smuggling of goods” from the article 273, par. 1 of KCC.⁷⁶

⁷⁰ According the decision for dismissal, the defendants are suspected to have committed criminal offense “Misuse of position or official authority”, “Misappropriation during the official duty and abuse of trust” from the article 339 par 1, article 340 par. 1 of KCC, respectively article 269 par. 1 of KCC. Since the offenses were committed on August 17, 2008, from that time have passed 5 years and has reached the prescription of CRIMINAL PROSECUTION, while in decision is written “prescription of criminal offenses”, not criminal prosecution.

⁷¹ Provisional Criminal Code of Kosovo of 2004, it was in force when the criminal offense was committed.

⁷² According to the official note, the defendants are suspected to have committed criminal offenses “Accepting bribes”, “Giving bribes” and “Falsifying documents” from article 343 of KCC, respectively 332 par. 3 regarding par. 1 of KCC. Since the offenses were committed in year 2004, results to have reached the absolute prescription of criminal prosecutions.

⁷³ Provisional Criminal Code of Kosovo of 2004, it was in force when the criminal offense was committed.

⁷⁴ Kosovo Provisional Criminal Code of year 2004, in force when the criminal offence was committed.

⁷⁵ Since the offenses were committed on 10.06.2009, from that time have passed more than 3 years, they have reached the prescription regarding the decision of prosecution for dismiss.

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

22. PP. Case II with number 1697/2009 of February 14, 2014.⁷⁷Dismissal of Criminal Charge, Basic Prosecution in Mitrovica – Serious Crimes Department. Criminal Offense “Intimidation and Giving bribes” from article 161 par. 1, respectively article 344.⁷⁸

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

23. PP Case with number 740/2008 of February 13, 2014.⁷⁹Dismissal of Criminal Charge, Basic Prosecution in Mitrovica – General Department. Criminal Offense “Intrusion into computer systems”, “Falsifying documents” and “Abusing official position or authority” from the article 264 par. 1, article 332 par. 3, respectively article 339 par. 1.⁸⁰

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

24. PP. Case II with number 514/2012 of February 6, 2014.⁸¹Dismissal of Criminal Indictment, Basic Prosecution in Mitrovica – Serious Crimes Department. Criminal Offense “Giving bribes” from the article 344 of KCC⁸².

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

25. PPN. Case II with number 53/2011 of date February 14, 2014. Official Note, Basic Prosecution in Mitrovica – General Department. Criminal Offense “Abusing official position or authority” from the article 339 par. 1 of KCC.^{83,84}

⁷⁶ Since the offenses were committed on 18.12. 2009, from that time have passed 4 years and have reached the absolute prescription for prosecution of such offense. Provisional Criminal Code of Kosovo of 2004, it was in force when the criminal offense was committed

⁷⁷Provisional Criminal Code of Kosovo of 2004, it was in force when the criminal offense was committed

⁷⁸According the decision for dismissal, the defendants are suspected to have committed criminal offense “Intimidation and Giving bribes” from the article 161 par. 1 respectively article 344. As the offenses were committed in October 2009, while from that time have passed more than 3 years and have reached the prescription.

⁷⁹Since the offenses were committed on date 07.04. 2007, from that time have passed more than 6 years and have reached the absolute prescription, is written in decision for dismiss.

⁸⁰ Provisional Criminal Code of Kosovo of 2004, it was in force when the criminal offense was committed

⁸¹ According the decision for dismissal, the defendants are suspected to have committed the criminal offenses “Giving bribes” from the article 344 of KCC and since the offense was committed on 17.08. 2010, from that time have passed 3 years, has reached the relative prescription according the dismissal act.

⁸² Provisional Criminal Code of Kosovo of 2004, it was in force when the criminal offense was committed

⁸³Provisional Criminal Code of Kosovo of 2004, it was in force when the criminal offense was committed

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

26. PPN. Case II with number 20/2012 of February 19, 2014. Official Note, Basic Prosecution in Mitrovica – General Department. Criminal Offense “Abusing official position or authority”, “Smuggling of goods” and “Trading in Influence” from the article 273 par. 1, article 339 par. 1 of KCC, respectively article 346 par. 1 of KCC.⁸⁵

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

27. PP. Case II with number 140/2010 of January 31 2014. Dismissal of Criminal Charge, Basic Prosecution in Mitrovica – General Department. Criminal Offense “Giving bribes” from the article 344 of Kosovo Criminal Code – KCC.⁸⁶

KLI: There was not prepared special report for this case of prescription for KPC, under the obligations of the Action Plan.

VII. EXECUTIVE SUMMARY FOR SPECIAL PROSECUTION OF THE REPUBLIC OF KOSOVO

Special Prosecution of the Republic of Kosovo has engaged seven (7) prosecutors, in solving the corruption cases. This prosecution has exclusive competences for more serious crimes prosecuted by the institution of State Prosecutor. Based in the Law on SPRK , the prosecution of the perpetrators of criminal offenses related to corruption, is a subsidiary competence of this prosecution.

However, through the Guideline issued by the Chief State Prosecutor, Chief Prosecutor of EULEX and Chief Prosecutor of SPRK was defined which offenses are considered as high level corruption.⁸⁷ In this regard, SPRK is in charge for prosecution of “big fishes”, as

⁸⁴According the official note, the defendants were suspected to have committed the offense on date 30.12. 2010, while from that time was not undertaken any action that would stop the prescription of prosecution, which brought to the relative prescription of criminal offense.

⁸⁵Provisional Criminal Code of Kosovo of 2004, it was in force when the criminal offense was committed

⁸⁶According the prosecution, the defendant was suspected for the commitment of the criminal offense “Giving bribes” from the article 344 of Kosovo Criminal Code - KCC (old). Based on this provision, this offense is punished up to 3 years, while considering the fact that this offense was committed on 15.04.2010, according the mentioned decision from the commitment of this offense till the day of issuing the decision, have passed 3 years, nine months and 15 days, and this offense has reached the relative prescription , according the decision.

⁸⁷Criminal offenses that are considered as high level of corruption, according the Guideline issued on November 13, 2013 from the State Prosecutor are: *Entering into harmful contracts, burdened by bribery* (article 291 par. 2), *Unjustified giving of gifts* (article 316), *Escape of persons deprived of liberty, burdened by bribery* (article 405 par. 2), *Facilitating the escape of persons deprived of liberty* (article 406 par. 2), *Abusing official position or authority* (article 422), *Misappropriation in office* (article 425), *Fraud in office* (article 426), *Unauthorised use of property* (article 427), *Accepting bribes* (article 428), *Giving bribes to foreign public official* (article 430), *Trading in influence* (article 431), *Issuing unlawful judicial decisions* (article 432), *Unlawful collection and disbursement* (article 435), *Unlawful appropriation of property during a search or execution of a court decision* (article 436). And when one of the specified conditions in paragraph 2,3 and 4; Article 2 is applied – When the suspicious person for committing the offense is: a) *Kosovo President*, b) *President and members of the Kosovo Parliament*, c) *Prime Minister, Deputy*

they are known in popular jargon, or prosecution of high public officials, involved in the commitment of corruption criminal offenses. Therefore, the importance of this institution in resolving of corruption cases, directly affects in overall success of prosecutorial system, always by considering the expected results for the prosecution of the perpetrators of criminal offenses of high-profile corruption. It is also in interest to point out, that the prosecutors in SPRK⁸⁸ are the most paid prosecutors in Kosovo.⁸⁹

In the beginning of the Action Plan, SPRK had 35 cases of corruption with 232 persons, while in the end have remained 41 unsolved cases with 211 persons. Based on the number of the cases and persons solved by the SPRK, results that prosecutors did not take seriously the obligations under the Action Plan, respectively have failed in implementing the plan. Although, this is the newest prosecution within the prosecutorial system of Kosovo⁹⁰, SPRK has managed to join other prosecutions regards the gather of old

Prime Minister/s and ministers of the Government of Kosovo, d) Presidents of municipalities, e) Judges of Kosovo Supreme Court, f) Judges of Appeal Court, g) Chief Prosecutor, h) Chief Prosecutors, depends on criminal offenses or benefit earned. Article 3 – When the suspicious person for committing the offense is: a) Deputy Minister of Kosovo Government, b) Civil Servant of high management (Permanent Secretary or equal positions), c) Ministry employee and public institutions in decision-making or advising positions; and “When benefits from the criminal offense or damage caused as a result of a specific corruption offense, overpasses the amount from 500.000.00 EURO”; Article 4 – A corruption offense will be considered as high level corruption, in every case where the benefit from the criminal offense or damage caused as a result of of a specific corruption offense, overpasses the amount from 1.000.000.00 EURO. The Guideline issued by the State Prosecutor, Chief Prosecutor of EULEX and Chief Prosecutor of SPRK on November 13, 2013.

⁸⁸*Note:* Prosecutors of Special Prosecution of the Republic of Kosovo, except the basic salary, they take additional compensation in monthly basis of 800 EURO, on behalf of the risk at their work and sensitive cases they deal based on legal competences.

⁸⁹*Note:* In accordance to the Memorandum of Cooperation between KPC and KLI, before publication, this report was sent to the Acting Chief State Prosecutor Mr. Sylë Hoxha. SPRK is the only prosecution that has sent comments, which were included in this report. One of these comments has to do with the concerning of KLI assessment of the poor performance of SPRK prosecutors, in solving corruption cases, as well as the investments that state has done and is still doing for SPRK, in order to have good results in fight against the corruption. See comments of SPRK related to KLI assessment: “In this report were also mentioned the salaries of prosecutors of SPRK and their accountability. Regarding this, we asses that KLI is not competent to evaluate if prosecutors deserve those salaries, and much more to say that with these salaries the state has invested in prosecutors, because the prosecutors of SPRK are paid for the work they done and the salary is not an investment on them”. KLI once again asses that working conditions and the stimulation of SPRK’s prosecutors, are much better and higher than the stimulation of prosecutors of other prosecutions, so in this regard we asses that this is an investment of the state, in order to have better results in fighting the crimes, which is in competences of SPRK. Just for comparison, KLI estimates the results of fighting the corruption in the other prosecution in Croatia. Bureau for Combating Corruption and Organized Crime in Croatia (USKOK), unlike the SPRK has an excellent performance in fighting criminality. In 2012, form 283 filed indictments in Croatia courts, USKOK have managed to defend 95 of them, by issuing 252 condemnatory judgments for these indictments. This proofs the efficacy and quality of work of SPOCC in investigating and condemning of high profiles (see the report on page http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4%282013%297_Croatia_EN.pdf).

⁹⁰ This prosecution was established and functionalized under the Law on the Special Prosecution Office of the Republic of Kosovo, in 2008. (accessed for the last time on June 30, 2014 <http://www.kuvendikosoves.org/common/docs/ligjet/03-L-052%20sh.pdf>)

unsolved cases of corruption. SPRK was functionalized in 2008, while in beginning of entering into force of Action Plan, were left unsolved even the cases of 2009. KLI assesses that this fact is a serious concern, by having in consideration that prosecutors in this prosecution are the most privileged in the terms of working conditions and their monthly incomes. The investment of state institutions in creating the conditions and investment in advancing the special prosecutors should have bring concrete results in fighting the criminality in Kosovo, especially in fighting the corruption and organized crime. Unfortunately, in this regard, KLI assesses that SPRK results were not as we expected. In this prosecution there are prosecutors, whom for five years have managed to raise only one indictment for illegal possession of guns. KLI assesses that the accountability system within SPRK should be increased and the mechanisms of Prosecutorial Council dealing with the performance of prosecutors, should identify these problems and report them in Prosecutorial Council, in order to undertake adequate measures in accordance with the legal provisions.

From the total number of persons solved by SPRK, results that prosecutors form 121 solved persons in total, prosecutors have solved the largest number for persons filed by the police, with a total of 66 persons. Following solved persons filed by the citizens with a total number of 44 persons. Against 100 persons or 83% of them cases were dismissed or were terminated by prosecutors, while against 21 persons or 17% of them were filed indictments.

SPRK have managed to implement the Action Plan only 46% or from 232 persons have managed to solve 107 persons, whom were registered until November 4, 2013. From these solved cases, **against 89 persons or 83% of them were dismissed the criminal indictments or cases were terminated**, while only **against 18 persons or 17% of them were filed indictments**. As it is noted, the characteristic method of solving the corruption cases by special prosecutors are the dismiss and termination of cases. KLI assesses that these figures of the dismiss of criminal indictments and termination of corruption cases are concerning and arise the urgent need of responsible institutions to deal with analyzing judicial acts of these applicants of criminal indictments, to identify if the problem is to the quality of these acts, argumentation or the decision-making of prosecutors, in cases of corruption. SPRK have managed to solve a number of persons with old cases over the years, which were registered in the beginning of the Action Plan. Special prosecutors have solved 33 persons of 2009, 35 persons of 2010, 25 persons of the year 2011 and 14 persons of 2012.

SPRK at the beginning of Action Plan had 35 cases with 232 unsolved persons, while at the end the number of unsolved increased in 41 cases or 15% more. While, the number of unsolved persons is reduced in 221 persons or 5% less than in the beginning. The largest number of unsolved persons remained at the end of the Action Plan belongs to the cases of Kosovo Police with 85 persons in total. After police, the citizens are the ones with a large number of unsolved cases with 54 persons in total.

While, regards cases, which are at the phase of gathering the information, registered in prosecution as PPN, SPRK in the beginning of the Action Plan had 46 persons with unsolved cases of this category. Older cases from this category belongs to the year 2010, in total 9 persons. From these 46 unsolved persons, 16 persons were filed by the citizens, 14 by the police, 11 by ACA, 3 by EULEX and 2 by the injured parties. During the implementation period of the Action Plan from November 4, 2013 until July 30, 2014, SPRK have received 15 new cases in work with 45 persons. Citizens have filed most persons for criminal offenses of corruption, with a total of 22 persons. After citizens comes the police which has filed 13 persons for criminal offenses of corruption. SPRK during the implementation of the Action Plan from the category of cases in phase of gathering the information, have managed to solve cases for 32 persons. Special prosecutors have dismissed all cases for these 32 persons, because they did not find any information to continue the investigations. In the end of the Action Plan on July 30, 2014, SPRK had 52 unsolved persons.

CASES IN STAGE OF INVESTIGATIONS IN SPECIAL PROSECUTION OF THE REPUBLIC OF KOSOVO (SPRK)

Special Prosecution of the Republic of Kosovo have engaged seven (7) prosecutors in solving the corruption cases.⁹¹This prosecution has exclusive competences for serious crimes that are pursued within the institution of State Prosecutor. Under the law for SPRK, this prosecution has subsidiary competences in pursuing of perpetrators of criminal offenses related to corruption. In this direction, SPRK is competent for pursuing “big fishes”, as they are known in popular jargon or pursuing high public officials involved in commitment of corruption criminal offenses. Regards of who belongs to this category of pursued persons and for which offenses can be prosecuted, these are specified in adopted Guideline of Chief State Prosecutor, Chief Prosecutor of EULEX and Chief Prosecutor of SPRK.⁹²

⁹¹ Interview of KLI with Mrs. Sevdije Morina, Acting Chief prosecutor of Special Prosecution Office of the Republic of Kosovo, June 2014.

⁹² Criminal Offenses which are considered as high level corruption, according the Guideline issued on 13 November 2013 by the State Chief Prosecutor are : *Entering into harmful contracts, burdened by bribery* (article 291 par. 2), *Unjustified giving of gifts* (article 316), *Escape of persons deprived of liberty, burdened by bribery* (article 405 par. 2), *Facilitating the escape of persons deprived of liberty, burdened by bribery* (article 406 par. 2), *Abusing official position or authority* (article 422), *Misappropriation in office* (article 425), *Fraud in office* (article 426), *Unauthorised use of property* (article 427), *Accepting bribes* (article 428), *Giving bribes to foreign public official* (article 430), *Trading in influence* (article 431), *Issuing unlawful judicial decisions* (article 432), *Unlawful collection and disbursement* (article 435), *Unlawful appropriation of property during a search or execution of a court decision* (article 436). And when applied one of the specified conditions in paragraph 2,3 and 4; Article 2 – When the suspicious person for committing the offense is: a) *Kosovo President*, b) *President and members of the Kosovo Parliament*, c) *Prime Minister, Deputy Prime Minister/s and ministers of the Government of Kosovo*, d) *Presidents of municipalities*, e) *Judges of Kosovo Supreme Court*, f) *Judges of Appeal Court*, g) *Chief Prosecutor*, h) *Chief Prosecutors, depends on criminal offenses or benefit earned*. Article 3 – When the suspicious person for committing the offense is: a) *Deputy Minister of Kosovo Government*, b) *Civil Servant of high management (Permanent Secretary or equal positions)*, c) *Ministry employee and public institutions in decision-making or advising positions*; and “*When benefits from the criminal offense or damage caused as a result of a specific*

KLI assesses that the importance of this institution in solving the corruption cases directly affects the general success of prosecutorial system, always by taking into consideration the expected results of pursuing the high profile perpetrators of corruption criminal offenses. In this part of document, KLI has analysed the general situation of corruption cases in statistical aspect, by including the unsolved cases at the beginning of the Action Plan, new cases received during the implementation of this plan, the method of solving the cases in general, solving the registered cases until the date 4 November 2013, as well as the remaining cases unsolved in the end of the Action Plan on 30 June 2014.

SPRK in the beginning of the Action Plan has had 35 corruption cases with 232 persons, while in the end had remained 41 unsolved cases with 221 persons. This proves that the situation of unsolved corruption cases is almost the same as at the beginning and at the end of the Action Plan. In the table below, KLI has shown the general situation of corruption cases in the SPRK.

Special Prosecution Office of the Republic of Kosovo		Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Case in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014
1	Unsolved cases at the beginning of the month	35	232	33	221	31	200	32	212	34	177	36	197	39	198	40	218
2	Received cases during the month	2	8			2	18	3	6	4	22	6	17	1	1	2	18
3	Total in work	37	240	33	221	33	218	35	218	38	199	42	214	40	199	82	413
4	Solved cases during the month	4	19	2	21	1	6	3	41	2	2	4	16			2	15
5	Unsolved cases in the end of the month	33	221	31	200	32	212	34	177	36	197	39	198	40	199	41	221

Table35 – General situation of corruption cases in SPRK, from entry into force of the Action Plan until June 30, 2014

corruption offense, overpasses the amount from 500.000.00 EURO”; Article 4 – A corruption offense will be considered as high level corruption, in every case where the benefit from the criminal offense or damage caused as a result of of a specific corruption offense, overpasses the amount from 1.000.000.00 EURO. The Guideline issued by the State Prosecutor, Chief Prosecutor of EULEX and Chief Prosecutor of SPRK on November 13, 2013

Although SPRK is the newest prosecution within the prosecutorial system⁹³, it has managed to join other prosecutions regards gathering old unsolved corruption cases. SPRK was functionalized in 2008, while in the beginning of entering into force of the Action Plan, remained unsolved even cases of the year 2009.

KLI assesses that this fact is a serious concern, by having in consideration that prosecutors in this prosecution are the most privileged in the terms of working conditions and their monthly incomes. The investment of state institutions in creating the conditions and investment in advancing the special prosecutors should have bring concrete results in fighting the criminality in Kosovo, especially in fighting the corruption and organized crime. Unfortunately, in this regard, KLI assesses that SPRK results were not as we expected.

In this prosecution there are prosecutors, whom for five years have managed to raise only one indictment for illegal possession of guns⁹⁴KLI assesses that the accountability system within SPRK should be increased and the mechanisms of Prosecutorial Council dealing with the performance of prosecutors, should identify these problems and report them in Prosecutorial Council, in order to undertake adequate measures in accordance with the legal provisions. .Expectations for concrete results from this prosecution will have direct impact in most important processes through which Kosovo is passing. Pursuing of “big fishes” remains the biggest request of the most important national and international institutions. The lack of results in this regard, undoubtedly have made Kosovo to fail to implement one of the most basic rights – freedom of movement in Schengen Area. Without concrete results in fighting the high level corruption and organized crime, Kosovo cannot benefit anything on its way towards the integration in processes of the European Union. To have a clear view of the unsolved corruption cases in the beginning of the Action Plan, see two following tables, on which are presented unsolved cases with the applicants of the criminal indictments, over the years and criminal offenses.

⁹³ This prosecution was established and functionalized under the Law on the Special Prosecution Office of the Republic of Kosovo, in year 2008. (accessed for the last time on June 30,2014 <http://www.kuvendikosoves.org/common/docs/ligjet/03-L-052%20sh.pdf>)

⁹⁴*Note:* Special prosecutor Basri Morina has worked in Special Prosecution of the republic of Kosovo for five years and for all these years has managed to rise only one indictment for illegal possession of guns. The state investment in this prosecutor overpasses hundred and thousands of euros, while the results of its work in fighting the corruption are desperate. As a result of failures of its work, after five years, Kosovo Prosecutorial Council has decided to degrade, by naming prosecutor in Basic Prosecution in Pristina.

		SPRK						
Applicants with persons over the years at the beginning of the Action Plan		2009	2010	2011	2012	2013	2014	Total:
1	ACA				20	4		24
2	Kosovo Customs					9		9
3	EULEX		13	6		5		24
4	KPI							
5	KP	6	36	32	18			92
6	The Citizen	27	16	11	13	11		78
7	The injured party					2		2
8	Municipal Administration			1				1
9	Financial Intelligence			2				2
10	Total:	33	65	52	51	31		232

Table 36 – Persons with applicants over the years at the beginning on November 4, 2013

As you may see from table 36, the oldest unsolved corruption cases at the beginning of the Action Plan in SPRK, were filed by Kosovo Police and citizens. Failure to solve these cases for 4-5 years, has a big negative impact in many aspects.

The establishment of SPRK undoubtedly was a great achievement for Kosovo, to build an institution which bears the main burden for pursuing the perpetrators of corruption criminal offenses of high level and organized crime. However, the poor efficiency in solving cases from the SPRK also from other prosecutions, has affected in the lose of citizens' trust in prosecutorial system and in judicial system in general. In the table below, you may see the unsolved number of persons in cases, at the beginning of the Action Plan, with applicants of criminal indictments and criminal offenses of corruption, for what were denounced the suspected persons.

SPRK Unsolved persons at the beginning (November 4, 2013), with applicants and criminal offenses		Persons	Abusing Official Position or Authority	Giving Bribes	Accepting bribes	Participation in or Organization of an Organized Criminal Group	Misuse of Economic Authorizations	Money Laundering	Entering Into Harmful Contracts	Misusing Official Information
1	ACA	24	24							
2	KP	92	87					1	3	1
3	The injured party	2					2			
4	EULEX	24	10	5	3		6			
5	The Citizen	78	74			2	2			
6	Financial Intelligence	2						2		
7	Municipal Administration	1	1							
8	Kosovo Customs	9				5	4			
9	Total:	232	196	5	3	7	14	3	3	1

Table 37 – Unsolved persons at the beginning (November 4, 2013) with applicants and criminal offenses

RECEIVED CASES DURING THE ACTION PLAN

During the implementation period of the Action Plan, SPRK has received 20 new cases with 90 persons. Kosovo Police has been the applicant with the highest number of the criminal indictments, for corruption criminal offenses with a total of 20 persons, while ACA has filed 3 new cases with 12 suspected persons, as involved in corruptive offenses.

For more follow the table below, to see how many cases and persons were received by each applicant for each month, during the period of the Action Plan.

SPRK PP - Received cases and persons according applicants (period from November 4, 2013 until June 30, 2014)		Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in december 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total:	Persons in total:
1	ACA	1	6							1	1	1	5					3	12
2	KP					2	18	2	2	3	21	2	7	1	1	1	6	11	55
3	EULEX	1	2															1	2
4	The Citizen							1	4			2	4			1	12	4	20
5	Holder of property											1	1					1	1
6	Total:	2	8			2	18	3	6	4	22	6	17	1	1	2	18	20	90

Table38 – Received cases and persons according applicants, for each month from November 4, 2013 until June 30, 2014

From these 20 new cases with 90 persons received in SPRK, 59 persons were filed for criminal offense “Abusing official position or authority”, 6 persons for criminal offense “Falsifying Official Documents”, 1 for criminal offense “Accepting Bribes”, 13 persons for criminal offense “Misappropriatin in Office”, 5 persons for criminal offense “Trading in Influence”, 2 persons for criminal offense “Disclosing Official Secrets” and 1 person for criminal offense “Misuse of Economic Authorizations”.

THE METHOD OF SOLVING THE CASES IN SPRK

From the total number of solved persons by SPRK, results that from 121 persons in total, special prosecutors have solved the largest number for persons filed by the police, with a total of 66 persons. After the police, follows solved persons filed by citizens with a total of 44 persons. As it is seen on table, against 100 persons or to 83% of them were dismissed the criminal indictments or were terminated the cases by the prosecutors, while against 21 persons or 17% of them were filed indictments. As you may see the characteristic of the method of solving corruption cases by special prosecutors, are dismissals or termination of corruption cases. KLI assesses that these figures of dismissing the criminal indictments and terminating the cases is concerning. It is urgently necessary for responsible institutions to deal with the analysing of criminal indictments in order to identify the problems of quality, argumentation or decision-making of prosecutors in corruption cases. For more details see the table 38.

PP – The method of solving the cases according applicants (from November 4, 2013 until 30 June 2014)	Cases	Persons	Dismissal	Termination	Direct indictments	Indictments after investigations
ACA	2	7		6	1	
KP	9	66	10	38		18
EULEX	1	2				2
The Citizen	5	44	4	40		
Financial Intelligence	1	2		2		
Total:	18	121	14	86	1	20

Table 38 – The method of solving the cases according applicants

From 121 solved persons, 107 solved persons or 88% of them belongs to the criminal offense “Abusing official position or authority”. This offense is followed by other criminal offense “Falsifying official document” with 6 persons or 5% of them, criminal offense “Money laundry” with 3 persons or 2% of them, criminal offense “Participation in or Organization of an Organized Criminal Group” with 2 persons or 2% and criminal offense “Misusing official information” with 1 person or 1% of total persons.

The fact that 88% of persons were filed for criminal offense “Abusing official position or authority”, proves that the main suspicions for commitment of criminal offenses of corruption are located in public institutions, in which positions or official authority is misused largely.

PSRK PP							
Solved persons according criminal offenses (from November 4, 2013 until June 30, 2014)	Abusing official position or authority	Falsifying Official document	Money laundering	Disclosing Official Secrets,	Misusing official information	Participation in or Organization of an Organized Criminal Group	Total:
ACA	1	6					7
KP	64		1		1		66
EULEX				2			2
The Citizen	42					2	44
Financial Intelle.			2				2
Total:	107	6	3	2	1	2	121

Table 39 – Solved persons with applicants according to the criminal offenses

IMPLEMENTATION OF ACTION PLAN FOR REGISTERED CASES TILL 4 NOVEMBER 2013

SPRK has managed to implement the Action Plan only 46% or from 232 persons has managed to solve cases against 107 persons, registered until November 4, 2013. This percentage of implementation of the Action Plan for cases registered at the beginning proves about the lack of seriousness in dealing with these cases by the special prosecutors. As it was mentioned in this report, SPRK has much better working conditions and better financial stimulation for its prosecutors and at the same time possesses internal resources of experts, whom provide great assistance in solving cases of corruption. From these solved cases, against 89 persons or to 83% of them were dismissed the criminal charges or cases were terminated, while only against 18 persons or 17% of them were filed indictments. KLI assesses that all these working results in SPRK are desperate, if we compare special prosecutors and their benefits with other prosecutors and their results. For more see the table 40.

SPRK PP The method of solving the registered cases until November 4, 2013	Cases	Persons	Dismissal	Termination	Indictments after investigations
KP	7	61	5	38	18
The citizen	5	44	4	40	
Financial intellege.	1	2		2	
Total:	13	107	9	80	18

Table 40 – The method of solving the registered cases until November 4, 2013

SPRK has managed to solve a number of persons of old cases over the years, which were registered in the beginning of the Action Plan. According to table 41, results show that special prosecutors have solved cases against 33 persons in 2009, 35 persons in 2010, 25 persons in 2011 and 14 persons in 2012. For more details follow table 41, to see cases of whose applicants were solved by SPRK.

SPRK PP Solved persons in years registered until November 4, 2013	2009	2010	2011	2012	Total
KP	6	24	22	9	61
The citizen	27	11	1	5	44
Financial intelligence			2		2
Total:	33	35	25	14	107

Table 41 – Solved persons in years registered in PV

From these cases against 107 solved persons, the largest number belongs again to criminal offense “Abusing official position or authority” with a total of 101 persons or 94% of them. 3 persons or 3% were solved for the criminal offense “Money laundering”, 2 persons or 2% were solved for the criminal offense “Participation in or Organization of an Organized Criminal Group” and 1 person or 1% was solved for the criminal offense “Misusing official information”.

RECEIVED SOLVED CASES DURING THE ACTION PLAN

During the implementation of the Action Plan in period from November 4, 2013 until June 30, 2013, SPRK has received in 20 new cases with 90 persons. From them, it has solved cases against 14 persons or only 16% of received cases. From them against 5 persons were dismissed the criminal charges, against 6 persons cases were terminated, while against 3 persons were filed indictments. For more information’s regarding the method of solving cases according to applicants of criminal indictments, see table 42.

PP –The method of solving new received cases (November 4, 2013 until June 30, 2014)	Cases	Persons	Dismissal	Termination	Direct indictments	Indictments after
ACC	2	7		6	1	
KP	2	5	5			
EULEX	1	2				2
Total:	5	14	5	6	1	2

Table 42 – The method of solving received cases

From these 14 solved persons, 6 persons belong to the criminal offense “Abusing official position or authority”, 6 persons belong to criminal offense “Falsifying official documents” and 2 persons belong to the criminal offense “Disclosing Official Secrets”.

UNSOLVED AT THE END OF THE ACTION PLAN

At the beginning of the Action Plan, SPRK had 35 unsolved cases with 232 persons, while at the end the number of unsolved persons has raised in 41 cases or 15% more. While, the number of unsolved persons has decreased in 221 persons or 5% less than at the beginning. The largest number of unsolved persons at the end belongs police cases, with a total of 85 persons. The police is followed by unsolved cases of citizens with total number of 54 persons. For more see table 43. From 221 unsolved persons at the end, 163 persons remained for the criminal offense “Abusing official position or authority”, 15 persons for the criminal offense “Misuse of economic authorization”, 13 persons for the criminal offense “Misappropriation in office”, 10 persons for the criminal offense “Trading in influence”, 5 persons for the criminal offense “Giving bribes”, 5 persons for the criminal offense “Participation in or Organization of an Organized Criminal Group”, 4 persons for the criminal offense “Accepting bribes”, 3 persons for the criminal offense “Fraud in office” and 3 persons for the criminal offense “Entering into harmful contracts”.

PP						
Persons unsolved at the end with complainant by years	2010	2011	2012	2013	2014	Total
ACA			20	4	10	34
Kosovo Customs				9		9
EULEX	13	6		5		24
KP	13	10	9		53	85
The citizen	5	10	8	11	20	54
The injured party				2		2
Municipal adminis.		1				1
Holder of property					1	1
Received by competence					11	11
Total:	31	27	37	31	95	221

Table 43 – Unsolved persons at the end of the Action Plan

CASES IN THE PHASE OF GATHERING INFORMATION IN SPRK– PPN

At the beginning of the Action Plan, SPRK had unsolved cases against 46 persons, which are in the phase of gathering the information. Older cases belong to 2010, with a total of 9 persons.

From these 46 unsolved persons, 16 of them were filed by the citizens, 14 by the police, 11 by the ACA, 3 by the EULEX and 2 by the injured parties. For more information see the table 44.

SPRK					
PPN –Unsolved persons with applicants in years	2010	2011	2012	2013	Total:
ACA	5		6		11
EULEX	3				3
KP			3	11	14
The Citizen	1	15			16
The injured party			2		2
Total:	9	15	11	11	46

Table 44 – Unsolved persons by years

From 46 unsolved persons at the beginning of the Action Plan, 39 persons were filed for criminal offense “Abusing official position or authority”, by 2 persons are for criminal offense “Giving bribes”, “Entering into harmful contracts”, “Misusing official information”, and 1 person for criminal offense “Money laundry”. For more see the table 45.

PPN – Unsolved persons at the beginning with applicants and criminal offenses	Persons	Abusing official position or authority	Giving bribes	Money laundering	Entering into harmful contracts	Misusing official information
ACA	11	11				
KP	14	14				
The injured party	2					2
EULEX	3		2	1		
The citizen	16	14			2	
Total:	46	39	2	1	2	2

Table 45 – Unsolved persons at the beginning with applicants and criminal offenses

NEW RECEIVED CASES DURING THE ACTION PLAN

PPN - Received persons according applicants (November 4, 2013 - June 30, 2014)	Cases in November 2013	Persons in November 2013	Cases in December 2013	Personas in December 2013	Cases in January 2014	Persons in January 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in June 2014	Persons in June 2014	Cases in total:	Persons in total:
ACA			1	1					1	5			2	6
KP	1	2					2	6	1	5			4	13
TAK									1	2			1	2
The citizen							3	17	2	2	1	3	6	22
Prosecutor with self-initiative					1	1							1	1
Holder of property							1	1					1	1
Total:	1	2	1	1	1	1	6	24	5	14	1	3	15	45

Table 46 – Received persons according applicants for each month for the period from November 4, 2013 until June 30, 2014

During the period of implementation of the Action Plan from November 4, 2013 until June 30, 2014 SPRK has received 15 new cases with 45 persons. Citizens have filed most persons for corruption criminal offenses, with a total of 22 persons. After citizens follows the police, which has filed 13 persons for criminal offenses of corruption. From 45 received persons, 40 of them were filed for criminal offense “Abusing official position or authority”, while only 5 persons are for criminal offense “Trading in influence”.

SOLVED CASES

During implementation of the Action Plan from the category of cases in the phase of gathering the information, SPRK has managed to solve cases for 32 persons. Special prosecutors have dismissed all cases for these 32 persons, because they did not find any information to continue the investigations.

UNSOLVED CASES IN THE END OF THE ACTION PLAN

At the end of the Action Plan on November 30, 2014, SPRK has unsolved cases against 52 persons. For more see the table 47, with applicants and years.

From 52 unsolved persons at the end, 47 were filed for criminal offense “Abusing official position or authority”, by 2 persons for criminal offense “Giving bribes” and “Entering into harmful contracts” and only 1 person is for criminal offense “Money Laundering”.

PPN –Unsolved persons in the end with applicants in years	2010	2011	2012	2013	2014	Total:
ACA			6			6
TAK					5	5
EULEX	3					3
KP				6	7	13
The citizen	1	2			21	24
Holder of property					1	1
Total:	4	2	6	6	34	52

Table 47- Unsolved persons in the end with applicants in years

VIII. EXECUTIVE SUMMARY FOR BASIC PROSECUTION IN PRISTINA

Basic Prosecution in Pristina is the largest prosecution under the prosecutorial system of the Republic of Kosovo. This prosecution has the greatest burden in pursuing the perpetrators of crimes, especially those of corruption offenses, due to the concentration of all the most important state institutions in the Capital of the Republic of Kosovo, in Pristina. This prosecution at the same time is the most overloaded prosecution of all prosecutions in Kosovo, with the number of cases in work which are received every day, but at the same time is the most loaded prosecution with the largest number of unsolved cases. Basic Prosecution in Pristina has engaged 12 prosecutors in Serious Crimes Department in solving the corruption cases.

Due to the restructuring of the prosecutorial system on January 1, 2013, Basic Prosecution in Pristina was the most overloaded prosecution with cases of former District Prosecution of Pristina and former Municipal Prosecution of Pristina. Undoubtedly the most representative prosecution for all prosecutions under the prosecutorial system remains Basic Prosecution in Pristina. Unfortunately the performance of the prosecutors in this prosecution, due to many factors, some of which were highlighted above, remains extremely poor, especially compared to other prosecutions.

At the beginning of the Action Plan on November 4, 2013 BP in had 224 unsolved cases with 777 persons, while at the end of this plan on June 30, 2014 remained 346 unsolved cases with 935 persons. This proves the failure of this prosecution in solving corruption cases despite the entry into force of the Action Plan and the obligations arising from this plan. Statistics of unsolved corruption cases shows that the status of these cases has decreased more and more at the end of the Action Plan than it was in the beginning. At the end of the Action Plan there were 122 more unsolved cases with 158 more persons.

This status of unsolved corruption cases in BP of Pristina is concerning to all prosecutorial system. In the first KLI's report published in March 2014 on the implementation of the Action Plan, it was alerted about the situation in BP of Pristina and KLI has recommended special attention of prosecutorial system for this prosecution, because of the overload with corruption cases and the quality of perpetrators of criminal offenses. However, the following results indicate that this situation has only worsened with the growing number of unsolved cases of corruption. This has directly influenced on the lost of citizens' trust in prosecutorial system, namely in the justice system.

At the beginning of the Action Plan, this prosecution had 224 unsolved cases with 777 persons. From the date November 4, 2013 until June 30, 2014 has received 173 new cases with 287 persons or the total number of cases in this prosecution was 397 with 1064

persons. From this number, this prosecution has managed to solve only 123 persons or only 12% of them. KLI assesses that this fact is very disturbing and proves that this Action Plan was not taken seriously by prosecutors. These statistics shows that corruption cases were not treated at all with priority by the prosecutors of BP in Pristina.

Regarding the method of solving for these 123 persons, results that for 24 persons or 20% of them were dismissed criminal charges, for 26 persons or 21% of them cases were terminated. While against 73 persons or 59% of them were filed indictments, including direct indictments, indictments after investigations, also were imposed the punitive orders.

KLI assesses that the status of unsolved cases in BP of Pristina requires urgent steps, by undertaking concrete actions from Kosovo Prosecutorial Council, in order to have better results in solving cases of corruption, contrary this prosecution will face with a large number of corruption cases, which will be prescribed

Based on key indicator to assess the implementation of the Action Plan, KLI assesses that the **Basic Prosecution in Pristina has failed in implementation of this plan. During the monitoring and analysis of statistical data, results that from 342 unsolved cases with 777 persons as have been on November 4, 2013, prosecutors have managed to solve only 39 cases with 98 persons or only 13% of them.**

Also, new received case during the Action Plan that include the period from November 4, 2013 until June 30, 2014, were minimally solved by prosecutors of BP in Pristina. From 287 new received persons for corruption, prosecutors have managed to solve only 25 persons or 9% of them. This shows that the trend of solving new cases of corruption has been even poorer compared to old cases. While old cases registered until November 4, 2013 were solved only 13%, new cases were solved only 9%. KLI expresses its concern for this performance of prosecutors in BP of Pristina and requires mobilization of the entire prosecutorial system to set up the capabilities of this prosecution, to increase the efficiency and effectiveness in solving the cases. Failure to solve these cases of corruption, will affect in termination of the investigations in these cases due to expiring the period of statutory limitation of criminal prosecution. Therefore, in these cases may be amnestied to perpetrators of criminal offenses of corruption and the trust of citizens in prosecutorial system, may be lost.

Basic Prosecution in Pristina continues to have serious problems even with unsolved cases in phase of gathering the information, or as they are known to the State Prosecution as PPN. Neither in terms of solving these cases there is not a good cooperation between

prosecutors and the applicants of these information, from all agencies of the rule of law and citizens, to solve these cases. At the beginning of the plan, in this category were unsolved cases against 355 persons, while during the reporting period were solved cases for 22 persons against whom were dismissed all the information. At the end of the Action Plan on June 30, 2014, the number of unsolved corruption cases from this category is 381 persons. This is a concerning situation for Basic Prosecution in Pristina, because that these cases may be closed due to obsolescence and inability to identify the perpetrators of criminal offenses.

CASES IN PHASE OF INVESTIGATIONS IN BASIC PROSECUTION IN PRISTINA(BP in Pristina)

Basic Prosecution in Pristina has engaged 12 prosecutors in Department for Serious Crimes in solving the corruption cases. BP in Pristina is the biggest prosecution within the prosecutorial system of the Republic of Kosovo. This prosecution has the greatest burden in pursuing the perpetrators of crimes, especially those for criminal offenses of corruption, due to the concentration of all important state institutions in the Capital of the Republic of Kosovo, in Pristina. BP in Pristina at the same time is the most overloaded prosecution of all prosecutions in Kosovo with the number of cases in work, which are received every day, but at the same time is the most overloaded prosecution with the largest number of unsolved cases.

Restructuring of prosecutorial system have overloaded BP in Pristina with cases from former-District Prosecution of Pristina and former-Municipal Prosecution of Pristina. Undoubtedly the most representative prosecution for all prosecutions under the prosecutorial system remains BP in Pristina. Unfortunately the performance of the prosecutors in this prosecution, due to many factors, some of which were highlighted above, remains extremely weak, especially when compared to other prosecutions.

KLI assesses that the importance of this institution in solving cases of corruption directly affects the overall success of the prosecutorial system, always by taking into consideration the expected results for the pursuing of perpetrators for criminal offenses, which are concentrated in the numerous options that can be utilized in the capital of the Republic of Kosovo.

KLI in this part of the document has analysed the general situation of corruption cases in statistical terms, including unsolved cases at the beginning of the Action Plan, new cases received during this plan, method of solving these cases in general, solving of registered cases until November 4, 2013, as well as the remained cases as unsolved at the end of the Action Plan on June 30, 2014.

BP in Pristina at the beginning of the Action Plan on November 4, 2013 had in work 224 unsolved cases with 777 persons, while at the end of the plan on June 30, 2014 have had 346 unsolved cases with 935 persons. This proves the failure of this prosecution to solve the corruption cases, despite the entry into force of the Action Plan and the obligations arising from this plan. As noted from the statistics of unsolved corruption cases, results that the statute of these cases have decreased more and more at the end of the Action Plan, rather it was in the beginning. KLI has shown in the table below, the general situation of corruption cases in the BP of Pristina. Note that at the end of the Action Plan there are 122 more unsolved cases with 158 persons more.

Basic Prosecution in Pristina		Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in April 2014	Cases in June 2014	Persons in June 2014
1	Solved cases in the beginning of the month	224	777	224	775	229	794	238	817	255	843	256	841	256	855	307	898
2	Received cases during the month	3	4	9	28	13	29	19	32	15	24	9	30	56	68	49	72
3	Total in work	227	781	233	803	242	823	257	849	270	867	265	871	312	923	356	970
4	Solved cases during the month	3	6	4	9	4	6	2	6	14	26	9	16	3	19	10	35
5	Unsolved cases in the end of the month	224	775	229	794	238	817	255	843	256	841	256	855	309	904	346	935

Table 48 – General situation on corruption cases in BP in Pristina, from the entry into force of the Action Plan until June 30, 2014

This situation of unsolved cases of corruption in Basic Prosecution in Pristina is an alert to all Kosovo prosecutorial system. KLI in the first report which was published in March, 2014 on the implementation of the Action Plan has alerted about the situation in Basic Prosecution in Pristina and has recommended special attention of prosecutorial system for this prosecution due to overload of

corruption cases and the quality of perpetrators of criminal offenses.⁹⁵ As noted from the table above the situation continues to worsen with the increasing number of unsolved cases of corruption. No doubt that this directly impacts on the loss of citizens trust in the prosecutorial system, namely in the justice system.

KLI assesses that increased trend of unsolved corruption cases in Basic Prosecution in Pristina will have an extremely negative impact on all areas of life, for the citizens of the Republic of Kosovo.

These unsolved cases will achieve the opposite effect and undesirable, because the perpetrators of corruption criminal offenses will be amnestied, as a result of the prescription of these old cases which have failed to be solved.

- *Amnesty for those perpetrators of corruptional offenses will directly affect, not only to those perpetrators to be stimulated with the continuation of similar crimes, but will have an indirect impact to all other persons, who will be convinced that the perpetrators of the corruption offenses will not be punished, but will be amnestied.*
- *One of the most important elements for justice, waned in maximum, as this situation directly impacts in the loss of trust of citizens in the prosecutorial system, namely in the justice system.*
- *As long as the time of these unsolved cases passes, the real possibility for investigation, detection and prosecution of perpetrators becomes impossible and also witness testimonies are hardly credible to the court, due to the long time passed from the time of commitment of the criminal offense.*
- *The justice does not triumph as a result of this lack of responsibility from the prosecutorial system and the justice system.*
- *Not only victims of these crimes will have consequences from impunity of perpetrators of criminal offenses for corruption, but the consequences will face the whole society in Kosovo. As a result of not fighting the corruption, citizens of the Republic of Kosovo have remained in ghetto and one of the reasons non-liberalization of visas for these citizens, is exactly the non-achievement of concrete results in fighting corruption and organized crime.⁹⁶*

In order to have a clear view of the situation of these old unsolved cases of corruption filed by the complainants has presented the table below. Note that older cases date from the year 2001 and ahead. For more details see table 49.

⁹⁵VII. Recommendations: Gashi A. dhe Musliu B. “*Corruption in Kosovo: Evaluation report on efficiency of the prosecutorial system in implementing the Action Plan on corruption cases*”. (Pristina: Kosovo Law Institute, March 2014) Pg.42.

⁹⁶“ *The second report of the progress of Kosovo in meeting the requirements of the roadmap for visa liberalization* “. Report from the Commission to the European Parliament and Council p.8. European Commission. Brussels. July 24, 2014.

		BP in Pristina													
Applicants with persons by years		2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total:
1	ACA							6	16		26	20	74	95	237
2	TAK										2				2
3	EULEX											5		4	9
4	KPI													4	4
5	KP	4		7	1		11	21	26	4	9	14	36	183	316
6	The Citizen			3						2	3	14		2	24
7	The injured party					6	4	5	1	1	9	5	5	45	81
8	Holder of property				1		4	2	22	3	7		13	2	54
9	Forestry authority													2	2
10	Prosecutor with self-initiative											42		4	46
11	Unidentified											1		1	2
12	Total:	4		10	2	6	19	34	65	10	56	101	128	342	777

Table 49 – Persons with applicants by years

The most characteristic criminal offense of corruption is "Misuse of position or official authority", for which were filed criminal charges against 595 persons. ACA is the agency that have filed most charges for this criminal offense with total of 220 persons, following with the police 166 persons to whom has filed criminal charges. In the table below, you can notice for what criminal offenses were filed criminal charges.

Pristina– Unsolved cases in the beginning of the AP (November 4, 2013) with applicants and criminal offenses		Persons	Non-declaration of assets	Misuse of position and official authority	Unlawful collection and disbursement	Giving bribes	Falsifying Official Document	Accepting bribes	Fraud in office	Unlawful issuing of court decisions	Misappropriation in office	Trading in Influence
1	ACA	237	1	220			12		1	1		2
2	KP	316		166	95	4	5	1	8	5	30	2
3	The injured party	81		78				2		1		
4	TAK	2		2								
5	KPI	4		3				1				
6	Forestry authority	2		2								
7	EULEX	9		9								
8	Prosecutor with self-initiative	46		45					1			
9	The Citizen	24		22		1						1
10	Holder of property	54		46					2		6	
11	Unidentified	2		2								
12	Total:	777	1	595	95	5	17	4	12	7	36	5

Table 50 – Unsolved persons in the beginning (November 4, 2013) with applicants and criminal offenses

RECEIVED CASES DURING THE ACTION PLAN

In addition to hundreds of unsolved cases of corruption, which were collected over the years, in Basic Court in Pristina the trend of new cases of corruption has increased continuously, by affecting directly the increased number of unsolved cases. In the table below, you may notice the trend of new cases of corruption for each month and the applicants of these cases.

Pristina PP Cases and persons received according to applicants (the period from November 4, 2013 until June 30, 2014)		Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in April 2014	Cases in June 2014	Persons in June 2014	Cases in total:	Persons in total:
		1	ACA			5	12	7	13	8	8	4	10	2	2	48	49	38	38
2	KP	2	2	4	16	2	10	6	14	8	11	6	25	3	6	4	15	35	99
3	KPI	1	2					3	4	2	2					1	2	7	10
4	Kosovo Customs					1	1							1	1			2	2
5	Holder of property					3	5	1	1					1	2	1	1	6	9
6	The injured party							1	5	1	1	1	3	3	10	5	16	11	35
7	Total:	3	4	9	28	13	29	19	32	15	24	9	30	56	68	49	72	173	287

Table 51 – Cases and persons received according to applicants for each month for period from November 4, 2013 until June 30, 2014

From these 287 received persons by the Basic Prosecution in Pistina, 164 of them were filed for criminal offense “Misuse of position or official authority”, 107 are for criminal offense “Non declaration or false declaration of assets, incomes, gifts or other material benefits or financial liabilities”, 8 persons are for criminal offense “Falsification of official documents”, 4 persons are for criminal offense “Accepting bribes“, 2 persons are for criminal offense “Trading in influence” and 1 person is for criminal offense “giving bribes” and “Misappropriation in office”.

THE METHOD OF SOLVING THE CASES IN BASIC PROSECUTION IN PRISTINA

Basic Prosecution in Pristina throughout the reporting period has managed to solve cases only against 123 persons. At the beginning of the Action Plan, this prosecution had in work 224 unsolved cases with 777 persons. From November 4, 2013 until June 30, 2014 has received in work 173 new cases with 287 persons or in total this prosecution has had 397 cases with 1064 persons. From this number has managed to solve only 123 persons or only 12% of them. KLI assesses that this fact is very worrying and proves that the Action Plan was not taken seriously by prosecutors. These statistics show that corruption cases were not treated at all with priority from the prosecutors of Basic Prosecution of Pristina. Regarding the way of solving these 123 persons, results that for 24 persons or 20% of them criminal charges were dismissed. For 26 persons or 21% of them were terminated the cases, while against 73 persons or 59% of them were filed indictments, including direct indictments, indictments after investigations and the imposition of punitive order.

PP Method of solving the cases according the applicants (from November 4, 2013 until June 30, 2014)	Cases	Persons	Dismissal	Termination	Punitive order	Direct indictment	Indictment after investigations
ACA	9	25	8	3	3	6	5
KP	26	65	6	16			43
The injured party	7	14	3	7		1	3
KPI	3	5					5
Kosovo Custom	1	1					1
The Citizen	1	2	2				
Holder of prop.	7	11	5				6
Totali	54	123	24	26	3	7	63

Table 52– Method of solving the cases according the applicants

KLI assesses that the basic prosecution in Pristina, based on these statistics has failed in fulfilling of its obligations under the Action Plan. Basic Prosecution in Pristina did not respond to the obligations of the plan, by not solving the cases of corruption. What is most worried is the fact that the number of unsolved cases and persons has only increased. This situation of unsolved cases in Basic Prosecution in Pristina requires urgent steps to undertake concrete actions by the Kosovo Prosecutorial Council, in order to have positive results in solving corruption cases, in contrary will be a series of inevitable corruption cases, which will be prescribed. Moreover, it happens that a number of corruption cases to be filed by the police, only few days before the prescription deadline. Such cases the Chief Prosecutor in Basic Prosecution in Pristina has decided not to accept any more by the police.⁹⁷

From 123 persons solved in total, the largest number of them prosecutors in Basic Prosecution in Pristina have solved for persons submitted by the police, a total of 66 persons. After the police follow filed solved corruption cases by ACA, with a total of 25 persons.

BP in Pristina PP Solved persons according criminal offenses (from November 4, 2013 until June 30, 2014)	Misuse of position and official authority	Accepting bribes	Giving bribes	Misappropriation in office	Fraud in office	Trading in influence	Falsifying Official Document	Non declaration of assets	Total:
ACA	14				1		6	4	25
KP	54		4	3	3	1			65
The injured party	13	1							14
The Citizen	2								2
Holder of property	8			3					11
KPI	4	1							5
Kosovo Customs	1								1
Total:	96	2	4	6	4	1	6	4	123

Table 53 – Solved persons with applicants according the criminal offenses

⁹⁷ KLI interview with Mr. Imer Beka, Chief Prosecutor in Basic Prosecution in Pristina, June 2014.

From 123 solved persons, as noted in table 53, results that 96 persons or 78% of them are for the offense of "Misuse of position or official authority". 6 persons are for criminal offense "Misappropriation in office", by 4 persons are for criminal offenses "Giving bribes", "Fraud in office" and "Non declaration or false declaration of assets, incomes, gifts, other material benefits or financial liabilities", 2 people are for criminal offense "Accepting bribe" and 1 person is for criminal offense "Trading in influence".

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

KLI assesses that prosecutors of Basic Prosecution in Pristina have failed in implementation of the Action Plan. This assessment is as result of measurements done by KLI, based on the main indicator for assessing the implementation of the Action Plan. **During the monitoring and analysis of statistical data, results that from 342 unsolved cases with 777 persons, prosecutors in Basic Prosecution in Pristina have managed to solve only 39 cases with 98 persons or only 13% of them.** This prosecution is the one who has failed the most in the implementation of the Action Plan. In this regard have affected the large number of cases, which were inherited to this prosecution from former-District Prosecution in Pristina and former-Municipal Prosecution in Pristina, as well as the small number of prosecutors⁹⁸. These results are alert to the prosecutorial system, which must have special attention to the Basic Prosecution in Pristina due to the importance of this institution in the prosecution of perpetrators of criminal offenses of corruption. The fact that only 13% this plan it is being implemented, its a strong evidence that interventions to interact in this prosecution are more than necessary.

BP in Pristina PP – The method of solving cases registered until November 4, 2013	Cases	Persons	Dismissal	Termination	Punitive order	Direct indictment	Indictment after investigations
ACC	5	21	8	3		5	5
KP	19	49	6	9			34
The injured party	7	14	3	7		1	3
The Citizen	1	2	2				
Holder of property	6	10	5				5
KPI	1	2					2
Total:	39	98	24	19		6	49

Table 54 – Persons solved according years registered in PV

⁹⁸ KLI interview with Mr. Imer Beka, Chief Prosecutor in Basic Prosecution in Pristina, June 2014.

From the number of persons solved, results that prosecutors have solved even old cases that were registered as unsolved since 2001. Solution of these cases should have been an absolute priority of these prosecutors, but such old cases still remain unsolved at the end of the Action Plan.

Undoubtedly that the solution of these cases has a result and the proved result by this stage for these old cases is their termination due to the arrival of the prescription deadline of criminal prosecution. In these cases we have amnesty to perpetrators of criminal offenses for corruption and the loss of citizens trust in the prosecutorial system.

From these old solved cases over the years, the largest number belongs to the offense "Misuse of official position or authority" with a total of 77 persons or 79% of them, 6 persons are for criminal offense of "Falsifying official documents", 5 persons offense "Misappropriation in office", 4 persons for the criminal offense "Fraud in office", 4 persons for the criminal offense "Giving bribes" and by 1 person for criminal offenses "Accepting Bribes" and "Trading in influence".

Persons solved according the years registered until November 4, 2013	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Total
ACA										5	1	3	12	21
KP	4			1		2	5	1	1			24	11	49
The injured party					6	4				2		1	1	14
The Citizen			2											2
Holder pr.								4	2	2			2	10
KPI													2	2
Total	4		2	1	6	6	5	5	3	9	1	28	28	98

Table 55 – Persons solved according the years registered at the beginning of the Action Plan until November 4, 2013

RECEIVED SOLVED CASES DURING THE ACTION PLAN

New cases received during the Action Plan that includes the period from November 4, 2013 until June 30, 2014, results that were minimally solved by prosecutors in Basic Prosecution in Pristina. From 287 new persons received for corruption, prosecutors have managed to solve only 25 persons or 9% of them. This indicates that the trend of solving new cases of corruption has been even weaker than for old cases. While old cases registered until November 4, 2013 were solved 13 of them, new cases have managed to solve only 9% of them. KLI expresses its concern for this performance of prosecutors in Basic Prosecution in Pristina and requires the mobilization of the entire prosecutorial system to set up all the capabilities in this prosecution to increase efficiency and effectiveness in solving cases. From these solved persons 19 of them are people are for criminal offense "Misuse of official position or authority", 4 persons are for the criminal offense "Non declaration of false declaration of assets, incomes, gifts, and other material benefit or financial liabilities", and by 1 person for criminal offenses "Taking bribes " and "Misappropriation in office".

BP in Pristina PP – Method of solved cases according the applicants (from November 4, 2013 until June 30, 2014)	Cases	Persons	Dismissal	Termination	Punitive order	Direct indictment	Indictment after investigations
ACA	4	4			3	1	
KP	7	16		7			9
KPI	2	3					3
Kosovo Customs	1	1					1
Holder of prope.	1	1					1
Total	15	25		7	3	1	14

Table 56 – The method of solving received cases

UNSOLVED CASES AT THE END OF THE ACTION PLAN

Basic Prosecution in Pristina continues to remain overloaded with cases and persons for criminal offenses of corruption at the end of the Action Plan. The number of unsolved cases has only increased, while there are still many old unsolved cases from 2003 and further. Cases which are inherited from year to year are a major concern and undoubtedly are affecting in the quality and efficiency of the work of prosecutions. KLI assesses that these old cases are challenged for prosecutors, who have difficulties to defend their cases in courts for criminal offenses that are alleged to have committed in distant years as year 2003, that is because it has passed a long time from the commitment of the criminal offense, and it is big challenge ensuring the witnesses and credibility of their statements regarding these cases before the court.

PP Unsolved persons in the end with applicants by years	2003	2004	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total:
ACA				6	16		21	19	71	94	114	340
TAK							2					2
Kosovo Customs											1	1
EULEX								5		4		9
KPI										3	5	8
KP	7		9	17	25	3	11	14	14	186	63	349
The Citizen	1					2	3	14		2		22
The injured party				5	1	1	7	5	4	44	35	102
Holder of propor.		1	4	2	18	1	5		13		8	52
Forestry Authori.										2		2
Prosec. self-initiat.								41		4		45
Unidentified								1		2		3
Total:	8	1	13	30	60	7	49	99	102	341	225	935

Table 57 –Unsolved persons in the end with applicants by years

From 935 unsolved persons at the end of the Action Plan, 663 persons have been charged for criminal offense "Misuse of position or official authority", 99 persons for criminal offense "Non declaration or false declaration of assets, incomes, gifts, and other material benefit or financial liabilities", 94 persons for criminal offense "Collection and illegal payments", 31 persons for criminal offense "Misappropriation in office", 14 persons for criminal offense "Falsifying official documents", 8 people for work criminal "Fraud in office", 7 persons for criminal offense "Issuing unlawful judicial decisions", 7 persons for criminal offense "Trading in influence" and by 6 persons for criminal offenses "Giving bribes" and "Accepting bribe".

CASES IN THE PHASE OF GATHERING THE INFORMATIONS– PPN

Basic Prosecution in Pristina continues to have serious problems even with unsolved cases in the phase of collecting informations, or as they are known in the State Prosecution as PPN.

Neither in terms of solving these cases does not exist a good cooperation between prosecutors and applicants of these informations from all law enforcement agencies and citizens to light these cases. From this category unsolved cases involve 355 persons.

KLI assesses that prosecutors should increase their activities in this pre-investigation stage of developing the investigations, to define cases and solve them in this way parties will not be overloaded with such cases, but also not overloading prosecutorial system where appear as unsolved informations. Note in table 58 the alarming situation with number of unsolved persons and older years of these cases in Basic Prosecution in Pristina, at the beginning of the Action Plan on November 4, 2013.

BP in Pristina									
Persons with applicants and years	2006	2007	2008	2009	2010	2011	2012	2013	Total:
ACA		4	21	3	15	13	3	6	65
TAK						4			4
Kosovo Customs							3		3
KPI							1	3	4
KP		3	2	1	3	48	61	29	147
The Citizen							5		5
The injured party	3	3		2	1	4	28	35	76
Kosovo Property Agency								4	4
Holder of property						1	6	18	25
Ferestry authority		4				5			9
Prosecutor with self-initiati.							1	1	2
General Auditor			4						4
Unidentified						7			7
Total:	3	14	27	6	19	82	108	96	355

Table 58– Persons with applicants and years

From the unsolved cases in the category of received informations from the different applicants, results that from 355 unsolved persons at the beginning of the Action Plan, 339 are persons against whom were raised suspicions that have committed criminal offense of "Misuse of position or official authority" . By 5 persons are for criminal offenses "Accepting Bribes" and "Fraud in office", 2 persons are for criminal offense "Falsifying official documents" and by 1 person is for criminal offenses "Misappropriation in office", "Unauthorized use of assets", "Disclosing official secrets" and "Illegal freedom for persons deprived from liberty".

BP in Pristina Unsolved cases in the beginning of AP (November 4, 2013) with applicants and criminal offenses	Persons	Misuse of Position or Official Authority	Falsifying official documents	Accepting bribes	Fraud in office	Misappropriation in office	Unauthorized use of assets	Disclosing official secret	Illegal freedom for persons deprived from liberty
ACA	65	65							
KP	147	134	2	5	3	1		1	1
KPI	4	4							
The injured party	76	73			2		1		
Kosovo Property Agency	4	4							
KTA	4	4							
General Auditor	4	4							
Forestry Authority	9	9							
Kosovo Customs	3	3							
Prosecutor self-initiative	2	2							
The Citizen	5	5							
Unidentified	7	7							
Holder of property	25	25							
Total:	355	339	2	5	5	1	1	1	1

Table 59 – Unsolved cases in the beginning of AP (November 4, 2013) with applicants and criminal offenses

NEW RECEIVED CASES DURING THE ACTION PLAN

Basic Prosecution in Pristina have received 20 new cases with 46 persons, that contains information about the possible commitment of criminal offenses of corruption. Such cases in greater number were received in December, total of 3 new cases with 17 persons. For more see the table 60, where is shown the trend of received cases from the category of cases of informations or PPN.

PPN - Persons received according the applicants (November 4, 2013 until June 30, 2014)	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in february 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in June 2014	Persons in June 2014	Cases in total:	Persons in total:
KP	4	8	1	1	2	5	2	6	1	1					10	21
KPI	1	2													1	2
The injured party	3	3	2	16	2	2					1	1	1	1	9	23
Total	8	13	3	17	4	7	2	6	1	1	1	1	1	1	20	46

Table 60 – Persons received during implementation of the Action Plan with applicants for each month

From 46 received persons, 39 of them belong to the criminal offense "Misuse of position or official authority", 4 persons for criminal offense "Falsifying official documents", and by 1 person for criminal offense "Unlawful Collection and payments", "Taking bribes" and "Misuse of official information".

SOLVED CASES

Basic Prosecution in Pristina during the implementation of the Action Plan from the category of cases in the phase of gathering the informations, has managed to solve cases for 22 persons. The prosecutors of this prosecution all cases for these 22 persons have terminated, as did not find any information to proceed with advanced investigations.

UNSOLVED CASES AT THE END OF THE ACTION PLAN

The trend of unsolved cases even for the category of PPN cases of information's on corruption cases is very disturbing in BP of Pristina. The number of unsolved cases at the end of the Action Plan on June 30, 2014 is 381 persons. Among these persons have remained unsolved old cases from 2006 and onward. This is an alarm for BP in Pristina that these cases can be closed due to obsolescence and the inability to detect criminal offenders.

From these 381 unsolved persons at the end of the Action Plan, 360 persons are for criminal offense "Abusing of official position or authority", by 6 persons are for criminal offense "Accepting Bribes" and "Falsifying Official Document", 3 persons are for criminal offense "Fraud in Office", 2 persons are for criminal offense "Abusing of official information" and by 1 person for criminal offenses "Unlawful Collection and Disbursement", "Misappropriation in Office", "Unauthorized use of Property" and "Unlawful release of the person deprived of liberty".

PPN – Unsolved persons at the end with applicants through years	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total:
ACA		4	21	2	14	13	3	2		59
TAK						4				4
Kosovo Customs							3			3
KPI							1	3		4
KP		3	2	1	3	48	59	34	12	162
The Citizen							5			5
The injured party	3	2		2	1	4	25	53	4	94
Kosovo Property Agency								4		4
Holder of the property						1	5	18		24
Forestry authority		4				5				9
Prosecutor with self-initiative							1	1		2
Auditor General			4							4
Unidentified						7				7
Total:	3	13	27	5	18	82	102	115	16	381

Table 61 – Unsolved persons at the end of the Action Plan with applicants through years

IX. EXECUTIVE SUMMARY FOR BASIC PROSECUTION IN PRIZREN

Basic Prosecution in Prizren has engaged all prosecutors of Serious Crimes Department, in total 11 prosecutors to solve cases of corruption. After Pristina, this is the biggest prosecution in the Republic of Kosovo. BP in Prizren in one of the prosecutions that has managed to solve over half of old cases registered in the Action Plan until November 4, 2013. At the beginning of the Action Plan, the prosecutors of this prosecution have had 70 unsolved cases with 175 persons, while at the end of this plan by June 30, 2014 have remained 27 unsolved cases with 49 persons. At the end of the plan have remained unsolved 60% cases less with 70% persons less than they were at the beginning of the plan.

BP in Prizren during the implementation of the Action Plan has received 37 new cases with 61 persons. Kosovo Police has been the applicant with the highest number of criminal charges for criminal offenses of corruption with 30 persons in total, followed by the ACA that has filed 10 criminal charges with 12 persons in total.

From the total number of persons solved in this prosecution, results that are solved 79 cases with 184 persons. The method of solving cases is another indicator that speaks for serious problems due to the large number of cases where criminal charges are dismissed or terminated by prosecutors. Prosecutors have dismissed criminal charges against 49 persons or 27% of them, have terminated cases against 52 persons or 28% of them, and have filed direct indictments and indictments after investigations against 83 persons or 45% of them. As noticed it results that are over half of those persons to whom cases were dismissed or terminated. KLI expresses its concern due to this number of failed cases and recommends for this issue to be filed in Prosecutorial Council in order to identify the problems and to work on raising the quality of legal acts or on raising the quality control of the work of prosecutors.

Baised on the main indicator for measuring the implementation of the Action Plan for solving registered cases until November 4, 2013, results that **BP in Prizren has managed to implement the plan over 80%. From 70 cases that were at the beginning on November 4, 2013 has managed to solve 56 or 85% of them, while from 175 persons that were at the beginning has managed to solve 149 or 85% of them.** This percentage of the implementation of this plan speaks about a greater seriousness of prosecutors of this prosecution to respond to the obligations of the Action Plan. **However the method of solving cases requires additional attention to the desicions of prosecutors in BP in Prizren. From 149 solved persons, against 37 persons or 25% of them criminal charges were dismissed, against 46 persons or 45 persons or 30% of them the cases were terminated, while against 66**

persons or 44% of them direct indictments and indictments after investigations were filed. KLI expresses its concern for the fact that over half of the cases were dismissed or terminated.

During the implementation of the Action Plan from November 4, 2013 until June 30, 2014, BP in Prizren has received 37 new cases with 61 persons. From these cases and persons, the prosecutors have managed to solve 23 cases or 62% of them and 35 persons or 57% of them. Regarding the method of solving cases, it results that against almost over half of persons criminal charges were dismissed or terminated, whereas against the other half were filed indictments

KLI assesses that the failure to solve old cases registered in the Action Plan should be treated seriously by BP in Prizren and Prosecutorial Council. The fact that in the end of this plan on June 30, 2014 we still have unsolved cases of 2009, 2010, 2011 and further proves that prosecutors should be devoted more seriously in fulfilling the obligations of the Action Plan.

BP in Prizren, unlike other prosecutions, has a smaller number of known cases as PPN or cases which are in the phase of gathering information's for corruption. From this category of cases, at the beginning of the plan this prosecution has had unsolved cases against 18 persons. During the reporting period were received 20 new cases with 39 persons.

From this category prosecutors have managed to solve cases for 12 persons, against whom cases were dismissed. From cases of the PPN category BP in Prizren at the end has unsolved cases where 46 persons are involved, among whom there are cases that are submitted informations since 2010. KLI assesses that prosecutors should give special importance in solving these cases in order to be removed from the criminal records and to receive the meritorious respond in reasonable time.

CASES IN PHASE OF INVESTIGATION IN BASIC PROSECUTION IN PRIZREN (BP in Prizren)

In fighting corruption, Basic Prosecution in Prizren has engaged all prosecutors of Serious Crimes Department, in total 11 prosecutors. After Pristina, BP in Prizren is the biggest prosecution in the Republic of Kosovo. This prosecution is one of the prosecutions that has managed to solve over half of old cases registered in the Action Plan until November 4, 2013. At the beginning of the Action Plan, the prosecutors of this prosecution have had 70 unsolved cases with 175 persons, while at the end of this plan by June 30, 2014 have

remained 27 unsolved cases with 49 persons. So, at the end of the plan have remained unsolved 60% cases less with 70% persons less than they were at the beginning of the plan. To see the general status of corruption cases in BP in Prizren, see the table below.

Basic Prosecution in Prizren	November 2013		December 2013		January 2014		February 2014		March 2014		April 2014		May 2014		June 2014	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
Unsolved cases at the beginning of the month	70	175	65	157	59	146	55	145	62	148	53	132	48	127	36	77
Received cases during the month	3	3	4	6	3	8	12	17	3	9	5	7	4	7	3	4
In total at work	73	178	69	163	62	154	67	162	65	157	58	139	52	134	110	273
Solved cases during the month	8	21	10	17	7	9	5	14	12	25	11	12	14	54	12	32
Unsolved cases at the end of the month	65	157	59	146	55	145	62	148	53	132	48	127	38	80	27	49

Table 62 – General status with corruption cases in BP in Prizren from the entry into force of the Action Plan until June 30, 2014.

BP in Prizren is one of the prosecutions that has managed to solve over half of old cases. As it is shown in Table 62 in each month prosecutors in Prizren have managed to solve cases of corruption, bringing at the end a smaller number of unsolved cases. However, the state of corruption cases also in this prosecution proves that prosecutors have not treated these cases with priority until the entry into power of the Action Plan.

The applicants of criminal charges for corruption cases have constantly filed their concerns regarding their unsolved cases. All these procrastinations have had an extremely negative impact on the justice system and what is most important on the loss of people's trust in these institutions. BP in Prizren at the beginning of the Action Plan has had old cases of 2008, filed by the Anti-Corruption Agency. This agency was functionalized in 2007 and this filed case in BP in Prizren proves that prosecutors have not treated with priority tackling corruption deposited by this law enforcement agency.

After ACA, the oldest case unsolved in this prosecution was filed by the injured party. KLI expresses its concern about the failure to deal with these cases with time because of their importance and the trust that the parties can lose in the justice system

In the Table 63 you may see the status of unsolved cases at the beginning of the Action Plan on November 4, 2013, according the applicants and years. KLI has paid attention to the analysis of these cases even in qualifying criminal offenses filed in criminal charges in the prosecution.

In the Table 63 you may see the number of unsolved persons with applicants of criminal charges and criminal offenses of corruption for which suspect persons were denounced. As it is shown the criminal offense “Abusing Official Position or Authority” obviously remains the most expressed offense of corruption, which has most persons, against whom criminal charges were filed. From 175 persons in total for this criminal offense 113 persons have been unsolved or 65% of the total.

		BP Prizren						
Applicants with persons through years		2008	2009	2010	2011	2012	2013	Total:
1	ACA	2				1	25	28
2	KPI					1	3	4
3	KP			6	6	5	73	90
4	The Citizen					10	3	13
5	The injured party		4		10	14	6	34
6	Municipal Administration						6	6
7	Total:	2	4	6	16	31	116	175

Table 63 – Persons with applicants through years

BP Prizren – Unsolved cases in the beginning of AP (November 4, 2013) with applicants and criminal offenses	Persons	Non declaration of assets	Abusing Official Position or Authority	Unlawful Collection and Disbursement	Giving Bribes	Falsifying Official Document	Accepting Bribes	Issuing Unlawful Judicial Decisions	Misappropriation in Office	Disclosing Official Secrets,	Misuse of Economic Authorizations	Unauthorized use of assets
ACA	28	1	15			12						
KP	90		54	21	1	1	5		1		6	1
The injured party	34		26			2		1	4	1		
KPI	4					2	2					
The Citizen	13		12					1				
Municipal Administration	6		6									
Total:	175	1	113	21	1	17	7	2	5	1	6	1

Table 64 – Unsolved persons in the beginning (November 4, 2013) with applicants and criminal offenses

CASES RECEIVED DURING THE ACTION PLAN

BP in Prizren during the implementation of the Action Plan has received 37 new cases with 61 persons. Kosovo Police has been the applicant with the highest number of criminal charges for criminal offenses of corruption with 30 persons in total. After the police, is ACA who has filed 10 criminal charges with 12 persons in total, while the injured parties have 4 new cases with 6 suspect persons involved in corruptive offenses. For more you may see the table below about how many cases and persons were received from each applicant for each month during the period of the Action Plan.

Prizren PP Cases and persons received according the applicants (period from November 4, 2013 until June 30, 2014)	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
	ACA							8	8	1	3	1	1					10
KP	1	1	4	6	2	4	2	5	1	2	2	2	3	6	3	4	18	30
KPI	1	1			1	4											2	5
The Citizen									1	4							1	4
Municipal Administration	1	1															1	1
The injured party							1	1			2	4	1	1			4	6
Prosecutor with self-initiative							1	3									1	3
Total	3	3	4	6	3	8	12	17	3	9	5	7	4	7	3	4	37	61

Table 65 – Cases and persons received according the applicants for each month for the period from November 4, 2013 until June 30, 2014

From these 37 new cases with 61 persons received in BP in Prizren, 36 persons were filed for the criminal offense “Abusing Official Position or Authority”, 9 persons for the criminal offense “Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities”, 5 persons for the criminal offense “Misappropriation in Office”, 4 persons for the criminal offense “Misuse of Economic Authorizations”, 3 persons for the criminal offense “Accepting Bribes”, 2 persons for the criminal offense “Trading in Influence”, and by 1 person for the criminal offenses “Giving Bribes” and “Issuing Unlawful Judicial Decisions”.

THE METHOD OF SOLVING CASES IN BP IN PRIZREN

From the total number of persons solved in BP in Prizren, results that are solved 79 cases with 184 persons. The method of solving cases is another indicator that speaks for serious problems due to the large number of cases where criminal charges are dismissed or terminated by prosecutors. These last ones have dismissed criminal charges against 49 persons or 27% of them, have terminated cases against 52 persons or 28% of them, while they have filed direct indictments and indictments after investigations against 83 persons or 45% of them. As noticed we have over half of those persons to whom cases were dismissed or terminated. KLI expresses its concern due to this number of failed cases and recommends for this issue to be filed in Prosecutorial Council in order to identify the problems and to work on raising the quality of legal acts or on raising the quality control of the work of prosecutors.

BP Prizren PP - The method of solving cases according the applicants (from November 4, 2013 until June 30, 2014)	Cases	Persons	Dismissal	Termination	Direct indictments	Indictments after investigations
ACA	18	36	13	7		16
KP	33	91	10	25	5	51
The injured party	15	32	21	8		3
The Citizen	4	10	3	7		
KPI	5	8		2		6
Municipal Administration	4	7	2	3	1	1
Total:	79	184	49	52	6	77

Table 66 – The method of solving cases according the applicants

Prosecutors in BP in Prizren from 184 solved persons, 109 persons or 59% of them are for the criminal offense “Abusing Official Position or Authority”, 21 persons or 11% of them are for the criminal offense “Unlawful Collection and Disbursement”, 18 persons are for the criminal offense “Falsifying Official Document” etc. For more you may see Table 67, in which are presented solved persons according the applicants and criminal offenses.

BP Prizren PP – Solved persons according to criminal offenses (from November 4, 2013 until June 30, 2014)	Abusing Official Position or	Accepting Bribes	Giving Bribes	Trading in Influence	Misuse of Economic Authorizations	Falsifying Official Document	Prohibited trade	Issuing Unlawful Judicial Decisions	Disclosing Official Secrets	Non declaration of assets	Unlawful Collection and Disbursement	Misappropriation of Assets	Total:
ACA	14					12				10			36
KP	51	7	1		1	2	3				21	5	91
The injured party	28					2		1	1				32
The Citizen	9							1					10
KPI	1	3	1	2		1							8
Municipal Administration Body	6					1							7
Total:	109	10	2	2	1	18	3	2	1	10	21	5	184

Table 67– Solved persons with applicants according to criminal offenses

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

As you have seen in the methodology of this research, KLI has decided to measure the implementation of the plan, based on the solved cases of corruption, which have been registered until November 4, 2013. According to this indicator, results that BP in Prizren has managed to implement the Action Plan over 80%. From 70 cases that were at the beginning on November 4, 2013 has managed to solve 56 or 85% of them, while from 175 persons that were at the beginning has managed to solve 149 or 85% of them. This percentage of the implementation of this plan speaks about a greater seriousness of prosecutors of this prosecution to respond to the obligations of the Action Plan. However the method of solving cases requires additional attention to the decisions of prosecutors in BP in Prizren. From 149 solved persons, against 37 persons or 25% of them criminal charges were dismissed, against 46 persons or 45 persons or 30% of them the cases were terminated, while against 66 persons or 44% of them direct indictments and indictments after investigations were filed. KLI expresses its concern for the fact that over half of the cases were dismissed or terminated. For the entire prosecutorial system urgently should be made an analysis of these acts to identify the problems for all these decision making cases.

BP Prizren PP - The method of solving cases registered until November 4, 2013	Cases	Persons	Dismissal	Termination	Direct indictments	Indictments after investigations
ACA	8	22	8	6		8
KP	25	80	7	20	3	50
The injured party	13	28	17	8		3
The Citizen	4	10	3	7		
KPI	3	3		2		1
Municipal Administration	3	6	2	3		1
Total:	56	149	37	46	3	63

Table 68

The method of solving cases registered until November 4, 2013

From 149 solved persons, prosecutors have managed to solve some old cases registered in the Action Plan. For more you may see at Table 69, the solved persons through years. From these 149 solved persons, the largest number belongs again to the criminal offense “Abusing Official Position or Authority” or 96 persons in total or 64% of them. 21 persons or 14% were solved for the criminal offense “Unlawful Collection and Disbursement”, 15 persons or 10% were solved for the criminal offense “Falsifying Official Document”, 7 persons for the criminal offense “Accepting Bribes”, 3 persons for the criminal offense “Prohibited trade”, 2 persons for the criminal offense “Issuing Unlawful Judicial Decisions”, and by 1 person were solved for criminal offenses “Giving Bribes”, “Misuse of Economic Authorizations”, “Disclosing Official Secrets”, “Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities” and “Misappropriation in Office”.

RECEIVED SOLVED CASES DURING THE ACTION PLAN

During the implementation of the Action Plan from November 4, 2013 until June 30, 2014, BP in Prizren has received 37 new cases with 61 persons. From these cases and persons, prosecutors have managed to solve 23 cases or 62% of them and 35 persons or 57% of them. KLI assesses that the solution of these cases within a reasonable period of time is in accordance with applicable laws and international standards. Regarding the method of solving these cases, results that prosecutors in Prizren have dismissed and terminated the cases to almost the half of persons, while to the other half have filed indictments. To know more about the method of solving received cases, see Table 70.

BP Prizren PP – Solved persons according the registered years until November 4, 2013	2011	2012	2013	Total:
ACA			22	22
KP	5	4	71	80
The injured party	10	11	7	28
The Citizen		7	3	10
KPI		1	2	3
Municipal Administration			6	6
Total:	15	23	112	149

Table 69 – Solved persons according the registered years in AP

BP Prizren PP - The method of solving cases registered until November 4, 2013	Cases	Persons	Dismissal	Termination	Direct indictments	Indictments after investigations
ACA	10	14	5	1		8
KP	8	11	3	5	2	1
The injured party	2	4	4			
The Citizen						
KPI	2	5				5
M. Administration	1	1			1	
Total:	23	35	12	6	3	14

Table 70 – The method of solving received cases

From these 14 solved persons, 13 persons belong to the criminal offense “Abusing Official Position or Authority”, 9 persons for the criminal offense “Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities”, 4 persons for the criminal offense “Misappropriation in Office”, by 3 persons for the criminal offenses “Accepting Bribes” and “Falsifying Official Document”, 2 persons for the criminal offense “Trading in Influence” and 1 person for the criminal offense “Giving Bribes”.

UNSOLVED CASES AT THE END OF THE ACTION PLAN

KLI assesses that the failure to solve old cases registered in the Action Plan should be treated seriously by BP in Prizren and Prosecutorial Council. The fact that in the end of this plan on June 30, 2014 we still have unsolved cases of 2009, 2010, 2011 and further proves that prosecutors should be committed more seriously in fulfilling the obligations of the Action Plan. Holder of the property as an applicant of criminal charge for the criminal offense of corruption against 4 persons will potentially start to lose faith in the justice system because of his unsolved case. Prosecutors should urgently give answers to these cases to uncover the truth about the charge of corruption by the applicants.

PP - Unsolved persons at the end with applicants through years	2009	2010	2011	2012	2013	2014	Total:
ACA				1		3	4
KPI					1		1
KP		1	1	1	6	20	29
The Citizen				3		4	7
Holder of the property	4			1			5
The injured party				1		2	3
Total:	4	1	1	7	7	29	49

Table 71 – Unsolved persons at the end with applicants through years

From the unsolved cases at the end where 49 persons are involved, results that 37 persons have remained for the criminal offense “Abusing Official Position or Authority”, 5 persons for the criminal offense “Misappropriation in Office”, 5 persons for the criminal offense “Misuse of Economic Authorizations”, and by 1 person for the criminal offenses “Falsifying Official Document” and “Issuing Unlawful Judicial Decisions”.

CASES IN PHASE OF GATHERING INFORMATIONS IN BP IN PRIZREN- PPN

BP in Prizren, unlike other prosecutions, has a smaller number of known cases as PPN or cases which are in the phase of gathering information's for corruption.

This prosecution has 18 persons from this category of cases, 5 of them were filed by the injured partie in 2010. For more you may see Table 72, where are shown the applicants and persons presented for corruption through years.

Applicants with persons through years	2010	2012	2013	Total:
The Citizen			1	1
The injured party	5	2	10	17
Total:	5	2	11	18

Table 72 – Unsolved persons through years

From the unsolved cases at the beginning on the Action Plan where are involved 18 persons, results that 13 persons are for the criminal offense “Abusing Official Position or Authority”, 3 persons for the criminal offense “Issuing Unlawful Judicial Decisions” and by 1 person for the criminal offenses “Accepting Bribes” and “Misappropriation in Office”. For more see Table 73.

BP Prizren - Unsolved cases in the beginning of AP (November 4, 2013) with applicants and criminal offenses	Persons	Abusing Official Position or Authority	Accepting Bribes	Issuing Unlawful Judicial Desicions	Misappropriation in Office
The injured party	17	12	1	3	1
The Citizen	1	1			
Total:	18	13	1	3	1

Table 73 – Unsolved persons at the beginning with applicants and criminal offenses

NEW CASES RECEIVED DURING THE ACTION PLAN

BP in Prizren during the implementation of the Action Plan has had constantly a number of persons from PPN category for whom were filed information's about potential corruption. During the reporting period were received 20 new cases with 39 persons. To see the presentation trend of these information's about corruption follow Table 74.

PPN - Received persons according the applicants (November 4 ,2013 - June 30 ,2014)	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
KP							1	1	2	2					1	1	4	4
KPI															1	3	1	3
The Citizen									2	10							2	10
Accepted with competence			1	2											2	2	3	4
The injured party	1	1			1	1					2	2	4	9	2	5	10	18
Total	1	1	1	2	1	1	1	1	4	12	2	2	4	9	6	11	20	39

Table 74–Received persons according the applicants for each moth for the period from November 4, 2013 – June 30, 2014

From 39 received persons, 36 of them are for the criminal offense “Abusing Official Position or Authority”, 2 persons for the criminal offense “Accepting Bribes” and 1 person for the criminal offense “Issuing Unlawful Judicial Decisions”.

SOLVED CASES

BP in Prizren during the implementation of the Action Plan from the category of cases in the phase of gathering information's, has managed to solve cases for 12 persons. Prosecutors have dismissed all cases for these 12 persons.

UNSOLVED CASES AT THE END OF ACTION PLAN

BP in Prizren from cases of the PPN category continues to work in the phase of gathering information's where 46 persons are involved, among whom there are information's presented since 2010. KLI assesses that prosecutors should give special importance in solving these cases in order to be removed from the criminal records and to receive meritorious respond in reasonable time.

From 46 unsolved persons at the end, 40 of them are for the criminal offense "Abusing Official Position or Authority", 3 persons are for the criminal offense "Accepting Bribes" and 3 persons for the criminal offense "Issuing Unlawful Judicial Decisions".

PPN – Unsolved persons at the end with applicants through years	2010	2012	2013	2014	Total:
KP				5	5
KPI				3	3
The Citizen				8	8
The injured party	3	3	6	16	28
Accepted with competence				2	2
Total:	3	3	6	34	46

Table 75- Unsolved persons at the end with applicants through years

X. EXECUTIVE SUMMARY FOR BASIC PROSECUTION IN PEJA

Basic Prosecution in Peja is the only prosecution in the prosecutorial system which has another practice of work in solving corruption cases. Unlike all prosecutions that have engaged all prosecutors of Serious Crimes Department, BP in Peja has engaged only one prosecutor from this department to solve the corruption cases. At the beginning of the Action Plan in November 4, 2013, this prosecution had 37 unsolved cases with 86 persons. At the end of this plan on June 30, 2014 this prosecution has had 24 unsolved cases with 38 persons. Unlike other prosecutions, this prosecution did not have unsolved old cases. At the beginning of the plan this prosecution had to work only in cases of 2012 and 2013.

During the implementation of the Action Plan this prosecution has received 37 new cases with 60 persons. Kosovo Police has been the applicant with the highest number of criminal charges for criminal offenses of corruption with 34 persons in total. After the police, are the citizens who have filed 3 criminal charges with 14 persons in total.

BP in Peja has managed to solve cases against 110 persons, where against 22 persons or 20% of them criminal charges were dismissed, against 55 persons or 45% of them cases were terminated, while against 33 persons or 30% of them were filed direct indictments or indictments after investigations. KLI assesses that such a large number of dismissal of criminal charges and termination of cases, should be this prosecution's concern, which should identify the problems in this result, to the quality of legal acts, their argument or to the prosecutor's decision making in corruption cases.

Regarding the implementation of the Action Plan, based on the main indicator set by KLI for solving cases registered until November 4, 2013, results that BP in Peja has managed to implement the Action Plan around 90%. From 37 cases with 86 persons as they were at the beginning of the Action Plan, prosecutors have managed to solve 31 cases or 84% of them with 81 persons or 94% of them. From these solved cases, against 6 persons or 7% of them criminal charges were dismissed, against 54 persons or 67% of them cases were terminated, while against 21 persons or 26% of them were filed indictments after investigations. KLI assesses that such a large number of dismissed and terminated cases requires attention by the mechanisms of prosecutorial system to identify the perpetrators.

During the implementation of this plan in the period from November 4, 2013 until June 30, 2014, BP in Peja has received 37 new cases with 60 persons. From them prosecutors have solved 19 cases or 51% of cases and has solved 29 persons or 48% received during the Action Plan. From them against 16 persons criminal charges were dismissed, against 1 person case was terminated, while against 12 persons were filed direct indictments and indictments after investigations. While at the beginning this prosecution had 37 unsolved cases with 86 persons, at the end have remained 24 unsolved cases with 38 persons. The largest number of unsolved persons belongs to the cases of Kosovo Police with 23 persons in total.

Regarding cases in the phase of gathering information's, BP in Peja at the beginning of the Action Plan has had 43 unsolved persons of this category. During the implementation of the plan from November 4, 2013 until June 30, 2014 this prosecution has received 16 new cases with 21 persons from this category of corruption cases. Also during the implementation of the plan by this category of cases has solved cases for 26 persons, for whom all information's were dismissed. At the end of the plan on June 30, 2014 from this category have remained unsolved cases where 39 persons are involved.

CASES IN PHASE OF INVESTIGATION IN BASIC PROSECUTION IN PEJA (BP in Peja)

Basic Prosecution in Peja is the only prosecution in the prosecutorial system which has another practice of work in solving corruption cases. Unlike all prosecutions that have engaged all prosecutors of Serious Crimes Department, BP in Peja has engaged only one prosecutor from this department to solve the corruption cases. At the beginning of the Action Plan in November 4, 2013, this prosecution had 37 unsolved cases with 86 persons. At the end of this plan on June 30, 2014 this prosecution has had 24 unsolved cases with 38 persons. In the Table 76 is presented the general status of corruption cases in BP in Peja.

Basic Prosecution in Peja	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014
Unsolved cases at the beginning of the month	37	86	26	71	18	56	18	56	20	37	22	31	23	33	24	42
Received cases during the month	3	5	8	13	4	4	4	12	8	8	4	7	3	6	3	5
In total at work	40	91	34	84	22	60	22	68	28	45	26	38	26	39	52	77
Solved cases during the month	14	17	16	28	4	4	2	31	6	14	3	5	2	2	3	9
Unsolved cases at the end of the month	26	74	18	56	18	56	20	37	22	31	23	33	24	37	24	38

Table 76 – General status with corruption cases in BP in Peja from the entry into power of the Action Plan until June 30, 2014

Unlike other prosecutions in the prosecutorial system BP in Peja did not have unsolved old cases. At the beginning of the plan this prosecution had to work only in cases of 2012 and 2013. KLI assesses that BP in Peja is one of the rare prosecutions that did not have unsolved old cases of corruption.

For more you may see the Table 77 about the status of persons for whom were filed criminal charges by the applicants through years.

Applicants with persons through years		2012	2013	Total:
1	ACA	3	1	4
2	KPI		1	1
3	KP	6	59	65
4	The Citizen	1	4	5
5	Forestry authority		11	11
6	Total:	10	76	86

Table 77 – Persons with applicants through years

From all 86 unsolved persons at the beginning of the Action Plan, results that the largest number of them are for the criminal offense “Abusing Official Position or Authority”. For this criminal offense were 82 people or 95% of the total. 2 persons were for the criminal offense “Accepting Bribes” and by 1 person was for the criminal offenses “Fraud in Office” and “Misuse of Economic Authorization”. For more you may see the Table 78 about the status of the applicants and unsolved criminal offenses at the beginning of the plan.

BP Peja - Unsolved cases at the beginning of AP (November 4, 2013) with applicants and criminal offenses		Persons	Abusing Official Position or Authority	Accepting Bribes	Fraud in Office	Misuse of Economic Authorization
1	ACA	4	4			
2	KP	65	63	1		1
3	KPI	1		1		
4	The Citizen	5	4		1	
5	Forestry authority	11	11			
6	Total:	86	82	2	1	1

Table 78 –Unsolved cases at the beginning (November 4, '13) with applicants and criminal offenses

RECEIVED CASES DURING THE ACTION PLAN

BP in Peja during the implementation of the Action Plan has received 37 new cases with 60 persons. Kosovo Police has been the applicant with the highest number of criminal charges for criminal offenses of corruption with 34 persons in total. After the police, are the citizens who have filed 3 criminal charges with 14 persons in total. For more you may see the table below about how many cases and persons were received from each applicant for each month during the period of the Action Plan.

BP Peja PP - Cases and persons received according the applicants (period from November 4, 2013 until June 30, 2014)	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
ACA			2	2	2	2					1	1			1	1	6	6
KP	3	5	6	11	2	2	1	1	7	7	2	3	1	1	2	4	24	34
KPI									1	1							1	1
The Citizen							2	10					1	4			3	14
Municipal Administration							1	1									1	1
The injured party											1	3					1	3
Prosecutor with self-initiative													1	1			1	1
Total:	3	5	8	13	4	4	4	12	8	8	4	7	3	6	3	5	37	60

Table 79 – Cases and persons received according the applicants for each month for the period from November 4, 2013 until June 30, 2014

From these 37 new cases with 60 persons received in BP in Peja, 37 persons were filed for the criminal offense “Abusing Official Position or Authority”, 10 persons for the criminal offense “Giving Bribes”, 4 persons for the criminal offense “Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities”, by 3 persons for criminal offenses “Falsifying Official Document” and “Trading in Influence” and by 1 person for the criminal offenses “Unlawful Collection and Disbursement”, “Conflict of Interest” and “Entering into harmful Contracts”.

THE METHOD OF SOLVING CASES IN BP IN PEJA

From the total number of persons solved in BP in Peja, results that prosecutors from 110 solved persons in total, the largest number of them have solved for the persons filed by the police, 78 persons in total. After the police succeeds the solution of persons filed by the citizens with 14 persons in total.

Regarding the method of solving these cases from the prosecutors of Peja, results that from 110 solved persons, against 22 persons or 20% of them criminal charges were dismissed, against 55 persons or 45% of them cases were terminated, while against 33 persons or 30% of them were filed direct indictments or indictments after investigations. KLI assesses that such a large number of dismissal of criminal charges and termination of cases, should be this prosecution's concern, which should identify the problems in this result, to the quality of legal acts, their argument or to the prosecutor's decision making in corruption cases. For more see Table 80.

PP BP Peja - The method of solving cases according the applicants (from November 4, 2013 until June 30, 2014))	Cases	Persons	Dismissal	Termination	Direct indictments	Indictments after investigations
ACA	4	6		4		2
KP	30	78	9	38	9	22
KPI	1	1		1		
Forestry authority	11	11		11		
The Citizen	4	14	13	1		
Total:	50	110	22	55	9	24

Table 80 – The method of solving cases according the applicants

From 100 solved persons, 93 solved persons or 85% of them belong to the criminal offense “Abusing Official Position or Authority”. This offense is succeeded by the other corrupt offense “Giving Bribes” with 9 persons or 8%, the criminal offense “Misuse of Economic Authorizations” with 3 persons or 3%, the criminal offense “Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities” with 3 persons or 3%, the criminal offense “Accepting Bribes” with 1 person or 1% and the criminal offense “Entering into harmful Contracts” with 1 person or 1%. See Table 81 with applicants and criminal offenses.

BP Peja PP – Solved persons according the criminal offenses (from November 4, 2013 until June 30, 2014)	Abusing Official Position or Authority	Accepting Bribes	Giving Bribes	Misuse of Economic Authorizations	Entering into harmful Contracts	Non declaration of assets	Total:
ACA	3					3	6
KP	65		9	3	1		78
KPI		1					1
Forestry authority	11						11
The Citizen	14						14
Total:	93	1	9	3	1	3	110

Table 81– Solved persons with applicants according to criminal offenses

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

As you have seen in the methodology of this research, KLI has decided to measure the implementation of the plan, based on the solved cases of corruption, which have been registered until November 4, 2013. According to this indicator, results that BP in Peja has managed to implement the Action Plan over 90%. From 37 cases with 86 unsolved persons as they were at the beginning of the Action Plan, prosecutors have managed to solve 31 cases or 84% of them with 81 persons or 94% of them. From these solved cases, against 6 persons or 7% of them criminal charges were dismissed, against 54 persons or 67% of them the cases were terminated, while against 21 persons or 26% of them indictments after investigations were filed. KLI assesses that such a large number of dismissed and terminated cases requires attention by the mechanisms of prosecutorial system to identify the perpetrators. For more you may see Table 82 about how the cases according the applicants of criminal charges were solved.

BP Peja PP - The method of solving cases registered until November 4, 2013	Cases	Persons	Dismiss	Termination	Indictments after investigations
ACA	1	3		3	
KP	16	62	3	38	21
KPI	1	1		1	
Forestry authority	11	11		11	
The Citizen	2	4	3	1	
Total:	31	81	6	54	21

Table 82 – The method of solving cases registered until November 4, 2013

BP in Peja has managed to solve a number of persons of 2012 and 2013, which were registered at the beginning of the Action Plan. As it is shown in Table 83, results that the special prosecutors have solved 7 persons of 2012 and 74 persons of 2013. For more you may see the following table which shows whose applicants cases were solved by the BP in Peja.

From these 81 solved persons, the largest number belongs to the criminal offense “Abusing Official Position or Authority” or 7 persons in total or 95% of them. 3 persons or 4% were solved for the criminal offense “Misuse of Economic Authorizations” and 1 person or 1% was solved for the criminal offense “Accepting Bribes”.

BP Peja PP - Solved persons according the registered years until November 4, 2013	2012	2013	Total:
ACA	3		3
KP	3	59	62
Forestry authority		11	11
The Citizen	1	3	4
KPI		1	1
Total:	7	74	81

Table 83 – Solved persons according the registered years in AP

RECEIVED SOLVED CASES DURING THE ACTION PLAN

During the implementation of the Action Plan in period from November 4, 2013 until June 30, 2014, SPRK has received 37 new cases with 60 persons. From those, prosecutors have managed to solve 19 cases or 51% of cases and has solved 29 persons or 48 received during the Action Plan. From those against 16 persons criminal charges were dismissed, against 1 person the case was terminated, while against 12 persons were filed direct indictments and indictments after investigations. For more about the method of solving cases according the applicants of criminal charges see Table 84. From these 29 solved persons, 16 persons belong to the criminal offense “Abusing Official Position or Authority”, 9 persons belong to the criminal offense “Giving Bribes”, 3 persons to the criminal offense “Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities” and 1 person belongs to the criminal offense “Entering into harmful Contracts”.

BP Peja PP – Received solved	Cases	Persons	Dismissal	Termination	Direct indictments	Indictments after
ACA	3	3		1		2
KP	14	16	6		9	1
Forestry authority	11	11		11		
The Citizen	2	10	10			
Total:	19	29	16	1	9	3

Table 84 – The method of solving received cases

UNSOLVED CASES AT THE END OF THE ACTION PLAN

BP in Peja at the beginning of the Action Plan has had 37 unsolved cases with 86 persons, while at the end have remained 24 unsolved cases with 38 persons. The largest number of unsolved persons remained at the end of the Action Plan belongs to the cases of Kosovo Police with 23 persons in total. The police is followed by the unsolved cases of citizens with 5 persons in total. For more you may see Table 85. From 38 unsolved persons at the end, 29 persons have remained for the criminal offense “Abusing Official Position or Authority”, 3 persons for the criminal offense “Trading in Influence”, and by 1 person for the criminal offenses “Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities”, “Trading in Influence”, “Accepting Bribes”, “Giving Bribes”, “Fraud in Office”, “Unlawful Collection and Disbursement” and “Conflict of Interest”.

PP - Unsolved persons at the end with applicants through years	2012	2013	2014	Total:
ACA		2	2	4
KPI			1	1
KP	3	12	8	23
The Citizen		1	4	5
The injured party			3	3
Municipal Administration			1	1
Prosecutor with self-initiative			1	1
Total:	3	15	20	38

Table 85 – Unsolved persons at the end with applicants through years

CASES IN THE PHASE OF GATHERING INFORMATIONS IN BP IN PEJA- PPN

BP in Peja at the beginning of the Action Plan in the category of cases, which are in phase of gathering information’s has had unsolved cases where 43 persons were involved. The oldest cases belong to 2012, where figures 1 person for which the case was not solved and the cases of 2013 where are 42 persons in total. From these 43 unsolved persons 28 persons were filed by Kosovo Police, by 4 persons by the citizens and EULEX. For more you may see Table 86 where are shown the applicants of information’s and years.

BP Peja			
Applicants with persons through years	2012	2013	Total
ACA		2	2
EULEX		4	4
KPI		3	3
KP	1	27	28
The Citizen		4	4
Prosecutor with self-initiative		2	2
Total:	1	42	43

Table 86 – Unsolved persons through years

From the unsolved cases where 43 persons are involved at the beginning of Action Plan, 38 persons are for the criminal offense “Abusing Official Position or Authority”, 4 persons for the criminal offense “Misuse of Economic Authorizations” and 1 person for the criminal offense “Falsifying Official Document”. For more you may see Table 87 with applicants and criminal offenses.

BP Peja - Unsolved cases in the beginning of AP (November 4, 2013) with applicants and criminal offenses	Persons	Abusing Official Position or Authority	Falsifying Official Document	Misuse of Economic Authorizations
ACA	2	2		
KP	28	27	1	
The Citizen	4	4		
EULEX	4			4
Prosecutor with self-initiative	2	2		
KPI	3	3		
Total:	43	38	1	4

Table 87 – Unsolved persons at the beginning with applicants and criminal offenses

NEW CASES RECEIVED DURING THE ACTION PLAN

BP in Peja during the implementation of Action Plan from November 4, 2013 until June 30, 2014 has received 16 new cases with 21 persons. Police have filed most persons for the criminal offenses of corruption, 10 in total. From 21 persons received, 11 of them are for the criminal offense “Abusing Official Position or Authority”, 4 of them are for the criminal offense “Falsifying Official Document”, 4 persons are for criminal offense “Misuse of Economic Authorizations” and 2 persons are for the criminal offense “Unlawful Collection and Disbursement”.

PPN - Received persons according the applicants (November 4 ,2013 - June 30 ,2014)	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in February 2014	Persons in February 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
KP	4	4	1	1	1	1	1	1	1	1	1	2	9	10
KPI			2	4									2	4
The Citizen	1	1	2	2	1	1							4	4
Municipal Administration							1	3					1	3
Total:	5	5	5	7	2	2	2	4	1	1	1	2	16	21

Table 88 – Received persons according the applicants for each month

SOLVED CASES

BP in Peja during the implementation of the Action Plan from the category of cases in the phase of gathering information's, has managed to solve cases for 26 persons. Prosecutors have dismissed all cases for these 26 persons.

UNSOLVED CASES AT THE END OF ACTION PLAN

BP in Peja at the end of the Action Plan on June 30, 2014 has unsolved cases against 39 persons. For more you may see Table 89 with applicants and old years.

From 39 unsolved persons at the end, 32 persons are for the criminal offense "Abusing Official Position or Authority", 2 persons for the criminal offense "Unlawful Collection and Disbursement" and 1 person for the criminal offense "Falsifying Official Document".

PPN – Unsolved persons at the end with applicants through years	2013	2014	Total:
ACA	2		2
EULEX	4		4
KP	24	2	26
The Citizen	3	1	4
Municipal Administration		3	3
Total:	33	6	39

Table 89 - Unsolved persons at the end with applicants through years

XI. EXECUTIVE SUMMARY FOR BASIC PROSECUTION IN GJILAN

Basic Prosecution in Gjilan is the only one that has managed to solve all the cases of corruption that were registered in the Action Plan until November 4, 2013. The efficiency of this prosecution in solving corruption cases was satisfactory, responding the obligations of the Action Plan. The status of corruption cases in this prosecution at the beginning of the plan, unlike other prosecutions has been better, including 23 unsolved cases with 81 persons. While at the end of the plan on June 30, 2014 all these cases and persons were solved. This prosecution has engaged 4 prosecutors in solving corruption cases.

Unlike other prosecutions, BP in Gjilan at the beginning of the Action Plan did not have old cases through years. This prosecution during the implementation of the Action Plan has received 27 new cases with 34 persons.

BP in Gjilan has managed to solve cases in general against 105 persons. Against 21 persons or 20% of them criminal charges were dismissed, against 35 persons or 33% of them cases were terminated, while against 49 persons or 47% of them were filed direct indictments or indictments after investigations. It is evident from these statistics, that over the half of cases were dismissed or terminated by the prosecutors of this prosecution. This proves that the problem of dismissal or termination of cases in Gjilan requires a deep analysis by Prosecutorial Council to identify the problems with these cases, while the legal acts are of poor quality, are without arguments or if the problem lies to the prosecutors decision making.

Based on the main indicator set by KLI, for measuring the implementation of the plan, for solving the corruption cases, which were registered until November 4, 2013, results that BP in Gjilan has managed to implement the plan 100%. At the beginning of the Action Plan were registered 23 cases with 81 persons and all of them were solved by this prosecution. From these solved cases, against 19 persons or 23% of them criminal charges were dismissed, against 26 persons or 32% of them cases were terminated, while only against 36 persons or 44% of them were filed direct indictments or indictments after investigations. Over the half cases of corruption dismissed or terminated by prosecutors, undoubtedly that they deserve attention by the prosecutorial system, to identify the problems for failure of these cases.

During the implementation of the Action Plan in the period from November 4, 2013 until June 30, 2014, BP in Gjilan has received 27 new cases with 34 persons. From them has solved 24 persons or 71% of received persons. From them against 2 persons or 8% of them criminal charges were dismissed, against 9 persons or 38% of them cases were terminated, while against 13 persons or 54% of them were filed indictments after investigations. At the end of the Action Plan, BP in Gjilan has identified 9 unsolved cases with 9 persons.

Regarding the category of corruption cases received as information from different applicants or known to State Prosecutor as PPN cases, the BP in Gjilan based on the data did not have any registered case. During the implementation of the plan from November 4, 2013 until June 30, 2014 has received 10 new cases with 16 persons. From them has managed to solve cases for 3 persons, which were dismissed. At the end of the Action Plan, BP in Gjilan from this category of corruption cases has unsolved cases against 13 persons.

CASES IN THE PHASE OF INVESTIGATION IN THE BASIC PROSECUTION IN GJILAN (BP in Gjilan)

Basic Prosecution in Gjilan has engaged 4 prosecutors to solve corruption cases registered in the Action Plan to Increase the Efficiency of the Prosecutorial System in Combating Corruption. This is the only prosecution that has managed to solve all the cases of corruption registered in the Action Plan until November 4, 2013. The efficiency of this prosecution in solving corruption cases has been satisfactory, by fulfilling the obligations of Action Plan. Unlike other prosecutions, the status of corruption cases in this prosecution has been better. Prosecutors of this prosecution have begun to implement the plan with 23 unsolved cases with 81 persons. At the end of the Action Plan, at June 30, 2014 all of these cases and persons were solved. For more you can see the general situation of corruption cases in BP in Gjilan.

Basic Prosecution in Gjilan	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014
	Unsolved cases in the beginning of the month	23	81	23	81	8	36	14	44	12	24	9	12	10	13	8
Received cases during the month	4	4	4	5	7	9	4	6	2	2	2	3	2	3	2	2
Total in work	27	85	27	86	15	45	18	50	14	26	11	15	12	16	23	31
Solved cases during the month	4	4	19	50	1	1	6	26	5	14	1	2	3	4	3	5
Unsolved cases in the end of the month	23	81	8	36	14	44	12	24	9	12	10	13	9	12	7	9

Table 90 – The general status of corruption cases in BP in Gjilan, from entry into force of the Action Plan until June 30, 2014

As it was noted from the table, BP in Gjilan has not received many cases as other prosecutions. Compared to other prosecutions, at the beginning and throughout the Action Plan, BP in Gjilan has received a smaller number of cases. But, unlike other prosecutions, BP in Gjilan has managed to solve all old cases registered in the Action Plan.

At the beginning of the Action Plan, BP in Gjilan has not possessed old cases over the years as other prosecutions. From a total of 81 persons, 26 of them remained unsolved in 2012 and 55 persons in 2013. Most of unsolved cases were registered by Kosovo Police, which has filed 54 persons. After the police ACA has filed the largest number of persons for corruption, with a total of 17 persons. To check the status of unsolved persons with applicants over the years, see table 91.

BP in Gjilan				
Applicants with persons in years		2012	2013	Total:
1	ACA	8	9	17
2	KPI		3	3
3	KP	18	36	54
4	The citizen		2	2
5	The injured party		5	5
6	Total:	26	55	81

Table 91 – Applicants with persons in years

In the table below you may see the number of unsolved persons with applicants of criminal charges and criminal offenses of corruption, for which the suspects were denounced.

The largest number of unsolved persons was for the criminal offense "Abusing Official Position or Authority" with a total of 58 persons, then the criminal offense "Unlawful Collection and Disbursement" with 20 persons and there is 1 person with the criminal offenses "Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities", "Accepting Bribes" and "Disclosing Official Secrets". For more details you may see table 92, in which are presented applicants and offenses.

BP in Gjilan – Unsolved cases at the beginning of AP (November 4, 2013) with applicants and criminal offenses	Persons	Non declaration of assets	Abusing Official Position or Authority	Unlawful Collection and Disbursement	Accepting Bribes	Disclosing Official Secrets
ACA	17	1	16			
KP	54		33	20	1	
The citizen	2		2			
The injured party	5		5			
KPI	3		2			1
Total:	81	1	58	20	1	1

Table 92 – Unsolved persons at the beginning (November 4, 2013) with applicants and criminal offenses

RECEIVED CASES DURING THE ACTION PLAN

During the implementation of the Action Plan, BP in Gjilan has received 27 new cases with 34 persons. Kosovo Police has been the applicant with the highest number of criminal offenses of corruption with a total of 16 persons. After police, there were ACA and injured parties that have filed 12 criminal charges with a total of 14 persons. For more you may follow the table below to see how many cases and persons were received from each applicant in each month during the period of the Action Plan.

Gjilan PP - Cases and Persons received from applicants (The period from November 4, 2013 until June 30, 2014)		Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
1	ACA	3	3			4	4											7	7
2	KP	1	1	2	3	1	1	2	4	2	2	1	1	1	2	2	2	12	16
3	KPI			1	1			1	1			1	2					3	4
4	The injured party			1	1	2	4	1	1					1	1			5	7
5	Total	4	4	4	5	7	9	4	6	2	2	2	3	2	3	2	2	27	34

Tabela 93 – Cases and persons received from the applicants for each month for the period from November 4, 2013 until June 30, 2014

From all of these 27 new cases with 34 persons received in Gjilan BP, 21 persons were filed for the criminal offense "Abusing Official Position or Authority", 5 persons for the criminal offense "Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities", 2 persons for the criminal offense "Accepting bribes", 2 persons for the criminal offense "Misappropriation in Office" and 1 person for criminal offenses "Falsifying Official Document", "Giving bribes" and "Disclosing Official Secrets".

THE METHOD OF SOLVING CASES IN GJILAN BP

Based in the total number of persons solved BP in Gjilan, results that prosecutors solved in total 105 persons, the largest number of solved persons was made to persons filed by the police, with a total of 65 persons. After police, there are solved persons filed by ACA with 23 persons, then it is the injured party with 10 persons, etc. As it is shown in the table 94, to 21 persons or to 20% of them, the criminal charges were dismissed, to 35 persons or to 33% of them the cases were terminated, while against 49 persons or to 47% of them were filed direct indictments or indictments after investigations.

According to these statistics, over half of the cases were dismissed or terminated by prosecutors in Gjilan's BP. This proves that the issue of dismissed and terminated cases in Gjilan requires a deep analysis of Prosecutorial Council to identify problems with these cases, whether legal acts have a poor quality, whether they are unfounded or whether the problem is at the decision of prosecutors

BP in Gjilan PP – The method of solving cases according applicants (from November 4, 2013 until June 30, 2014)	Cases	Persons	Dismiss	Termination	Direct Indictments	Indictments after investigations
ACA	11	23	8	6		9
KP	17	65	9	23	20	13
The unjured party	6	10	3	3		4
KPI	5	5		2		3
The Citizen	2	2	1	1		
Total:	41	105	21	35	20	29

Table 94 – The method of solving cases according applicants

From solved cases with 105 persons involved, it turns out that 74 persons were solved or 70% of them have committed the criminal offense "Abusing Official Position or Authority". This criminal offense is followed by the other criminal offense "Unlawful Collection and Disbursement" with 20 persons or 19% of them, the criminal offense "Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities", with 5 persons or 5% of them, the criminal offenses "Accepting Bribes" with 3 persons or 3% of them, the criminal offense "Disclosing Official Secrets " with 2 persons or 2% of them and the criminal offense "Unlawful Collection and Disbursement " with 1 person or 1% of the total persons.

BP in Gjilan PP Solved persons based on criminal offenses (from November 4, 2013, until June 30, 2014	Abusing Official Position or Authority	Accepting Bribes	Misappropriation in Office	Disclosing Official Secrets	Unlawful Collection and Disbursement	Non declaration of assets	Total:
ACA	18					5	23
KP	41	3	1		20		65
The injured party	10						10
KPI	3			2			5
The citizen	2						2
Total:	74	3	1	2	20	5	105

Table 95 – Solved persons based on criminal offenses

IMPLEMENTATION OF ACTION PLAN FOR REGISTERED CASES UNTIL NOVEMBER 4, 2013

As you have seen the methodology of this research, KLI has decided to measure the implementation of the plan based on the solved cases of corruption, which have been registered until November 4, 2013. According to this indicator, it turns out that BP in Gjilan has managed to implement the Action Plan 100% regards solving old cases registered until November 4, 2013. At the beginning of the Action Plan there were registered 23 cases with 81 persons and the prosecutors of Gjilan have solved all of them. From these solved cases, against 19 persons or to 23% of them the criminal charges were dismissed, against 26 persons or to 32% of them cases were terminated, but only to 36 persons or to 44% of them were filed direct indictments or indictments after the investigations. Over half of corruption cases which were dismissed or terminated by prosecutors, should have the attention of prosecutorial system, to identify the problems of this failure of cases.

PTh Gjilan PP – The method of solving registered cases until November 4, 2013	Cases	Persons	Dismissal	Termination	Direct indictments	Indictments after investigations
ACA	5	17	7	6		4
KP	10	54	9	17	20	8
The injured party	3	5	1	2		2
KPI	3	3	1			2
The citizen	2	2	1	1		
Total:	23	81	19	26	20	16

Table 96 – The method of solving registered cases until November 4 2013

BP in Gjilan has managed to solve all old cases registered in the beginning of the Action Plan. Table 97, shows that in 2012 prosecutors have solved 26 persons and in 2013 they have solved 55 persons. For more follow table 97 to see cases of whose applicants were solved by BP in Gjilan.

From 81 solved persons, most of them have committed the criminal offense "Abusing Official Position or Authority" or precisely 58 persons or 72% of them have committed this criminal offense. 20 solved persons or 20% of them, have committed the criminal offense "Unlawful Collection and Disbursement", and by 1 person committed these criminal offenses "Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities", "Disclosing Official Secrets" and "Accepting bribes".

BP Gjilan PP – Unsolved persons in years, registered until November 4, 2013	2012	2013	Total:
ACA	8	9	17
KP	18	36	54
The injured party		5	5
KPI		3	3
The citizen		2	2
Total:	26	55	81

Table 97 – Unsolved persons in years, registered in AP

RECEIVED SOLVED CASES DURING THE ACTION PLAN

During the implementation of the Action Plan, from November 4, 2013 until June 30, 2013, BP in Gjilan has received 27 new cases with 34 persons. From these persons BP in Gjilan has solved 24 persons or 71% of them. Against 2 persons or 8% of them the criminal charges were dismissed, against 9 persons or to 38% of them cases were terminated, while against 13 persons or to 54% of them were filed indictments after investigations. To see the method of solving cases according applicants of criminal charges, follow table 98. From these 24 persons, 16 persons have committed the criminal offense "Abusing Official Position or Authority", 4 persons for the criminal offense "Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities", 2 persons for the criminal offense "Accepting Bribes", and 1 person for criminal offenses "Disclosing Official Secrets" and "Misappropriation in Office".

Received cases and the method of solve	Cases	Persons	Dismissal	Termination	Indisments after investigatios
ACA	6	6	1		5
KP	7	11		6	5
The injured party	3	5	2	1	2
KPI	2	2	1		1
Total:	18	24	2	9	13

Table 98 – The method of solving reviewed cases

UNSOLVED CASES AT THE END OF ACTION PLAN

Since BP in Gjilan has managed to solve all old cases registered in the Action Plan, in the end there were 9 cases with 9 persons unsolved. For more details you may see table 99 about cases of whose applicants have not been resolved at the end of the Action Plan, on June 30, 2014. From 9 unsolved persons in the end, 6 persons were for the criminal offense "Abusing Official Position or Authority", and by 1 person for criminal offenses "Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities", "Falsifying Official Documents" and "Issuing Unlawful Judicial Decisions".

PP – Unsolved persons with applicants, during years	2014	Total:
ACA	1	1
KPI	2	2
KP	5	5
The injured party	1	1
Total:	9	9

Table 99 – Unsolved persons at the end of Action Plan

CASES IN THE PHASE OF GATHERING INFORMATION IN GJILAN – PPN

Regards the category of corruption cases received as information from different applicants or as they are known to the State Prosecutor as PPN cases, there were not any of them registered in the database in Gjilan's BP.

NEW RECEIVED CASES DURING THE ACTION PLAN

During the implementation of the Action Plan from November 4, 2013 until June 30, 2014 BP in Gjilan has received 10 new cases with 16 persons. At the table 100 you may see cases from applicants during months in 2014.

From 16 received cases, 13 of them have committed the criminal offense "Abusing Official Position or Authority", 2 persons have committed criminal offense "Giving bribes" and 1 person has committed the criminal offense "Accepting Bribes".

PPN - Received persons from applicants (November 4, 2013 – June 30, 2014)	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in total	Persons in total
KP	2	2	5	7	1	2			8	11
KPI	1	4							1	4
Prosecutor with self-initiative							1	1	1	1
Total:	3	6	5	7	1	2	1	1	10	16

Table 100 – Received persons from applicants for each month from November 4, 2013 until June 30, 2014

SOLVED CASES

During the Action Plan, BP in Gjilan has managed to solve cases with 3 persons from the category of cases in the phase of gathering information. Prosecutors has dismissed all cases for these 3 persons.

UNSOLVED CASES AT THE END OF ACTION PLAN

At the end of the Action Plan on June 30, 2014 there were unsolved cases against 13 persons in BP of Gjilan. For more see table 101 about applicants during years.

From 13 unsolved persons at the end, 10 of them have committed the criminal offense "Abusing Official Position or Authority ", 2 persons have committed the criminal offense "Giving bribes" and 1 person has committed the offense "Receiving Bribes".

PPN – Unsolved persons with applicants at the end, during years	2014	Total
KPI	4	4
KP	8	8
Prosecutor with self-initiative	1	1
Total:	13	13

Table 101 - Unsolved persons with applicants at the end, during years

XII. EXECUTIVE SUMMARY FOR BASIC PROSECUTION IN MITROVICA

Basic Prosecution in Mitrovica is one of the prosecution that has failed to fulfill obligations of Action Plan for solving corruption cases. There is no doubt that these poor results were also due to objective reasons of working conditions, in which prosecutors work there since the declaration of the Independence of the Republic of Kosovo in 2008. The building where BP in Mitrovica do its activities is placed in Vushtrri, which is outside Mitrovica.

KLI expresses its concerns about the situation of this prosecution and the conditions in which prosecutors work there. The environment where prosecutors and staff employees do their work, does not even look like a working environment of prosecution. There is no doubt that these conditions have affected to the poor results of this prosecution. Despite political developments that influenced to this situation in BP of Mitrovica, KLI considers that there should be created proper working conditions, whether emergency ones, to ensure the progress of the work in the prosecution, respectively, to ensure the implementation of citizens' rights and to prosecute criminal offenders. There is a lot to say about BP in Mitrovica, but further KLI has been focused to the issue of fulfilling obligations of the Action Plan by prosecutors.

Despite extremely difficult conditions of work, BP in Mitrovica has engaged 3 prosecutors to solve cases of corruption. At the beginning of Action Plan on November 4, 2013, this prosecutor possessed 64 unsolved cases with 141 persons. At the end of the plan on June 30, 2014 there remained almost the same number of cases and persons unsolved, with a total of 61 unsolved cases with 153 persons. This is the prosecution that had the greatest number of prescribed cases of corruption.

During the period of implementation the Action Plan this prosecution has received 20 new cases with 35 persons. Kosovo Police has been the applicant with the highest number of criminal offenses of corruption with a total of 27 persons.

From the total number of solved persons in BP of Mitrovica, results that from 39 solved persons in total, against 31 persons or to 79% of them prosecutors have dismissed criminal charges, while to 8 persons or to 21% of them were filed direct indictments or indictments after investigations. Most of dismissed and terminated cases have reached the prescription deadline of prosecution in various stages.

Based on the main KLI's indicator to measure the implementation of the plan, to solve corruption cases registered until November 4, 2013, results that BP in Mitrovica has managed to implement the Action Plan only 26% or from 141 persons has managed to solve only 36 of them, who have been registered until November 4, 2013. From these solved cases, against 30 persons or to 83% of them the criminal charges were dismissed, while to 6 persons or to 17% of them were filed direct indictments or indictments after investigations. KLI considers that the number of dismissed and terminated cases is concerning and just like other prosecutions there must be analyze urgently these legal acts and the decisions in order to identify problems about quality, argumentation or decisions of prosecutors in corruption cases.

BP in Mitrovica has managed to solve a number of older persons over the years, which are registered at the beginning of the Action Plan, including cases of the years 2008, 2009, 2010, 2011, 2012 and 2013.

Regarding the category of cases known as PPN or cases in the phase of gathering information, in the beginning of Action Plan, in Mitrovica's BP were unsolved cases against 32 persons. During the implementation of the plan from November 4, 2013 to June 30, 2014, this prosecution has received 13 new cases with 23 persons. While, this prosecution has solved cases to 19 persons, which were all dismissed. At the end of the Action Plan on June 30, 2014 there were unsolved cases against 36 persons from this category in BP of Mitrovica.

CASES IN THE PHASE OF INVESTIGATION IN THE BASIC PROSECUTION OF MITROVICA (BP in Mitrovica)

The Basic Prosecution in Mitrovica is one of the prosecutions that has failed to fulfill all the obligations of Action Plan to Increase the Efficiency of Prosecution System in Fighting Corruption. However, these poor results were also due to objective reasons of working conditions, in which prosecutors work there since the declaration of the Independence of the Republic of Kosovo in 2008, who do their activities at a building placed in Vushtrri, which is outside Mitrovica. BP in Mitrovica has engaged 3 prosecutors in solving cases of corruption. At the beginning of the Action Plan on November 4, 2013, this prosecution had 64 unsolved cases with 141 persons. At the end of the plan on June 30, 2014 there were unsolved almost a same number of cases and persons, with a total of 61 cases with 153 persons. In the table below you may see the general status of corruption cases in Mitrovica's BP.

Basic Prosecution in Mitrovica		Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014
		1	Unsolved cases at the beginning of the month	64	141	65	143	63	139	62	139	56	129	57	130	62	142
2	Received cases during the month	2	3			3	4	4	7	1	1	7	17			3	3
3	Total in work	66	144	65	143	66	143	66	146	57	130	64	147	62	142	126	289
4	Solved cases during the month	1	1	2	4	4	4	10	17			2	5	1	4	3	4
5	Unsolved cases at the end of the month	65	143	63	139	62	139	56	129	57	130	62	142	61	138	61	153

Table 102 – The general status about the cases of corruption in the BP of Mitrovica since the entry into force of the Action Plan until June 30, 2014

KLI expresses its concerns about the situation in this prosecution and the conditions in which they work. The environment where prosecutors and staff employees do their work, does not even look like a working environment of prosecution. There is no doubt that these conditions have affected to the poor results of this prosecution, which in the most cases make its efforts to respond in cases with

legal priority, such as detention on remand.⁹⁹ KLI has on consideration that political developments have affected to this situation in BP of Mitrovica, but KLI believes that there should be created proper working conditions, whether emergency ones, to ensure the progress of the work in the prosecution, respectively, to ensure the implementation of citizens' rights and to prosecute criminal offenders. KLI considers that there is a lot to say about BP in Mitrovica, but further KLI has been focused to the issue of fulfilling obligations of the Action Plan by prosecutors.

The oldest unsolved cases of corruption in the beginning of Action Plan were in 2009 and onwards. The oldest cases were filed from the police, which in 2009 has filed criminal charges against 12 persons. However, we cannot ignore the situation in this prosecution and the impact of working conditions in solving corruption cases. BP in Mitrovica is the prosecution that had the greatest number of prescribed cases of corruption. See table 103 about the status of unsolved cases at the beginning of the plan, according applicants and years.

		BP in Mitrovica					
	Persons with applicants in years	2009	2010	2011	2012	2013	Total:
1	ACA				5	2	7
2	EULEX				1		1
3	KPI	1		1	10	6	18
4	KP	12	6	17	23	41	99
5	The citizen		2	1	5	5	13
6	The injured party					1	1
7	Holder of property				1	1	2
8	Total:	13	8	19	45	56	141

Tabela 103 – Persons with applicants in years

⁹⁹ KLI Interview with Mr. Shyqri Sylja, Chief Prosecutor in the Basic Prosecution in Mitrovica. June 2014.

From unsolved cases at the beginning of the Action Plan where were involved 141 persons, 104 of them have been investigated for the criminal offense "Abusing Official Position or Authority". 11 persons have been investigated for the criminal offense "Giving bribes", by 7 persons for criminal offenses "Unlawful Collection and Disbursement" and " Falsifying Official Documents ", by 6 persons for criminal offenses "Accepting Bribes" and "Misappropriation in Office". In the table below you may see the figures of unsolved persons of criminal and corruption offenses with applicants, for which they were denounced as suspects.

BP Mitrovica – Unsolved cases in the beginning of AP (November 4, 2013 with applicants and criminal offenses)	Persons	Abusing Official Position or Authority	Unlawful Collection and Disbursement	Giving Bribes	Falsifying Official Documents	Accepting bribes	Misappropriation in Office
ACA	7	7					
KP	99	71	7	9	7	3	2
The injured party	1			1			
The citizen	13	13					
EULEX	1			1			
Holder of property	2	2					
KPI	18	11				3	4
Total:	141	104	7	11	7	6	6

Table 104 – Unsolved persons in the beginning (November 4, 2013) with applicants and criminal offenses

RECEIVED CASES DURING THE ACTION PLAN

During the implementation of the Action Plan, BP in Mitrovica has received 20 new cases with 35 persons. Kosovo Police has been the applicant with the highest number of criminal offenses of corruption with a total of 27 persons. For more you may follow the table below to see how many cases and persons were received from each applicant during each month in the period of the Action Plan.

Mitrovica PP - Received cases and persons according applicants (the period since November 4, 2013 until June 30, 2014)		Cases in November 2013	Persons in November 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in June= 2014	Persons in June 2014	Cases in total	Persons in total
		1	ACA					1	1						
2	KP	1	1	3	4	3	6			6	16			13	27
3	KPI	1	2									1	1	2	3
4	The citizen									1	1			1	1
5	Municipal administration							1	1					1	1
6	Received by competence											2	2	2	2
7	Total:	2	3	3	4	4	7	1	1	7	17	3	3	20	35

Tabela 105 – Received cases and persons according applicants for each month of the period since November 4, 2013 until June 30, 2014

From 20 new cases with 35 persons received in BP in Mitrovica, 25 of them were filed for the criminal offense "Abusing Official Position or Authority" by 3 persons for criminal offenses "Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities" and "Accepting bribes", 2 persons for the criminal offense "Misappropriation in Office" and by 1 person are were filed for criminal offenses "Falsifying Official Documents" and "Giving bribes".

THE METHOD OF SOLVING CASES IN BP OF MITROVICA

From the total number of solved persons in BP of Mitrovica, results that from 39 solved persons in total, prosecutors solved the most persons filed by the police, who are in total 35 persons. As it is shown in table 106, against 31 persons or to 79% of them the criminal charges were dismissed, while to 8 persons or to 21% of them were filed direct indictments or indictments after investigations. Most of dismissed and terminated cases, have reached the deadline of prescription of prosecution in various stages. For more see table 106.

BP Mitrovica PP – The method of solving cases according applicants (since November 4, 2013 until June 30, 2014)	Cases	Persons	Dismissal	Direct indiments	Indictments after investigations
ACA	1	1			1
KP	19	35	29	2	4
KPI	3	3	2	1	
Total:	23	39	31	3	5

Table 106 – The method of solving cases according applicants

From 39 solved persons, 28 solved persons or 72% of them belonged to the criminal offense "Abusing Official Position or Authority". This criminal offense is followed by the other criminal offense "Giving Bribes" with 7 persons or 18% of them, than the offense "Accepting Bribes" with 3 persons or 8% of them and the criminal offenses "Non declaration or false declaration of property, incomes, gifts, benefits or other material financial liabilities" with 1 person or 1% of the total of persons.

PTh Mitrovica PP – Solved persons according penal offenses (since November 4, 2013 until June 30, 2014)	Abusing Official Position or Authority	Accepting Bribes	Giving Bribes	Non declaration of property	Total:
ACA				1	1
KP	27	1	7		35
KPI	1	2			3
Total:	28	3	7	1	39

Table 107 – Solved persons with applicants according criminal offenses

IMPLEMENTATION OF ACTION PLAN FOR REGISTERED CASES UNTIL NOVEMBER 4, 2013

BP in Mitrovica has managed to implement the Action Plan only 26% or from 141 persons BP in Mitrovica has managed to solve only 36 of them, who have been registered until November 4, 2013. Obviously, as it was noted above, these poor results were also due to objective factors. From these solved cases, against 30 persons or to 83% of them the criminal charges were dismissed, while to 6 persons or to 17% of them were filed direct indictments or indictments after investigations. KLI estimates that the number of dismissed criminal charges and terminated cases is concerning and just like in other prosecutions there must be analyzed urgently these legal acts and decisions about them to identify problems about quality, argumentation or decisions of prosecutors in corruption cases. See table 108.

PTh Mitrovica PP – The method of solving registered cases until November 4, 2013	Cases	Persons	Dismissal	Direct indictments	Indictments after investigations
KPI	3	3	2		1
KP	17	33	28	1	4
Total:	20	36	30	1	5

Table 108 – The method of solving registered cases until November 4, 2013

BP in Mitrovica has managed to solve a number of old persons over the years, who were registered at the beginning of the Action Plan. According the table 109, the prosecutors have solved 2 persons in 2008, 8 persons in 2009, 2 persons in 2010, 13 persons in 2011, 5 persons in 2012, and 6 persons in 2013. For more see table 109 about cases of whose applicants were solved by this prosecution. From these 36 solved persons, the largest number of them with a total of 27 persons or 75% of them belong to the criminal offense "Abusing Official Position or Authority". 6 persons or 17% of them were solved for the criminal offense "Giving Bribes" and 3 persons, or 8% of them belong to the criminal offense "Accepting Bribes".

BP Prizren PP – Solved persons in years, registered until November 4, 2013	2008	2009	2010	2011	2012	2013	Total:
KP	1	7	1	12	5	5	31
KPI	1	1	1	1		1	5
Total:	2	8	2	13	5	6	36

Table 109 – Solved persons in years, registered in AP

RECEIVED SOLVED CASES DURING THE ACTION PLAN

During the implementation of Action Plan from November 4, 2013 until June 30, 2014, BP in Mitrovica has received 20 new cases with 35 persons. From the total number BP in Mitrovica has solved 3 received persons or only 15% of them. From them against 1 person the criminal charge was dismissed, whereas against 2 persons were filed direct indictment and indictment after investigations. To see more about solving cases according applicants of criminal charges, follow Table 110. From 10 solved persons, 1 person belongs to the criminal offense "Abusing Official Position or Authority", 1 person belongs to the offense "Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities" and 1 person belongs to the criminal offense "Giving Bribes".

BP in Mitrovica PP – The method of solving cases according applicants (since November 4, 2013 until June 30, 2014)	Cases	Persons	Dismissal	Direct indictments	Indictments after investigations
ACA	1	1			1
KP	16	2	1	1	
Total:	3	3	1	1	1

Table 110 – The method of solving received solved cases

UNSOLVED CASES AT THE END OF ACTION PLAN

At the beginning Action Plan, BP had 64 unsolved cases with 141 persons, while at the end of the plan the number of unsolved cases has decreased to 61 cases or 5% less. While the number of unsolved cases has increased to 153 persons, or 8% more than at the beginning. These statistics prove that the status of unsolved cases of corruption is almost the same from the beginning until the end of the Action Plan. See table 111. From 153 unsolved persons at the end of the plan, 117 persons belonged to the criminal offense "Abusing Official Position or Authority", by 8 persons belonged to criminal offenses of "Falsifying Official Documents" and "Misappropriation in Office", by 7 persons belonged to offenses "Accepting Bribes" and "Unlawful Collection and Disbursement", 4 persons belonged to the criminal offense "Giving Bribes" and 2 persons belonged to criminal offense "Non declaration or false declaration of assets, incomes, gifts, the other material benefits".

PP – Unsolved cases with applicants, at the end during years	2009	2010	2011	2012	2013	2014	Total:
ACA				5	2		7
EULEX				1			1
KPI				10	7	1	18
KP	4	5	3	18	52	25	107
The citizen		2	1	5	5	1	14
The injured party					1		1
Municipal administration						1	1
Received by competence						2	2
Property holder				1	1		2
Total:	4	7	4	40	68	30	153

Table 111 – Unsolved persons at the end of Action Plan

CASES IN THE PHASE OF GATHERING INFORMATION IN BP OF MITROVICA– PPN

At the beginning of Action Plan, from the category of cases in the phase of gathering information or PPN, BP in Mitrovica had unsolved cases against 32 persons. The oldest case belongs to 2010, with 1 person. From these unsolved cases against 32 persons, 23 of them were filed by the police, seven persons by the citizens, and by 1 person from ACA and KPI. For more see table 112 in which are presented unsolved persons according applicants and years.

BP Mitrovica						
Applicants with persons in years		2010	2011	2012	2013	Total:
1	ACA			1		1
2	KP	1	7	8	8	23
3	KPI				1	1
4	The citizen			5	2	7
5	Total:	1	7	14	11	32

Table 112 – Unsolved persons in years

From unsolved cases against 32 persons at the beginning of the Action Plan, 29 persons have been investigated for the criminal offense "Abusing Official Position or Authority", 2 persons for the criminal offense "Accepting Bribes", and 1 person for the offense "Giving bribes". For more see table 113.

BP Mitrovica – Unsolved cases at the beginning of AP (November 3, 2014) with applicants and criminal offenses	Persons	Abusing Official Position or Authority	Giving Bribes	Accepting Bribes
ACA	1	1		
KP	23	20	1	2
KPI	1	1		
The citizen	7	7		
Total:	32	29	1	2

Table 113 – Unsolved persons at the beginning of AP with applicants and criminal offenses

NEW RECEIVED CASES DURING THE ACTION PLAN

During the implementation of Action Plan since November 4, 2013 to June 30, 2014, BP in Mitrovica has received 13 new cases with 23 persons. Kosovo Police has filed the most of persons for corruption criminal offenses, with a total of 12 persons.

From 23 received persons, 19 persons were filed for committing the criminal offense "Abusing Official Position or Authority", 3 persons for the the criminal offense "Accepting Bribes" and 1 person for the offense "Giving Bribes".

PPN - Received persons according applicants (November 4, 2013-June 30, 2014)	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in total	Persons in total
KP	2	5	1	1			1	1			2	4	1	1	7	12
KPI	1	3			1	3	2	3							4	9
The citizen									1	1	1	1			2	2
Total:	3	8	1	1	1	3	3	4	1	1	3	5	1	1	13	23

Table 114 – Received persons according applicants for each month from November 4, 2013 until June 30, 2014

UNSOLVED CASES

During the implementation of Action Plan from the category of cases in the phase of gathering information, BP in Mitrovica has managed to solve cases for 19 persons. Prosecutors have dismissed all cases for these 19 persons.

UNSOLVED CASES AT THE END OF ACTION PLAN

At the end of Action Plan on June 30, 2014, in BP of Mitrovica were unsolved cases against 36 persons. These cases belong to the year 2010 onwards. For more see Table 115 with applicants and old years.

From 36 unsolved persons at the end of the plan, 31 of them were investigated for the criminal offense "Abusing Official Position or Authority", 4 persons for the criminal offense "Accepting Bribes" and 1 person for the offense "Giving bribes".

PPN – Unsolved persons with applicants, at the end, in years	2010	2011	2012	2013	2014	Total:
ACA			1			1
KP	1	4	3	9	6	23
KPI					3	3
The citizen			5	2	2	9
Total:	1	4	9	11	11	36

Table 115 - Unsolved persons with applicants, at the end, in years

XIII. EXECUTIVE SUMMARY FOR BASIC PROSECUTION IN FERIZAJ

The Basic Prosecution in Ferizaj is one of the prosecutors with a smaller overload of corruption cases. At the beginning of Action Plan this prosecution had 37 unsolved cases with 126 persons. At the end of the plan on June 30, 2014 there were 27 unsolved cases with 56 persons. This is an indication which shows that this prosecution has managed greatly to respond to obligations of Action Plan, in order to reduce the number of unsolved cases and persons at the end of the plan. This prosecution has engaged 2 prosecutors to solve corruption cases.

During the implementation of Action Plan, BP in Ferizaj has received 21 new cases with 32 persons. Kosovo Police has been the applicant with the highest number of criminal offenses of corruption with a total of 22 persons.

From the total number of solved cases in BP of Ferizaj, prosecutors have solved cases against 95 persons, where against 14 persons or to 15% of them the criminal charges were dismissed, against 9 persons or to 9% of them cases were terminated by prosecutors, while over 72 persons or to 72% of them were filed direct indictments, indictments after investigations and were imposed punitive orders. This percentage of filing indictments by prosecutors in Ferizaj is one of the highest percentage of all prosecutions, which most of them have dismissed criminal charges or terminated cases.

Based on the main indicator set by KLI, to measure the implementation of the plan, to solve corruption cases registered until date November 4, 2013, BP in Ferizaj has managed to implement 60% of the Action Plan. From 37 cases in the beginning of the Action Plan on November 4, 2013, the prosecution has managed to solve 20 cases or 54% of them, while from 126 persons who were at the beginning of the plan, BP in Ferizaj has managed to solve 81 of them or 64% of persons who have been registered until November 4, 2013. From these solved cases, to 5 persons or to 5% of them the criminal charges were dismissed, against 1 person or to 1% of them the case was terminated, while against 46 persons or to 57% of them were filed direct indictments, indictments after investigations or were imposed punitive orders. BP in Ferizaj is one of the rare prosecution that has managed to file charges against half of persons to whom cases were solved.

During the implementation of the Action Plan from November 4, 2013 until June 30, 2013, this prosecution has received 21 new cases with 32 persons. From these cases BP in Ferizaj has solved 14 persons or 44% of received persons. From them to 1 person the criminal charge was dismissed, against 4 persons or to 13% of them cases were terminated, while against 9 persons or to 28% were filed direct indictments, the indictments after investigations or were imposed punitive orders. At the end of the Action Plan there were 27 unsolved cases with 56 persons.

Regarding cases known as PPN or cases that are at the phase of gathering information, at the beginning of the Action Plan, BP in Ferizaj had unsolved cases against 33 persons. The oldest cases belong to the year 2006 onwards. During the implementation of Action Plan from November 4, 2013 until June 30, 2014, this prosecution has received 15 new cases with 19 persons. Kosovo Police have filed most of persons for criminal offenses of corruption with a total of 9 persons. During the same period from this category of cases in the phase of gathering information, BP in Ferizaj has managed to solve cases for 5 persons, to whom the cases were dismissed. At the end of the plan at June 30, 2014 there were unsolved cases against 47 persons. The oldest case of 2006 has remained unsolved also at the end of the Action Plan.

CASES IN THE PHASE OF INVESTIGATION IN THE BASIC PROSECUTOR OF FERIZAJ (BP in Ferizaj)

Basic Prosecution in Ferizaj is one of the prosecutions that was not very overloaded with cases of corruption. At the beginning of Action Plan to Increase the Efficiency of Prosecutorial System in Combating Corruption, this prosecutor had 37 unsolved cases with 126 persons. At the end of the plan on June 30, 2014 there have remained 27 unsolved cases with 56 persons. This shows that this prosecution has succeeded well to respond obligations of the Action Plan in reducing the number of unsolved cases and persons at the end of the plan. To check the status of unsolved cases of corruption see Table 116.

Basic Prosecution in Ferizaj	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014
Unsolved cases at the beginning of the month	37	126	36	125	33	69	36	75	39	81	37	81	37	81	30	61
Received cases during the month	2	2	3	4	4	8	5	8	2	4	2	2	1	2	2	2
Total in work	39	128	39	129	37	77	41	83	41	85	39	83	38	83	77	166
Solved cases during the month	3	3	6	60	1	2	2	2	4	4	2	2	6	15	5	7
Unsolved cases at the end of the month	36	125	33	69	36	75	39	81	37	81	37	81	32	68	27	56

Table 116 – The general situation about the cases of corruption in BP of Ferizaj since the entry into force of the Action Plan until June 30, 2014

To solve these cases of corruption BP in Ferizaj has engaged 2 prosecutors. Obviously this number of prosecutors is not enough to solve corruption cases, which are more complicated due to the specific nature of these criminal offenses. The status of corruption cases at the beginning of the plan, proves that also in this prosecution, the prosecutors did not treat with priority corruption cases until the entry into force of the Action Plan. The applicants of criminal charges for corruption cases have repeatedly raised their concerns about the unsolved cases. KLI estimates that these delays have caused an extremely negative impact on the justice system and due to this situation the citizens do not trust in these institutions.

The oldest unsolved cases at the beginning of the plan belong to 2004. The applicant of this case is Kosovo Customs, which has filed a criminal charge against 4 persons. The fact that this case has not been solved since 2004 it is an alert to the prosecutors of this prosecution, who obviously by not solving this case in time, have directly affected to the deadline of prescription of prosecution due to the time when the offense was committed. In table 117, KLI has presented the status of cases of unsolved persons over the years according to the applicants.

		BP Ferizaj							
Applicants with persons in years		2004	2007	2009	2010	2011	2012	2013	Total:
1	ACA						9	9	18
2	Kosovo Customs	4							4
3	EULEX							5	5
4	KP			5	3	1	9	72	90
5	The injured party		2		3			1	6
6	Municipal Administration					1	1		2
7	Forestry authority			1					1
8	Total:	4	2	6	6	2	19	87	126

Table 117 –Persons with applicants in years

KLI has paid attention to the analysis of these cases also in qualifying criminal offenses filed in criminal charges in the prosecution. In the table 118 you may see the figure of unsolved persons with applicants of criminal charges and criminal offenses, for which the suspects were denounced. As you may see, the criminal offense "Abusing Official Position or Authority" is the most significant offense of corruption, for which the most of denunciations were imposed. From a total of 126 unsolved persons, 90 of them belonged to the criminal offense "Abusing Official Position or Authority". Then it is the criminal offense "Falsifying Official Documents " with a total of 27 persons. For more see Table 118.

		BP Ferizaj							
Applicants with persons in years		2004	2007	2009	2010	2011	2012	2013	Total:
1	ACA						9	9	18
2	Kosovo Customs	4							4
3	EULEX							5	5
4	KP			5	3	1	9	72	90
5	The injured party		2		3			1	6
6	Municipal Administration					1	1		2
7	Forestry authority			1					1
8	Total:	4	2	6	6	2	19	87	126

Tabela 118 – Unsolved cases at the beginning (November 4, 2013) with applicants and criminal offenses

RECEIVED CASES DURING THE ACTION PLAN

During the implementation of the Action Plan, BP in Ferizaj has received 21 new cases with 32 persons. Kosovo Police has been the applicant with the highest number of criminal offenses of corruption with a total of 22 persons. For more follow table 119 to see how many cases and persons were received from each applicant during each month in the period of the Action Plan.

Ferizaj PP - Received cases and persons according applicants (since November 4, 2013 until June 30, 2014)		Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014	Cases in total	Persons in total
1	ACA					1	1	2	2							1	1	4	4
2	KP	1	1	2	2	3	7	2	5	1	3	1	1	1	2	1	1	12	22
3	KPI			1	2			1	1									2	3
4	Prosecutor with self-initiative	1	1							1	1							2	2
5	Received by competence											1	1					1	1
6	Total:	2	2	3	4	4	8	5	8	2	4	2	2	1	2	2	2	21	32

Table 119 – Received cases and persons according applicants for each month since November 4, 2013 until June 30, 2014

From these 21 new cases with 32 persons received in BP of Ferizaj, 10 persons were filed for the criminal offense "Abusing Official Position or Authority", by 4 persons for criminal offenses "Non declaration or false declaration of property, incomes, gifts, and other material benefits or financial liabilities", "Unlawful Collection and Disbursement", and "Disclosing Official Secrets", 3 persons were filed for the criminal offense "Unauthorized import and export of weapons", by 2 persons for offenses "Giving Bribes", "Misappropriation in Office" and "Unauthorized use of property" and 1 person for the criminal offense "Accepting Bribes".

THE METHOD OF SOLVING CASES IN FERZIAJ

From the total number of solved cases by the Basic Prosecution in Ferizaj, results that prosecutors from 95 solved persons in total, the greatest number of them have solved by the persons filed by the police, a total of 75 persons. After the police follows the solution of persons filed by ACA with a total of 8 persons. As shown in Table 120, against 14 persons or 15% of them were thrown the criminal charges, against 9 persons or 9% of them were dismissed cases by prosecutors, while against 72 persons or 72% of them were filed direct indictment, indictments after the investigation and were imposed punitive orders. This percentage of filing the indictments by prosecutors in Ferizaj is among the highest of all prosecutions, which in the highest percentage have dismissed or terminated the cases. For more about the way of solving the corruption cases see Table 120.

BP in Ferizaj PP – The Method of solving cases according the applicants (from November 4, 2013 until June 30, 2014)	Cases	Persons	Dismissal	Termination	Punitive order	Direct charges	Charges after investigations
ACA	4	8	5			3	
KP	19	75	8	8	36	1	22
The injured party	1	1		1			
KPI	2	3			2		1
Municipal Administration	2	2				1	1
Prosecutor with self-initiati.	1	1	1				
EULEX	1	5					5
Total:	30	95	14	9	38	5	29

Table 120 – The method of solving cases according the applicants

From the solved cases against 95 persons, 46 persons or 48% of them belongs to the criminal offense "Illegal collection and payments". After this, follows the most characteristic criminal offense of corruption criminal offenses, for which have the applicants for criminal offense "Misuse of position or official authority" with 28 persons or 29% of them. For more see Table 121, regarding applicants and criminal offenses.

BP in Ferizaj PP – Solved persons according the criminal offenses (from November 4, 2013 until June 30, 2014)	Misuse of Position or official authority	Accepting bribes	Giving bribes	Exercise of influence	Misuse of economic authorizations	Falsifying official documents	Unauthorized use of assets	Non declaration of assets	Illegal collection and payment	Total:
ACA	5							3		8
KP	17	2	2		1	7			46	75
The injured party	1									1
KPI	1						2			3
Municipal Administr.	1					1				2
Prosecutor self-initiat.	1									1
EULEX	2			3						5
Total:	28	2	2	3	1	8	2	3	46	95

Table 121 – Solved persons with applicants according the criminal offenses

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

As you may noticed in methodology of this research, KLI has decided to measure the implementation of the Action Plan, based on solved cases of corruption, which have been registered until November 4, 2013. According this indicator, results that Basic Prosecution in Ferizaj has managed to implement 60% of the Action Plan. From 37 cases at the beginning of the Action Plan on November 4, 2013, has managed to solve 20 cases or 54% of them, while from 126 persons that had in the beginning managed to solve 81 of them or 64% of persons, who have been registered until the date November 4, 2013.

BP in Ferizaj PP – The method of solving registered cases until November 4, 2013	Cases	Persons	Dismissal	Termination	Punitive order	Direct charges	Charges after investigations
AKK	1	5	5				
PK	15	68	8	4	35		21
The injured party	1	1		1			
Adm. Komuna.	2	2				1	1
EULEX	1	5					5
Total:	20	81	5	1	35	1	11

Table 122– The method of solving registered until November 4, 2013

As noted in table 122, of these solved cases against 5 persons or 5% of them were dismissed the criminal charges, against 1 person or 1% of them was terminated the case, while against 46 persons or 57% of them were filed direct indictments, indictments after developing the investigations or were imposed punitive order. Basic prosecution in Ferizaj is among the rare prosecution to have reached to accuse over half of people solved. Otherwise, the solution of cases with dismissal of criminal charges and dismissal of corruption cases is the phenomenon of solving the cases from all prosecutions, that characterizes this Action Plan.

Basic Prosecution in Ferizaj has managed to solve a number of persons older over the years, which were registered at the beginning of the Action Plan. According the table 123, results that prosecutors have solved cases against 5 persons of year 2009, against 2 persons of year 2010, against 2 persons of year 2011, against 15 persons of 2012 and against 57 persons of year 2013. For more see table that cases of whose applicants were solved by prosecutors in Basic prosecution in Ferizaj.

From these solved cases against 81 persons, the largest number belongs to the criminal offense "Illegal collection and payment" with a total of 42 persons or 52% of them. Follows the criminal offense "Misuse of position or official authority" with 20 people or 25% of them, 13 persons or 16% were solved for the criminal offense of "Falsifying official documents", 2 persons for the criminal offense "Accepting bribes" and 1 person for the criminal offense "Misuse of economic authorizations".

BP in Ferizaj PP – Persons solved according year registered until November 4, 2013	2009	2010	2011	2012	2013	Total:
ACK				5		5
KP	5	2	1	9	51	68
The injured party					1	1
Municipal Administration			1	1		2
EULEX					5	5
Total:	5	2	2	15	57	81

Table123 – Persons solved according the years registered in PV

RECEIVED SOLVED CASES DURING THE ACTION PLAN

During the implementation of the Action Plan from November 4, 2013 until June 30, 2013, BP in Ferizaj has received 21 new cases with 32 persons. From them this prosecution has solved 14 received persons or 44% of them. From these persons against 1 person the criminal charge was dismissed, against 4 persons or to 13% them cases were terminated, while against 9 persons or to 28% them were filed direct indictments, indictments after investigation or were imposed punitive orders. From these 10 solved persons, 4 of them belonged to the criminal offense "Unlawful Collection and Disbursement", by 3 persons to criminal offenses "Abusing Official Position or Authority" and "Non declaration or false declaration of property, incomes , gifts, and other material benefits or financial liabilities" and by 2 persons for criminal offenses" Giving Bribes" and "Unauthorized use of Property".

BP Ferizaj PP - The method of solving cases registered until November 4, 2013	Cases	Persons	Dismissal	Termination	Punitive order	Directs iindictments	Indictments after investigation
ACA	3	3				3	
KP	4	7		4	1	1	1
KPI	2	3			2		1
Prosecutor with self-initiative	1	1	1				
Total:	10	14	1	4	3	4	2

Table 124 – The method of solving received cases

UNSOLVED CASES AT THE END OF THE ACTION PLAN

At the beginning of the Action Plan, BP in Ferizaj had 37 unsolved cases with 126 persons, while at the end of the plan the number of unsolved cases has decreased in 27 cases with 56 persons. The largest number of unsolved cases at the end of the Action Plan belongs the cases of Kosovo Police, with a total of 30 persons. The police is followed by unsolved cases of ACA with 14 persons. From 56 unsolved persons at the end, 34 persons were filed for the criminal offense "Abusing Official Position or Authority", 14 persons for the criminal offense of "Falsifying Official Documents", 5 persons for the criminal offense "Misappropriation in Office" and by 1 person for criminal offenses "Non declaration or false declaration of assets, incomes, gifts, and other material benefits or financial liabilities", "Accepting Bribes" and "Entering into harmful contract"

PP - Unsolved persons at the end of the plan, with applicants in years	2004	2005	2009	2010	2012	2013	2014	Total:
ACA					4	9	1	14
Kosovo Customs	4							4
KP				1		23	6	30
The injured party		2		3				5
Received by competence							1	1
Forestry Authority			1					1
Prosecutor with self-initiative							1	1
Total:	4	2	1	4	4	32	9	56

Table 125 –Unsolved persons at the end of the Action Plan

CASES IN THE PHASE OF GATHERING INFORMATION IN BP OF FERIZAJ – PPN

At the beginning of the Action Plan, BP of Ferizaj had 33 unsolved persons from the category of cases which are at the phase of gathering information. The oldest cases belong to the year 2006 onwards. From these 46 unsolved cases, 16 persons were filed by citizens, 14 by police, 11 persons by ACA, 3 persons by EULEX and 2 of them by the injured parties. For more follow table 126 to see the persons filed applicants and the old years.

		PTh Ferizaj								
Applicants with persons in years		2006	2007	2008	2009	2010	2011	2012	2013	Total:
1	ACA				1				7	8
2	KP					3	2	1	4	10
3	The citizen			4					1	5
4	The injured party	1	2			1			5	9
5	Prosecutor with self-initiative							1		1
6	Total:	1	2	4	1	4	2	2	17	33

Table 126 – Unsolved persons during years

From unsolved cases against 33 persons at the beginning of the Action Plan, 32 persons were investigated for criminal offense "Abusing Official Position or Authority" and 1 person for the criminal offense "Misappropriation in Office". For more follow table 127 to see unsolved cases according applicants and criminal offenses.

BP Ferizaj – Unsolved cases in the beginning of AP (November 4, 2013) with applicants and penal offenses	Persons	Abusing Official Position or Authority	Misappropriation in Office
ACA	8	7	1
KP	10	10	
The injured party	9	9	
Prosecutor with self-initiative	1	1	
The citizen	5	5	
Total:	33	32	1

Table 127 – Unsolved persons at the beginning of the plan with applicants and penal offenses

NEW CASES DURING THE ACTION PLAN

During the implementation of the Action Plan since November 4, 2013 until June 30, 2014 BP in Ferizaj has received 15 new cases with 19 people. Police has filed the most of persons for offenses of corruption, with a total of 9 persons. From 19 received persons, all of them were filed for the criminal offense "Abusing Official Position or Authority".

PPN - Received cases according applicants (November 4, 2013 until June 30, 2014)	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014
ACA	1	1													1	1
KP	1	1			1	1	1	4			1	2	1	1	5	9
KPI	1	1													1	1
The citizen							2	2							2	2
The injured party			2	2							1	1			3	3
Prosecutor with self-initiative	3	3													3	3
Total:	6	6	2	2	1	1	3	6			2	3	1	1	15	19

Table 128 – Received cases according applicants for each month of the period from November 4, 2013 until June 30, 2014

SOLVED CASES

During the implementation of the Action Plan, from the category of cases in the phase of gathering information, BP in Ferizaj has managed to solve cases for 5 persons. Prosecutors have dismissed all cases for these 5 persons.

UNSOLVED CASES AT THE END OF THE ACTION PLAN

BP in Ferizaj at the end of the Action Plan on June 30, 2014 has unsolved cases against 47 persons. The oldest unsolved case of 2006 in the beginning of the plan has remained unsolved even at the end of the Action Plan. These old unsolved cases are a prove that prosecutors did not take the implementation of the plan very seriously and the priority given for solving these cases. For more see Table 129 about the status of old unsolved cases according to the applicants through years.

From unsolved cases against 47 persons at the end of the plan, 46 are for the criminal offense “Abusing Official Position or Authority” and 1 person for the criminal offense "Misappropriation in Office".

PPN – Unsolved persons at the end with applicants through years	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total:
ACA				1				8		9
KP					3	2	2	4	8	19
KPI								1		1
The Citizen			4					1	2	7
The injured party	1	2						4	1	8
Prosecutor with self-initiative							1	2		3
Total:	1	2	4	1	3	2	3	20	11	47

Table 129 - Unsolved persons at the end with applicants through years

XIV. EXECUTIVE SUMMARY FOR BASIC PROSECUTION IN GJAKOVA

Basic Prosecution in Gjakova is one of the prosecutions that didn't had to deal with a large number of corruption cases registered at the beginning of the Action Plan. This prosecution initially had to work on 26 unsolved cases with 64 persons. At the end of the plan on 30 June 2014, 15 cases remained unsolved for 27 persons. These statistics show a greater efficiency of this prosecution in solving corruption cases, fulfilling obligations to a great extent of Action Plan. To solve these cases this prosecution engaged two prosecutors.

During the implementation of the Action Plan this prosecution has received for processing 15 new cases with 26 persons. Kosovo Police has been the applicant with the highest number of criminal offenses of corruption with a total of 14 persons

Out of the total number of persons solved by Basic Prosecution in Gjakova, shows that prosecutors solved from 62 persons in total only 8 persons or 13% of them to which have dismissed criminal investigation against 10 persons or 16% of them have terminated cases, while against 44 persons or 71% of them have been indicted after investigation. This percentage of increased indictments from Basic Prosecution in Gjakova is among the highest of all prosecutions, which have the highest percentage of cases dismissed or terminated.

Based on the main indicator set from the KLI, to measure the implementation of the plan for solving corruption cases that have been registered until Nov. 4, 2013, shows that in Basic Prosecution in Gjakova has failed to implement the Action Plan 80 % or has managed to solve only 64 persons, 52 persons who have been registered on the November 4, 2013. Out of these cases solved to 7 persons or 13% of them criminal charges were dismissed, against 4 persons or 8 % of them criminal charges were terminated, while against 41 persons or 79% of them indictments were filed after investigation.

During the implementation of the Action Plan in the period from November 4, 2013 until June 30, 2013 this prosecution has received for processing 15 new cases with 26 persons. Out of them has solved 10 persons or only 38% of persons received. Out of them to one person criminal charge was dismissed, against 6 persons cases were terminated, whereas 3 persons were indicted after investigation. At the end of the plan have remained unsolved cases for 15 to 27 persons. The largest number of persons remaining unsolved at the end of the Plan of Action of the cases of Kosovo Police are a total of 18 persons.

As for the category of cases known as PPN or cases that are at the stage of gathering information, Basic Prosecution in Gjakova at the beginning of the Action Plan has received 15 unsolved persons in this category. During the implementation of the plan prosecution has received 7 new cases to work with 7 persons. While, in general has failed to solve cases against five persons to whom cases were dismissed. At the end of the Action Plan by June 30, 2014 have remained unsolved cases against 17 persons.

CASES IN PHASE OF INVESTIGATION IN BASIC PROSECUTION IN GJAKOVA (BP in Gjakova)

Basic Prosecution in Gjakova is one of the prosecutions that didn't had to deal with a large number of corruption cases registered at the beginning of the Action Plan. This prosecution initially had to work on 26 unsolved cases with 64 persons. At the end of the plan on 30 June 2014, 15 cases remained unsolved for 27 persons. Statistics on unsolved cases at the beginning and end show a greater efficiency of this prosecution in solving corruption cases, fulfilling obligations to a great extent of Action Plan regarding the solution of cases. To solve these cases Basic Prosecution in Gjakova has engaged two prosecutors for solving cases of corruption. In the table below, KLI has presented the general situation of corruption cases of the Basic Prosecution in Gjakova.

Basic Prosecution in Gjakova	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in Dec 2013	Cases in January 2014	Persons in Jan 2014	Cases in Feb 2014	Persons in Feb 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in June 2014	Persons in June 2014
	Unsolved cases at the beginning of the month	26	64	16	44	17	45	15	27	17	30	21	38	21	39	17
Cases received during the month			4	7	2	3	2	3	4	8	2	4	1	1		
Total in work	26	64	20	51	19	48	17	30	21	38	23	42	22	40	45	82
Solved cases during the month	11	20	4	6	5	21					2	3	5	9	3	3
Unsolved cases by the end of the month	16	44	17	45	15	27	17	30	21	38	21	39	17	31	15	27

Table 130 - General status of corruption cases in BP in Gjakova from the entry into force of the Action Plan until June 30, 2014

Basic Prosecution in Gjakova as noted above was not overloaded on cases of corruption. Unsolved older cases at the beginning of the Action Plan are of 2012, a total of 28 persons and 2013, a total of 36 persons. See the situation of unsolved persons at the beginning of the plan on November 4, 2013 by applicants and years.

Basic Prosecution in Gjakova				
Applicants with persons over the years		2012	2013	Total:
1	ACA		6	6
2	KP	28	21	49
3	The Citizen		4	4
4	The injured party		5	5
5	Total:	28	36	64

Table 131 - Persons with applicants in years

Out of 64 persons outstanding, the largest number by applicants are for the crime "Abusing Official Position or Authority" with a total of 61 persons. 1 person is for the offense of "Forging official documents", "Issuing unlawful judicial decisions" and "unlawful release of persons deprived of liberty".

In the table 132 notice the number of unsolved persons by applicants of criminal and corruption offenses which are reported suspects.

BP in Prizren – Unsolved cases at the beginning of AP (November 4, 2013) with the Applicant and the offense		Persons	Abusing Official Position or Authority	Falsifying Official Document	Issuing unlawful judicial decisions	Unlawful release of persons deprived of liberty
1	ACA	6	6			
2	KP	49	46	1	1	1
3	The injured party	5	5			
4	The Citizen	4	4			
5	Total:	64	61	1	1	1

Table 132– Unsolved persons at the beginning (November 4, 2013) with applicants and criminal offenses

RECEIVED CASES DURING THE ACTION PLAN

Basic Prosecution in Gjakova during the implementation of the Action Plan has received for processing 15 new cases with 26 persons. Kosovo Police has been the applicant with the highest number of criminal offenses of corruption with a total of 14 persons. For more see Table 133, as follows, how many cases and persons were received from each applicant for each month during the period of the Action Plan.

Cases and persons received by the applicants (4 November 2013 to 30 June 2014)		Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in March 2014	Persons in March 2014	Cases in April 2014	Persons in April 2014	Cases in May 2014	Persons in May 2014	Cases in total	Persons in total
1	ACA	1	1	2	3									3	4
2	KP	2	3			2	3	3	3	2	4	1	1	10	14
3	The Citizen	1	3											1	3
4	The injured party							1	5					1	5
5	Total:	4	7	2	3	2	3	4	8	2	4	1	1	15	26

Table 133 - Cases and persons received by the applicants for each month for the period from 4 November 2013 to 30 June 2014

Out of these 15 new cases with 26 persons received in Basic Prosecution in Gjakova, 22 persons were filed for the crime of "Abusing Official Position or Authority", 2 persons for the criminal offense " Non declaration or false declaration of assets, income , gifts, and other material benefit or financial liabilities ", and 1 person for the criminal offense "Taking bribes" and "Falsifying Official Document".

METHOD OF SOLUTION OF CASES IN BASIC PROSECUTION IN GJAKOVA

Out of total number of persons solved by Office, in Gjakova, shows that prosecutors solved by 62 persons in total, the largest number of them have solved to persons submitted by the police, a total of 38 persons. As shown in Figure 135, to 8 persons or 13% of them are thrown criminal investigation against 10 persons or 16% of their cases were dismissed by prosecutors, while against 44 persons or 71% of them have been indicted after investigation. This percentage increase of charges by prosecutors in Ferizaj is among the highest of all prosecutions, which have the highest percentage of cases dismissed or terminated. For more about the way of solving corruption cases see Table 134.

BP in Gjakova PP – Method of solving cases according to the applicants (from 4 November 2013 to 30 June 2014)	Cases	Persons	Dismissed	Terminated	Indictments after
ACA	4	7	4	2	1
KP	22	47	1	8	38
The injured party	3	5	3		2
The Citizen	1	3			3
Total:	30	62	8	10	44

Table 134 - Method to solve cases according to the applicants

Out of 62 persons were resolved, 56 persons solved or 90% of them belong to the offense "Misapplication of official position or authority". This offense followed by other acts of corruption "Falsifying Official Document" with 2 persons or 3%, offenses "unlawful release of the person deprived of liberty" with 1 person or 1%, offenses "issuing unlawful judicial decisions" 1 person or 1% and criminal offenses " Non declaration or false declaration of assets, income, gifts, and other material benefit or financial liabilities" with 1 person or 1% of the total of persons.

BP in Gjakova PP - Persons solved according to criminal offenses (from 4 November 2013 to 30 June 2014)	Abusing Official Position or Authority	Falsifying Official Document	Unlawful release of persons deprived of liberty	Issuing unlawful judicial decisions	Non declaration of assets	Total:
ACA	5				2	7
KP	43	2	1	1		47
The injured party	5					5
The Citizen	3					3
Total:	56	2	1	1	2	62

Table 135 - Persons solved with applicants according offenses

IMPLEMENTATION OF ACTION PLAN FOR CASES REGISTERED UNTIL 4 NOVEMBER 2013

As you have noticed in the methodology of this research, the Institute has decided to measure the implementation of the plan, based on the solved cases of corruption, which have been registered up to date on November 4, 2013. According to this indicator, it turns out that the Office, in Gjakova has managed to implement the Action Plan on 80% or 64 persons managed to solve 52 persons who have been registered by the date November 4, 2013. Out of these cases solved to 7 persons or 13% of them criminal investigation were dismissed, against 4 persons or 8% of the cases were terminated while against 41 persons or 79% of them are filed indictments after investigation. For more see Table 136.

BP in Gjakova PP - method of solved cases registered until November 4, 2013	Cases	Persons	Dismissed	Terminated	Indictments after investigation
ACA	1	3	3		
KP	17	41	1	4	36
The injured party	3	5	3		2
The Citizen	1	3			3
Total:	22	52	7	4	41

Table 136 - Method of solved cases registered until November 4, 2013

BP in Gjakova PP - Persons solved according to years registered until November 4, 2013	2012	2013	Total
ACA		3	3
KP	27	14	41
The injured party		5	5
The Citizen		3	3
Total:	27	25	52

Table 137 - Persons solved according to years

registered in AP

Although there were no many old cases registered in the Action Plan, Basic Prosecution in Gjakova has managed to solve most older cases. According to the table 137, shows that prosecutors have solved 27 persons in 2012 and 25 persons of 2013. For more see table by applicants whose cases were resolved by the BP in Gjakova.

Out of these 52 persons were resolved, the largest number belongs to the offense again "Misuse of official position or authority" or a total of 49 persons or 94% of them. 1 person or 1% is solved for the offense of "Falsifying Official Document", 1 person for the crime of "Illegal release of the person deprived of liberty", 1 person for the crime of "Issuing unlawful judicial decisions".

RECEIVED AND SOLVED PERSONS DURING THE ACTION PLAN

During the implementation of the Action Plan in the period from November 4, 2013 until June 30, 2013, in Basic Prosecution in Gjakova has received for processing 15 new cases with 26 persons. Of them has solved 10 persons and only 38% of persons admitted. Of them to 1 person criminal charge was dismissed, against 6 persons cases were terminated, whereas the 3 persons were indicted after investigation. For more about the method of solution according to the applicants of criminal charges see Table 138.

Out of these 10 solved persons, 7 persons belong to offense "Misapplication of official position or authority", 2 persons for offense "Non declaration or false declaration of asset, income, gifts, and other material benefit or liabilities financial "and 1 person for the crime of" forgery of official documents ".

Method of solution for received cases	Cases	Persons	Dismissal	Termination	The indictment after investigation
ACA	3	4	1	2	1
KP	5	6		4	2
Total:	8	10	1	6	3

Table 138 - Method of solving received cases

UNSOLVED CASES AT THE END OF THE ACTION PLAN

Basic Prosecution in Gjakova at the beginning of the Action Plan has had to work on 26 to 64 unsolved persons, while at the end number of cases pending at the end there remained 15 cases with 27 persons. The largest number of persons remained unsolved at the end of the Plan of Action from Kosovo Police are a total of 18 persons. For more see Table 139.

Out of 27 persons outstanding at the end, 25 persons have left the crime "Abusing Official Position or Authority", and the 1 person for the criminal offenses "Accepting Bribes" and "Falsifying Official Document"

Unsolved persons at the end with the Applicants in years	2004	2012	2013	2014	Total:
KP		1	9	8	18
The Citizen			3		3
The injured party	1			5	6
Total:	1	1	12	13	27

Table 139 – Unsolved persons at the end of the Action Plan

CASES IN PHASE OF GATHERING INFORMATION IN BP OF GJAKOVA - PP

BP in Gjakova at the beginning of the Action Plan has had to work on 15 unsolved persons on the category of cases, which are at the stage of gathering information. Older cases belong in 2012 and 2013. Out of these 15 unsolved 13 persons were filed by police and two persons were filed by citizens. For more see Table140.

BP in Gjakova			
Applicants with persons over the years	2012	2013	Total:
KP	2	11	13
The Citizen		2	2
Total:	2	13	15

Table 140 - Persons unsolved in years

From 15 unsolved at the beginning of the Action Plan, 14 persons are on the offense "Abuses of official position or authority" and one person is the criminal offense of "Falsifying Official Document". For more see Table 141.

BP in Gjakova – Unsolved cases at the beginning of AP (November 4, 2013) with the applicant and the offense	Persons	Abusing Official Position or Authority	Falsifying Official Document
KP	13	12	1
The Citizen	2	2	
Total:	15	14	1

Table 141 – Unsolved persons at the beginning of the Applicant and the offense

NEW CASES RECEIVED DURING THE ACTION PLAN

PPN - Received persons according the applicants (November 4 ,2013 - June 30 ,2014)	Cases in November 2013	Persons in November 2013	Cases in December 2013	Persons in December 2013	Cases in January 2014	Persons in January 2014	Cases in February 2014	Persons in February 2014	Cases in total	Persons in total
Prosecutor with self-initiative	1	1							1	1
KP	1	1			1	1	3	3	5	5
Municipal Administration			1	1					1	1
Total:	2	2	1	1	1	1	3	3	7	7

BP in Gjakova during the implementation of the Action Plan from November 4, 2013 until June 30, 2014 has received 7 new cases with 7 persons. The Police have filed most persons for the criminal offenses of corruption, 5 persons in total.

Table 142 – Received persons according the applicants for each month for the period from November 4 ,2013 until June 30 , 2014

From 7 received persons, all of them are for the criminal offense “Abusing Official Position or Authority”.

SOLVED CASES

BP in Gjakova during the implementation of the Action Plan form the category of cases in phase of gathering information’s, has managed to solve cases for 5 persons. The prosecutors have dismissed all cases for these 5 persons.

UNSOLVED CASES AT THE END OF ACTION PLAN

BP in Gjakova at the end of Action Plan on June 30, 2014 has unsolved cases against 17 persons. For more you may see Table 144 with applicants and old years. From 17 unsolved persons at the end, 16 are for the criminal offense “Abusing Official Position or Authority” and 1 person is for the criminal offense “Falsifying Official Document”.

PPN – Unsolved persons at the end with applicants through years	2012	2013	2014	Total:
KP	2	10	2	14
The Citizen		2		2
Prosecutor with self-initiative		1		1
Total:	2	13	2	17

Table 143 - Unsolved persons at the end with applicants through years

XV. RECOMMENDATIONS

Kosovo Law Institute based on the findings during the process of monitoring and assessment of implementation of the Action Plan issues the following recommendations:

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

- a. Periodic assessments of the implementation of Action Plan for each prosecution separately.
- b. Assessing the performance of the Chief Prosecutors of Basic Prosecutions and SPRK and prosecutors of these prosecutions for the implementation of the Action Plan.
- c. 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.
- d. 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.
- e. The responsibility of Chief Prosecutors who did not hold regular meetings with ACA officials. The meetings with ACA and other agencies who implement the law should be regular to increase the cooperation in solving the cases of corruption.
- f. 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.
- g. KPC should create a special Committee to analyze the solution of corruption cases. The focus of this Commission, should be the dismissed cases of criminal charges and the termination of investigations by the applicants of these acts, especially those of the Kosovo Police and ACA because of the large number of dismissal and termination of them. Should be identified the problems to the quality of the acts and their argument by the applicants or the decision making of prosecutors.
- h. KPC should take urgent steps and very concrete in solving problems in BP Pristina because of the load and the quality of perpetrators of the corruption criminal offenses. This prosecution needs efficient management and extra resources with prosecutors and support staff.
- i. 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.

j. KPC should oblige the prosecutions to put the data for corruption cases on basis every two weeks and not every month as they have acted so far. The recommendation is consistent with the obligations of the National Coordinator, who is obliged to keep the public informed about the implementation of the Action Plan every two weeks.

2. National Coordinator against Corruption should:

- a. Report on regular basis in KPC for all the obstacles that faces during the implementation of the Action Plan.
- b. Respect the internal mechanisms of gathering information's from Prosecutors Performance Review Unit, respectively from the database by Tracking Mechanism.
- c. 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.
- d. The progress of implementation of the Action Plan where are included the information's 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.

3. KPC and ODC should cooperate closely in taking disciplinary measures regarding:

- a. Corruption cases placed in contradiction with the legal provisions (the cases identified by KLI and others)
- b. Cases of the prosecutors who for years have not treated at all corruption cases submitted by the applicants.
- c. Basic Prosecution of Peja should engage all the prosecutors of Serious Crimes Department in solving the corruption cases.

ANNEX:

KLI except the inclusion of comments on the report, for which has also given its comments, following in this annex of the report, publishes without interference the comments of Special Prosecution of the Republic of Kosova:

The comments of SPRK regarding the findings of monitoring by KLI for SPRK about the implementation of the Action Plan to increase the efficiency of the prosecutorial system in fighting corruption

After reading carefully the findings of monitoring by KLI about the obligations regarding the implementation of the plan to increase the efficiency of the prosecutorial system in fighting corruption and Memorandum of Cooperation between the KLI and KPC, SPRK assesses that the report contains some incorrect data and assessments and ascertainments that are outside of KLI mandate which derives from the memorandum of cooperation between the KLI and KPC.

Firstly, the definition of what constitutes the senior level corruption is not the one that KLI has emphasized in the report. KLI has only listed the criminal offenses that enter into the group of the so called corruption criminal offenses. KLI should take the Administrative Instruction of November 13, 2013 where can see in which cases the corruptive offenses are considered as senior level corruption offenses according to the subject and never according to the benefited amount or the caused harm.

SPRK considers that KLI based on the memorandum of cooperation has no mandate to enter into the issues of decision making of prosecutors in concrete cases. This is an discretionary right for the prosecutor of the case to decide for a case after gathering and assessing the evidences.

Also on the report are mentioned the payments of the prosecutors of SPRK and their accountability. Regarding this we assess that KLI is not competent to assess how much do those prosecutors deserve those salaries and even more to say that with these salaried has been invested in prosecutor, because the prosecutors of SPRK get paid for the work done and the salary does not represent investment in them.

On this report it is also said that in this prosecution there are prosecutors who for 5 years have managed to file only one indictment that is about illegal possession of firearms. We assess that this issue is consumed so much that has passed into banality in order to fade the image of SPRK. In this direction we remind you that this issue has occurred much earlier that the Action Plan....and the signing of the memorandum of cooperation with KLI.

At the end, regarding the statistic data on the findings of KLI they are in full compliance with the reportings that SPRK has made to the National Coordinator.

Sevdije Morina

Acting Chief Prosecutor of SPRK