



**Kosovo Law Institute**

## **CORRUPTION IN KOSOVO 5:**

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

**Pristina, June 2015**

Authors: **Betim Musliu and Genc Nimoni**

In the project of monitoring the Action Plan,  
have also contributed legal advisers and monitors:

Legal advisers and monitors: **Adem Krasniqi and Valdet Hajdini**

Monitors: **Bukurezë Surdulli and Hyrije Mehmeti**

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

#### **ABOUT KLI**

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

KLI

Entrance 13, Nr. 10

Str. Rexhep Luci

Pristina

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

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

Supported by:



British Embassy  
Pristina

**Table of Contents**

I. EXECUTIVE SUMMARY .....	4
II. METHODOLOGY .....	7
III. CORRUPTION CASES IN INVESTIGATION PHASE - PP.....	8
a) TREND OF UNSOLVED CASES .....	8
b) THE TREND OF RECEIVED CASES DURING THE ACTION PLAN .....	17
c) THE TREND OF SOLVED CASES .....	20
d) THE METHOD OF SOLVING CASES .....	22
IV. THE IMPLEMENTATION OF THE ACTION PLAN FOR CASES REGISTERED UNTIL NOVEMBER 4, 2013.....	26
a) THE METHOD OF SOLVING CASES OF THE ACTION PLAN DURING THE REPORTING PERIOD.....	30
b) NEW RECEIVED CASES AND THE METHOD OF SOLVING THEM.....	34
c) UNSOLVED CASES AT THE END OF THE ACTION PLAN .....	37
V. CORRUPTION CASES IN THE PHASE OF GATHERING INFORMATIONS- PPN .....	43
a) UNSOLVED CASES IN THE BEGINNING ON NOVEMBER 4, 2013.....	43
b) RECEIVED CASES DURING THE ACTION PLAN .....	47
c) SOLVED CASES AND THE METHOD OF SOLVING THEM PPN .....	51
d) UNSOLVED CASES AT THE END OF THE ACTION PLAN .....	52
VI. PROFILE OF PERSONS AGAINST WHOM CASES ARE SOLVED.....	55
VII. COURT SENTENCES ON CASES OF CORRUPTION .....	63
VIII. FAILURE IN RESPECTING THE TRACKING MECHANISM FOR CORRUPTION CASES .....	64
IX. FULFILLMENT OF OBLIGATIONS OF THE ACTION PLAN .....	68
X. PRESCRIPTION OF CORRUPTION CASES.....	78
XI. RECOMMENDATIONS.....	86

## I. EXECUTIVE SUMMARY

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

The findings of KLI show that prosecutorial system did not manage to reduce the number of unsolved cases of corruption. The trend of cases during this reporting period (January, February, March 2015) got reduced at the end, compared to previous periods. From the entry into force of the Action Plan, prosecutors possessed 516 unsolved cases with 1,682 persons, while on March 31, 2015 have remained 556 unsolved cases with 1652 persons. So, the number of unsolved cases has increased, while the number of persons to whom cases were not solved got reduced. If we analyze the number of cases at the beginning on November 4, 2013 (516 cases with 1,682 persons) and the number of cases received during the Action Plan until March 31, 2015 (638 cases with 1,279 persons), results that prosecutors had to work on 1,154 cases with 2,961 persons. From this total number of cases and persons, prosecutors have managed to solve 628 cases or 54.42% of them, with 1,420 persons or 47.96% of them. From a total number of 1,420 persons against whom cases were solved, against 615 persons prosecutors have filed indictments after investigations or direct indictments, against 51 persons they have proposed the imposition of punitive order, while against 345 persons criminal charges were dismissed and against 409 persons investigations have terminated. According to this, it turns out that against more than the half of persons, namely against 754 persons,

---

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

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

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

prosecutors have terminated investigations or have dismissed criminal charges, whereas they have issued indictments against 666 persons.

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

***Implementation of the Action Plan for cases registered until November 4, 2014*** - As in previous reports, to conduct the measurement of implementation of the Action Plan, KLI has set indicators based on obligations under this plan. ***The measure of the implementation of the Action Plan*** is based on solved cases of corruption, which have been registered until November 4, 2013, as unsolved cases which include 1682 persons. **According to this indicator, turns out that during this reporting period (January, February, March, 2015) prosecutions have solved cases against 900 persons or have managed to implement the Action Plan 55%.**

From this number, KLI has identified that prosecutors have dismissed criminal charges against 206 persons involved in solved cases (or 22% of them), against 290 persons (or 32% of them) have terminated investigations, while against 404 persons (or about 45% of them) have filed indictments.

BP in Pristina continues to be the prosecution with the weakest efficiency in fulfilling obligations of the Action Plan. **BP in Pristina** has solved cases only to 27% of persons, as there were even in the previous quarter, or only against 210 persons from 777 of them, who were registered in the Action Plan until November 4, 2013. *So, BP in Pristina for this reporting period (January, February, March 2015), has not solved any old case, registered before November 4, 2013, which remains concerning considering the large number of unsolved old cases.* SPRK, compared with the previous reporting period in which has not managed to solve even the half of old cases, now in the reporting period January, February, March 2015, has managed to solve more than the half of old cases. From unsolved cases against 232 persons as has been registered at the beginning of the Plan, **SPRK** has solved cases against 123 persons or **53%** of them. *So, during the three months of the reporting period, SPRK has solved cases against 13 persons, which belong to the cases registered until November 4, 2013.* After BP in Pristina and SPRK, **BP in Mitrovica** was the most inefficient prosecution, which has solved cases against **61%** persons or cases against 88 persons from 141 of them, who have been registered on November 4, 2014. *During the reporting period this prosecution has solved cases against 19 persons.* KLI is aware about the poor results of this prosecution, in which have also affected objective reasons of working conditions, for which KLI has required to be addressed urgently to the Prosecutorial Council in order to improve working conditions, but nothing has been done to this regard. Over the half of persons has managed to solve also **BP in Ferizaj**, which from 126

persons, has solved 94 of them or 74% of persons. *For this reporting period has managed to solve cases against only 3 persons. **BP in Gjakova** during this three months reporting period has managed to solve only one case registered until November 4, 2013, which has solved cases against 82% or 53 of 64 persons as were at the beginning of the Action Plan. **BP in Prizren** has also managed to solve 90% of persons, by solving cases against 159 persons of 175 as there were at the beginning of the Action Plan. During this reporting period has managed to solve only one case registered until November 4, 2013. **BP in Peja** has managed to solve 100% of persons or cases against 92 persons. During this reporting period this prosecution has solved cases against 5 persons. **BP in Gjilan** has managed to solve 100% of cases registered until November 4, 2013 in the Action Plan, by solving all cases, respectively 23 cases with 81 persons.*

Beside solving cases, the National Coordinator against Corruption and Chief Prosecutors have had a series of other commitments, which have failed to fulfill or have partially fulfill, and which are related to: preparation of special reports for the prescribed cases of criminal prosecution in corruption cases, with the identification of cases that may not be reported in the register of criminal charges, the non-implementation of the provisions of the seizure and confiscation of assets gained through criminal acts, with the non-holding of regular meetings with KP and ACA and other law enforcement agencies, with the information of public and media about the implementation of the Action Plan, etc.

KLI in this report has identified also the profiles of persons against whom cases were solved for the period November 4, 2013 to December 31, 2014. Regarding the profile of high-level corruption has a number of them who are involved in the investigation procedures, but it is noticed that there is no pursuit of them. Most cases of high-profile investigations are dismissed or terminated, while only to a small number of indictments are filed.

Regarding the court sentencing, based on the data of the Tracking Mechanism, results that judges have solved cases to 31 persons during this reporting period, and 22 of them were found guilty, 4 persons were acquitted while to 4 of them criminal charges were rejected.

KLI estimates that the trend of solving corruption cases proves that the justice system, respectively prosecutorial and judicial system are not treating with priority these cases and are not showing the will to fight corruption, especially high-level corruption.

## II. METHODOLOGY

As in previous reports, KLI in order to compile comprehensive and analytical periodic reports, concerning the implementation of the Action Plan for Increasing Efficiency of Prosecutorial System for Fighting Corruption has used a mixed methodology of research. Research on implementation of Action Plan initially came as a result of the Memorandum of Cooperation between Kosovo Prosecutorial Council and the Kosovo Law Institute, in which mutual obligations are defined in terms of monitoring and evaluating the implementation of this plan. KLI and KPC have still not signed the continuation of the Memorandum of Cooperation, and from January 1, 2015 the monitoring is done in practices implemented before in four periodic reports, including the entire monitoring of the Action Plan, excluding the provision of legal acts, which are not required in the absence of the signature of the memorandum. However, KLI had continued monitoring, based on the obligation of the Action Plan and based on the indicators made to measure the progress of the implementation of these obligations. The research is based on statistical data provided by Prosecutor Performance Review Unit, the National Coordinator against Corruption and Chief Prosecutors of the seven Basic Prosecutions in Kosovo for corruption offenses<sup>4</sup>. Reports provided by KLI are summarized in a database which included all cases and persons at all stages of the proceedings in the prosecutorial system of the Republic of Kosovo. There are two categories of corruption cases for which KLI has provided data from the Prosecutor Performance Review Unit. Category of investigation cases for which criminal charges are filed by applicants, or as they are known in the State Prosecution as PP and category of cases for which informations on corruption are provided by the applicants, namely cases that are at the stage of gathering informations, or as they are known in the State Prosecution as PPN. For these two categories of corruption cases, KLI has collected data for their status at the beginning of the Action Plan on November 4, 2013, for the admission of new cases of these categories, for their solution and the method of solving them during reporting period and for the status of cases which have remained unsolved at the end of the Action Plan on June 30, 2014. The database was used to identify the most concerned issues relating to the implementation of the Action Plan, namely with the solution, method of

---

<sup>4</sup> Action Plan for Increasing Efficiency of Prosecutorial System for Fighting Corruption has defined offenses against corruption, which are listed, based on the old Code (2003) and the new Criminal Code (2012). The plan contains 13 criminal offenses of old Criminal Code involving the criminal offenses from Chapter XIX (19): Section 339 - "Abusing Official Position or Authority", Article 340 - "Misappropriation in Office", Article 341- "Fraud in Office ", Article 342-" Unauthorized Use of Property ", Article 343-"Accepting Bribes ", Article 344-" Giving bribes ", Article 345-" Trading in Influence ", Article 346-" Issuing Unlawful Judicial Decisions ", Article 347 -" Misusing Official Information ", Article 348 -" Falsifying Official Documents ", Article 349 -" The Collection and Illegal Payments ", Article 350 -" The release of a person unlawfully deprived of liberty " and also Article 351 "Unlawful Appropriation of Property in Case of Search or Judicial Execution". The Action Plan from the new Penal Code included 19 criminal offenses against corruption from chapters XXXIV (34) and XXV (15). The offenses from Chapter XXXIV (34) include: Article 422 - "Abusing Official Position or Authority", Article 423 - "Misusing Official Information", Article 424 - "Conflict of Interest", Article 425 - "Misappropriation in Office", article 426- "Fraud in Office", article 427 - Unauthorized use of Property", Article 428 - "Accepting Bribes", Article 429 - "Giving bribes", Article 430 - "Giving bribe the foreign public official" Article 431 - "Trading in Influence", Article 432- "Issuing Unlawful Judicial Decisions", Article 433 - "Discovery of Official Secrecy", Article 434 - "Falsifying Official Documents", article 435 - "Unlawful Collection and Disbursement "Article 436 -" Unlawful Appropriation of property in case of search or execution of a judicial decision ", article 437 -" Declaration or false declaration of assets, income, gifts, and other material benefit or financial liabilities ", while the offenses from chapter XXV (15) include: Article 290 -" Misuse of Economic Authorizations ", Section 291 -" Entering into harmful contract "and Article 316 -"Unreasonable Gift Giving".

solving and non-solving corruption cases by prosecutors. Through statistics KLI has analyzed some aspects which are presented and commented through tables, including all the specifics of corruption cases for each prosecution, for each applicant in the case of corruption, the seniority of reported cases for corruption and method of solving of cases.

KLI has established an indicator based on the Action Plan to measure progress in the implementation of this plan. The main indicator is determined by the state of unsolved cases of corruption from the entry into force of the Action Plan on November 4, 2013 and progress of solving these cases by prosecutors. So, the degree of implementation of this plan is based on the solution or non-solution of corruption cases, which have been recorded as unsolved until November 4, 2013. KLI has analyzed and presented the solution of new cases received during the period of November 4, 2013 to the end of the plan on March 31, 2015.

KLI has been continuously monitoring the activities of the National Coordinator against Corruption, Acting Chief Prosecutor of Special Prosecution in the Republic of Kosovo, and the seven Chief Prosecutors of Basic Prosecutions in Kosovo. With all these stakeholders of prosecutorial functions and managers of prosecutions, KLI has conducted in-depth interviews, based on indicators of the Action Plan. The conducted interviews are codified so that issues and information derived from them are included in the report. KLI has also monitored the meetings of Kosovo Prosecutorial Council regarding the activities and decisions about this Action Plan. Also, to be more accurate in identifying problems and proposing solutions to the problems in fighting corruption, namely on more efficient and effective implementation of Action Plan, KLI has collected and analyzed in details the relevant local and international documents, that are related to the fight against corruption in Kosovo.

### III. CORRUPTION CASES IN INVESTIGATION PHASE - PP

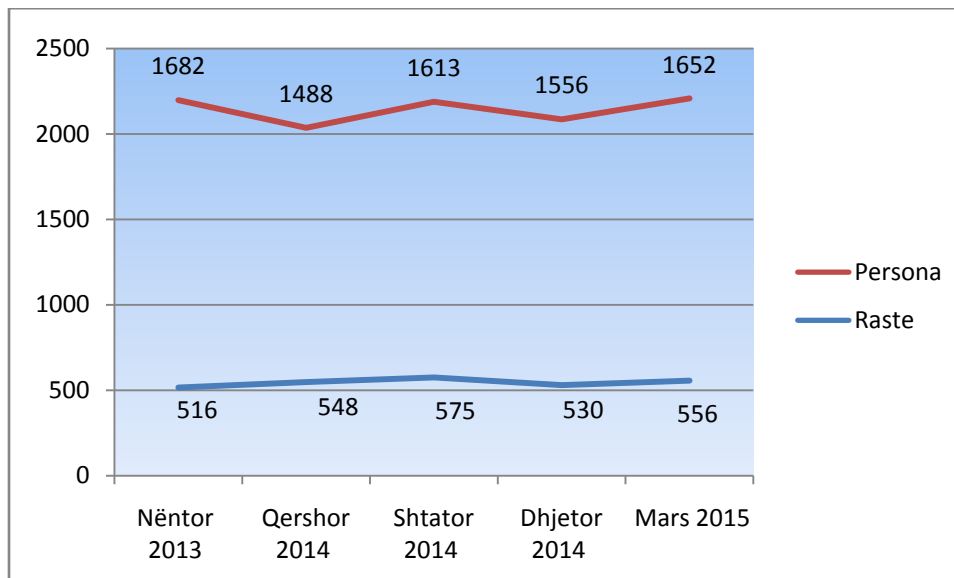
#### a) TREND OF UNSOLVED CASES

Kosovo Prosecutorial Council (hereinafter KPC) has continued with the implementation of the Action Plan for Increasing Efficiency of Prosecutorial System in Fighting Corruption (hereinafter, Action Plan) also for the period January, February, March 2015. From the entry into force of this Action Plan, Kosovo Law Institute (hereinafter KLI), based on the Memorandum of Cooperation<sup>5</sup> with KPC has made external monitoring and evaluation of the implementation of this Action Plan. Until now, KLI has published four (4) periodic reports about the monitoring and implementation of this Action Plan, and this is the fifth periodic report.

---

<sup>5</sup> Kosovo Prosecutorial Council and Kosovo Law Institute on December 27, 2013 have signed a Memorandum of Cooperation "Regarding the monitoring and assessment of the implementation of the Action Plan to Increase the Efficiency of Prosecutorial System in Fighting Corruption". Kosovo Prosecutorial Council. December 27, 2013.

The trend of unsolved corruption cases and persons, during this reporting period (January, February, March 2015) has increased at the end of the period, compared with previous periods. With the entry into force of Action Plan, the prosecutions had to work on 516 unsolved cases with 1682 persons, while on March 31, 2015 have remained 556 unsolved cases with 1652 persons. So, we have an increase in the number of unsolved cases, while a decrease in the number of persons against whom cases have not been solved<sup>6</sup>. KLI has made five parts to make a comparison of the trend of unsolved cases and persons for the period November 4, 2013, June 30, 2014, September 30, 2014 and December 31, 2014 and March 31, 2015. See table 1.



**Table 1 –The trend of unsolved corruption cases in five periods:  
November 4, 2013, June 30, 2014, September 30, 2014, December 31, 2014 and March 31 2015.**

According to the trend presented in table 1, it results that prosecutions are failing to change the very initial state of unsolved cases, which they had at the beginning of the Action Plan. While at the beginning there were 1682 persons against whom cases have not been

<sup>6</sup> Note: The number of cases and persons in corruption cases may vary, depending on the method of solving. It happens that in one case (criminal charge) to be involved 20 unsolved persons at the beginning of the reporting period, while later the method of solving persons may be done in various ways, including the dismissal, termination or filing an indictment against certain persons in the same case. Therefore, KLI explains that the number of persons in each rubric matches 99%, while the number of cases may change for the aforementioned reason. To be more precise in analyzing the statistics, KLI refers separately to the cases and persons which are identified in the registers of Kosovo Prosecutorial Council.

solved, on March 31, 2015, have remained 1652 persons against whom corruption cases have not been solved, or only 2% less persons than they were at the beginning of the Action Plan.

BP in Pristina continues to face an increasing trend of unsolved cases. This prosecution has failed to impact on decreasing the number of unsolved cases, in contrary this prosecution has marked an increase. While on November 4, 2013 at the beginning of the Action Plan this prosecution had 224 unsolved cases with 777 persons, at the end on March 31, 2015, the number of unsolved cases has increased to 344 cases with 1015 persons, resulting with 238 persons more or 23% more at the end of March 2015.

The increasing trend of unsolved cases has continued also in SPRK. Unlike BP in Pristina, in which the increasing trend of unsolved cases was 23% more than it was at the beginning, in SPRK, the increasing trend has been in a lower percentage. At the beginning of the Action Plan on November 4, 2013 SPRK had 35 unsolved cases with 232 persons, while on March 31, 2015 had 46 unsolved corruption cases with 242 persons or 4% more than it had at the beginning of the Action Plan. Whereas, all other prosecutions have managed to reduce the number of unsolved cases, in comparison with the initial state of the entry into force of the Action Plan.

Note in table 2, the increasing trend of unsolved cases for each prosecution, in five periods including November 4, 2013 (*entry into force of the Action Plan*), June 30, 2014 (*end of the implementation of the Action Plan for cases registered until November 4, 2013*), September 30, 2014 (*the third periodic assessment of KLI about the implementation of the Action Plan for the three months July, August, September 2014*), December 31, 2014 (*the fourth periodic assessment of KLI about the implementation of the Action Plan for the three months October, November, December 2014*) and March 31, 2015 (*the fifth periodic assessment of KLI about the implementation of the Action Plan for January, February and March 2015*).

State Prosecutor		November 4, 2013		June 30, 2014		September 30, 2014		December 31, 2014		March 31, 2015	
		Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
1	SPRK	35	232	41	221	47	237	49	261	46	242
2	Pristina	224	777	346	935	355	978	321	913	344	1015
3	Prizren	70	175	27	49	33	85	25	64	23	60
4	Peja	37	86	24	38	22	45	27	66	26	59
5	Gjilan	23	81	7	9	7	12	6	13	11	26
6	Mitrovica	64	141	61	153	62	157	56	141	60	146
7	Ferizaj	37	126	27	56	30	62	32	72	28	71
8	Gjakova	26	64	15	27	19	37	14	26	18	33
9	Total:	516	1682	548	1488	575	1613	530	1,556	556	1,652

**Table 2 - The difference of unsolved cases at the beginning of the entry into force of Action Plan on November 4, 2013, on June 30, 2014, on September 30, 2014 on December 31, 2014 and at the end on March 31, 2015.**

As in previous reports, KLI has paid a particular attention to the coverage of all unsolved cases at the beginning on January 1, 2015, for each prosecution, which are old in years. In table 3, see the unsolved cases with the number of persons, belonging to the years 2001, 2004, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013 and new cases of 2014.

Unsolved cases with persons at the beginning (January 1, 2015)	2001		2004		2006		2007		2008		2009		2010		2011		2012		2013		2014		Total	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
SPRK													7	30	5	27	6	35	7	38	24	131	49	261
Pristina	1	1	1	1	4	14	8	30	15	41	2	2	13	42	19	98	33	112	63	274	162	298	321	913
Prizren											1	4	1	1	1	1	1	1	3	4	18	53	25	64
Peja													1	1					6	15	20	50	27	66
Gjilan																					6	13	6	13
Mitrovica											1	2	1	2	4	4	9	23	17	59	24	51	56	141
Ferizaj			1	4			1	2					2	4			1	4	9	25	18	33	32	72
Gjakova																	1	1	6	11	7	14	14	26
<b>Total:</b>	1	1	2	5	4	14	9	32	15	41	4	8	25	80	29	130	51	176	111	426	279	643	530	1,556

Table 3 - Unsolved cases with persons at the beginning of the reporting period (January 1, 2015)

As it is seen in the table above, in the prosecutorial system there are still unsolved corruption cases dating from 2001. KLI estimates that these data are proofs that the citizens and various agencies of law enforcement have rightly criticized the work of prosecutions. The fact that the applicants have filed criminal charges for corruption cases more than a decade ago and those cases still have not been solved, proves that they are disappointment and the citizens have lost their trust in prosecutorial system. Even though prosecutors have solved some of these very old corruption cases, as can be seen, the number of unsolved cases continues to be concerning.

At the beginning of this reporting period (January 1, 2015) BP in Pristina continues to lead with the largest number of unsolved cases, 321 cases in total with 913 persons. Then it is SPRK with 49 cases and 261 persons. BP in Mitrovica with 56 cases and 141 persons, BP in Ferizaj with 32 cases in total and 72 persons, then it is BP in Prizren with 25 unsolved cases and 64 persons, BP in Peja with 27 cases and 66 persons, BP in Gjakova with 14 cases and 26 persons and the last one BP in Gjilan with 6 unsolved cases and 13 persons.

KLI expresses its concerns about unsolved corruption cases, dating from 2001 and estimates that this proves that prosecutions are not effective, despite the fact that these cases were revealed as cases to be solved with absolute priority.

In the following table KLI has presented corruption cases with the number of persons involved, which were unsolved at the beginning of this reporting period (on January 1, 2015), according to the applicants of these cases during years.

PP Cases and persons according their applicants during years, at the beginning of the reporting period. (January 1, 2015)	2001	2004	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
ACA				10	16		19	19	91	98	122	375
TAK							2					2
Kosovo Customs		4								9	1	14
EULEX							12	11	1	6	24	30
KPI									10	8	24	42
KP			7	13	14	3	25	27	45	236	276	646
The citizens							11	25	11	37	67	151
The injured party				7	1	5	7	5	5	28	79	137
Municipal Administration								1			2	3
Received by competence											44	44
Holder of property	1	1	7	2	10		4		13	1	13	52
Forestry Authority										2		2
Prosecutor with self- initiative								41		1	15	57
Unidentified								1				1
<b>Total:</b>	1	5	14	32	41	8	80	130	176	426	643	1,556

Table 4 -The trend of unsolved cases with persons, according to the applicants during years at the beginning of the reporting period (January 1, 2015).

Kosovo Police (hereinafter as KP) continues to be the applicant with the largest number of corruption cases, with 646 persons in total. As it can be seen in the table number 4, there are still unsolved corruption cases in prosecutions that KP has filed in 2007. After KP, as the applicant with the largest number of cases is the Anti-Corruption Agency (hereinafter as ACA), which at the beginning of this reporting period (on January 1, 2015) results that has unsolved cases filed to 375 persons. After ACA, the injured parties and the citizens have filed criminal charges to 151 cases in total and 137 persons, which remained unsolved. Then are the holders of properties, which have unsolved cases filed to 52 persons, among them the oldest case filed in 2001.

KLI as in previous reports, assesses that the inefficiency in solving corruption cases, affects in the failure of discovering corrupted persons, in their prosecution and judgment, also in the amnesty of the corrupted persons. What is more important, it affects in the loss of public's trust in justice. The most common complaints of the citizens of the Republic of Kosovo are made to the inefficiency of the justice system, due to delay in solving these cases<sup>7</sup>. The fact that corruption cases filed in 2001 have remained unsolved is extremely concerning, because it proves that prosecutors in these cases over the years have not taken the necessary legal actions. KLI assesses that it affects directly to citizens, to whom sends the message that the fight against corruption in a passively way is being annested by prosecutors themselves. The public commitments and promises of top officials who lead the judicial and prosecutorial system has failed because of these results, which despite the policies and strategies developed and approved, are failing to implement them in practice.<sup>8</sup> The lack of concrete results from the non-implementation of positive legislation in fighting corruption, has directly affected on the extraction of negative assessments of the European Commission, which through the Evaluation Committee regarding the fulfillment of criteria for visa liberalization, has assessed that despite some improvements, there are no concrete and final results of judicial cases concerning the fight against corruption.<sup>9</sup> The Republic of Kosovo, should achieve better results in order to be advanced towards European integration processes, while the percentage of the implementation of the Action Plan, up to this reporting period, is a proof that Kosovo has lacks of tangible results in prosecution and adjudication of corruption.

Also, the lack of results in fighting corruption also in this reporting period, has directly affected to the loss of citizens' trust in prosecutorial system. The UNDP report for the period November 2014 – March 2015, shows that **citizens' trust in the work of State**

---

<sup>7</sup>Note: The Office of Disciplinary Prosecutor as an internal mechanism of disciplining of the Judicial Council and Prosecutorial Council of Kosovo, continuously receives complaints from citizens who submit their cases to judges and prosecutors because of the delay on solving cases.

<sup>8</sup> Kosovo Progress Report of the European Commission for 2013. p.13.

<sup>9</sup> "Second report on progress by Kosovo\* in fulfilling the requirements of the visa liberalization roadmap". Report from the Commission for the European Parliament pg8. European Commission. Brussels. July 24, 2014.

**Prosecutor, has marked the largest decrease of all times, by marking a decline of satisfaction to 17% in March 2015, while in November 2014 it was 22.8% .<sup>10</sup>**

The citizen's trust has declined in a worrying percentage also in the judicial system, to which only 17.2% of the citizens are satisfied for the period November 2014 – March 2015. While, in November 2014 the satisfaction of citizens' with the work of the judicial system was 22.8%, during this reporting period November 2014 – March 2015, has decreased for 7%.<sup>11</sup>

The decline of citizens' trust in the justice system is very concerning and KLI assesses that this trend of implementation of the Action Plan, will continue to risk further the decline of citizens' trust in the justice system, namely in justice in general.

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

---

<sup>10</sup> Note: During the period November 2014 – March 2015, the prosecutorial system has marked almost the lowest point of all time of citizen's trust in the work of the prosecution with only 17% (only in 2010 it was lower, 15.11%) "Public Pulse 9" (Pristina: UNDP Kosovo, April 2015), pg.2.

<sup>11</sup> Note: The judiciary system is not an exception neither regarding the decrease of the level of satisfaction with its work. The percentage of Kosovo citizens who are satisfied with the work of Kosovo's courts has decreased on 17.2% on March 2015. While in November their satisfaction was 22.8%. "Public Pulse 9" (Pristina: UNDP Kosovo, April 2015), pg.2.

Unsolved cases according to applicants and criminal offenses at the beginning of the reporting period. (January 1, 2015)	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	Misappropriation in Office	Trading in Influence	Misuse of Economic	Participation in or Organization of an Organized Criminal Group	Entering into a harmful contract	Misusing Official Information	Money laundering	Violation of the rights of license	Prohibited Trade	Unauthorized Import, Export, Supply, Transport, Production, Exchange, Brokering or Sale of Weapons or Explosive Materials	Does not belong to any characteristic penal offense	No offense
ACA	375	65	277			16			1	2	12				1		1				
KP	646	1	467	10 1	4	13	12	4	5	23	1	1		4				7	1		2
OKPI	42		33			1	3			5											
The injured party	137	1	117			6	1		1	9		2									
TAK	2		2																		
Forestry Authority	2		2																		
Kosovo Customs	14		5									4	5								
Prosecutor with self-initiative	57		52							5											
The citizens	151		127		2	5		7				2	8								
Holder of Property	52		46					2		4											
Received by competence	44		39			1		1			1				1					1	
EULEX	30		18		3		3					6									
Municipal Administration	3		2							1											
Unidentified	1		1																		
<b>Total</b>	<b>1,556</b>	<b>67</b>	<b>1,188</b>	<b>10 1</b>	<b>9</b>	<b>42</b>	<b>19</b>	<b>14</b>	<b>7</b>	<b>49</b>	<b>14</b>	<b>15</b>	<b>13</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>2</b>

Table 5 -The trend of unsolved cases of persons at the beginning of this reporting period according to applicants and criminal offenses (January 1, 2015).

According to official data of KPC, it turns out that from 1556 persons in total involved in corruption cases at the beginning of January, 1188 persons were suspected for the criminal offense “Abusing Official Position or Authority”. KP is the applicant with the largest

number of persons, and from 646 persons in total involved in criminal charges, 467 of them are for the criminal offense “Abusing Official Position or Authority”, followed by ACA with 277 persons for the same criminal offense from 375 persons in total for whom they filed criminal charges.

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

Beside old cases, during the reporting period (January, February, March 2015) SPRK and BPs have also received new cases with suspected persons for the criminal offenses of corruptive nature. During the monitoring of the Action Plan, KLI has identified that for this reporting period, prosecutions have received 90 new cases in total with 202 persons. In table 6 are presented all new cases received in each prosecution during this reporting period.

PP Cases and persons received according to prosecutions during the reporting period (January 1 - March 31, 2015)	Cases in January 2015	Persons in January 2015	Cases in February 2015	Persons in February 2015	Cases in March 2015	Persons in March 2015	Cases in total	Persons in total
SPRK			2	5			2	5
Pristina	6	22	13	56	6	10	25	88
Prizren	4	5	1	1	5	7	10	13
Peja	3	5	5	5	4	4	12	14
Gjilan	3	4	4	6	4	9	11	19
Mitrovica	2	2	6	16	4	8	12	26
Ferizaj	1	1	2	4	4	10	7	15
Gjakova	2	5	3	10	6	7	11	22
<b>Total</b>	<b>21</b>	<b>44</b>	<b>36</b>	<b>103</b>	<b>33</b>	<b>45</b>	<b>90</b>	<b>202</b>

Table 6 - Received cases and persons during each month  
(Period, January 1 - March 31 2015).

According to the data presented in the table above, during this reporting period (January, February, March 2015), BP in Pristina is the prosecution that has received the largest number of cases, with 25 cases in total and 88 persons. Then it is followed by BP in Mitrovica with 12 cases and 26 persons, BP in Gjakova with 11 cases and 22 persons, BP in Gjilan with 11 cases and 19 persons, BP in Ferizaj with 7 cases and 15 persons, BP in Peja with 12 cases and 14 persons, BP in Prizren with 10 cases and 13 persons and SPRK has received only 2 cases with 5 persons.

Based on these categorized data by KLI, it turns out that the largest number of received cases during the reporting period, is on February, with 36 cases in total with 103 persons, then it is on March with 45 cases and 90 persons.

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

<b>TOTAL PP - Received cases and persons according applicants (January - March 2015)</b>	<b>Cases in January 2015</b>	<b>Persons in January 2015</b>	<b>Cases in February 2015</b>	<b>Persons in February 2015</b>	<b>Cases in March 2015</b>	<b>Persons in March 2015</b>	<b>Cases in total</b>	<b>Persons in total</b>
ACA	2	6	4	4	2	2	8	12
KP	11	21	15	26	19	29	45	76
KPI	1	1	2	2	1	7	4	10
Kosovo Customs			1	4	1	2	2	6
The injured party	5	13	10	55	8	10	23	78
The citizens	2	3					2	3
Received by competence			4	12	2	5	6	17
<b>Total:</b>	21	44	36	103	33	55	90	202

**Table 7 - The trend of received cases and persons according applicants, during each month.**

From 202<sup>12</sup> persons, the citizens have been the applicant with the largest number of persons involved in criminal charges for corruption, with a total of 23 cases and 78 persons, followed by KP with 45 cases and 76 persons. All of these are presented in the table above.

<sup>12</sup> From the filed cases where are included 202 persons, the applicants have charged 140 persons for the criminal offense "Abusing Official Position or Authority", 20 persons for the criminal offense "Accepting Bribes", 2 persons for the criminal offense "Misappropriation in Office", 1 person for the criminal offense "Issuing Unlawful Judicial Decisions", 17 persons for the criminal offense "Giving Bribes", 6 persons for the criminal offense "Non-declaration of assets", 5 persons for the criminal offense "Falsifying Official Documents", 2 persons for the criminal offense "Trading in influence", 4 persons for the criminal offense "Disclosing Official Secrets", 1 person for the criminal offense "Unauthorized use of narcotics", 1 person for the criminal offense "Illegal Deprivation of Liberty" 2 persons for the criminal offense "Smuggling of Goods" and 1 person for a criminal offense which is not identified in the register.

### c) THE TREND OF SOLVED CASES

Compared with the previous quarter (October, November, December 2014), during this reporting period (January, February, March 2015) it is noticed a decrease in the performance of almost all prosecutions in solving corruption cases. In the previous quarter were solved 165 cases with 325 persons, while during this reporting period were solved 62 cases with 119 persons. Compared with the previous quarter, it turns out that prosecutions have failed to solve even the half of solved cases on the previous quarter, respectively 103 cases and 206 persons less. In the table 8, are presented solved cases with persons for each prosecution, during the reporting period January 1 – March 31.

PP - Solved cases and persons at each prosecution during the reporting period. (January - March 2015)	Reporting period (January - March 2015)	
	Cases	Persons
SPRK	3	13
Pristina	8	8
Prizren	5	10
Peja	11	22
Gjilan	7	11
Mitrovica	9	22
Ferizaj	10	15
Gjakova	9	18
<b>Total</b>	<b>62</b>	<b>119</b>

Table 8 - The trend of solved cases with persons, during each month for each prosecution

BP in Peja is the prosecution that has the largest number of solved cases during this quarter, with a total of 11 cases and 22 persons, followed by BP in Ferizaj with 10 cases and 15 solved persons, BP in Gjakova with 9 cases and 18 persons, BP in Mitrovica with 9 cases and 22 persons, BP in Pristina with 8 cases and 8 persons, BP in Gjilan with 7 cases and 11 persons, BP in Prizren with 5 solved cases and 10 persons and SPRK with 3 cases and 13 persons.

BP in Pristina which is one of the prosecutions with the lowest number of solved cases during this reporting period (January, February, March 2015),<sup>13</sup> at the previous quarter (October, November, December 2014) this prosecution had the largest number of solved cases. According to the Chief Prosecutor of BP in Pristina, the main reasons about the lack of effectiveness in this prosecution during this reporting period were: transfer of prosecutors and staff at the new building of the prosecution (Palace of Justice), transfer of cases, transfer of the Basic Court of Pristina at the same building (Palace of Justice), objective conditions and technical problems with the environment of this building. These were the reasons that have affected at the decrease of the performance of BP in Pristina, during this quarter.<sup>14</sup> It is worth mentioning that the efficiency of this prosecution for the previous quarter, was increased after a re-organization of work, as a result of implementing the recommendation of KLI.<sup>15</sup>

Although, there is a small number of solved cases during this reporting period (January, February, March 2015), Chief Prosecutors said that they are satisfied with the implementation of the Action Plan and the work of their prosecutions.<sup>16</sup> Chief Prosecutor of BP in Mitrovica, has estimated the work of prosecutors and the achieved results by considering working condition which he demanded to be

---

<sup>13</sup> See table nr. 8 *The trend of solved cases with persons during each month for each prosecution.*

<sup>14</sup> KLI, interview with the Chief Prosecutor of BP in Pristina, Mr. Imer Beka, March 2015, Pristina.

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

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

<sup>16</sup> KLI, interviews with Chief Prosecutors: Mr. Metush Biraj – Acting Chief Prosecutor of BP in Prizen; Mr. Agron Galani – Chief Prosecutor of BP in Peja; Mr. Shyqyri Sylja – Chief Prosecutor of BP in Mitrovica and Mrs. Shpresa Bakija – Chief Prosecutor of BP in Gjakova, March 2015.

improved.<sup>17</sup> Acting Chief Prosecutor of BP in Ferizaj, claimed that this prosecution has been quite effective considering its capabilities.<sup>18</sup>

KLI evaluates that this situation of a large number of unsolved cases, proves that prosecutions are not treating with priority corruption cases.

#### **d) THE METHOD OF SOLVING CASES**

The performance of prosecutions in solving corruption cases has been significantly poorer than in the previous period. As in previous reporting periods, even for this reporting period (January, February, March 2015), KLI has identified the method of solving cases according to prosecutions and applicants of corruption cases. In the table number 9, are presented corruption cases with persons to whom cases were solved during this reporting period for each prosecution. From a total of 119 persons to whom cases have been solved, to 48 of them criminal charges were dismissed and investigations were terminated (to 15 persons criminal charges were dismissed, while to 33 persons investigations were terminated), while to 71 persons were filed indictments (to 59 persons were filed indictments after investigations, to 6 persons were filed direct indictments and to 6 persons were proposed the imposition of a punitive order). All of these are presented in the table below:

---

<sup>17</sup> KLI, interview with the Chief Prosecutor of BP in Mitrovica, Mr. Shyqyri Sylja, March 2015, Mitrovica.

<sup>18</sup> KLI, interview with the Acting Chief Prosecutor of BP in Ferizaj Mr. Rasim Maloku, March 2015, Ferizaj.

<b>PP - The method of solving cases according to prosecutions during the reporting period (January-March 2015)</b>	<b>Dismissal</b>	<b>Termination</b>	<b>Punitive orders</b>	<b>Direct indictments</b>	<b>Indictments after investigations</b>	<b>Total</b>
<b>SPRK</b>		2			11	13
<b>Pristina</b>		6			2	8
<b>Prizren</b>	1	6			3	10
<b>Peja</b>	1	14	4	2	1	22
<b>Gjilan</b>		3		1	7	11
<b>Mitrovica</b>	2	1	1	2	16	22
<b>Ferizaj</b>	2		1	1	11	15
<b>Gjakova</b>	9	1			8	18
<b>Total</b>	15	33	6	6	59	119

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

As it is noticed in the table above, BP in Peja and Mitrovica are the most efficient prosecutions regarding the number of persons against whom cases were solved (by 22 persons in total), followed by BP in Gjakova (18 persons), BP in Ferizaj (15 persons), SPRK (13 persons), BP in Gjilan (11 persons), BP in Prizren (10 persons) and BP in Pristina has the lowest number of persons involved in solved cases during this reporting period.

From 22 persons involved in solved cases during this reporting period, BP in Peja has dismissed and terminated investigations to almost the half of persons or to 15 of them, while to 7 persons has filed indictments and has proposed to impose punitive orders. Also BP in Gjakova dominates regarding dismissed and terminated cases. From a total of 18 persons involved in solved cases during the

reporting period, BP in Gjakova has dismissed and terminated cases against 10 persons, while to 8 of them has filed indictments. From a total of 8 persons involved in solved cases, BP in Pristina has dismissed and terminated cases, to 6 persons, while to 2 of them has filed indictments. From a total of 10 persons involved in solved cases, BP in Prizren has dismissed and terminated cases to 7 persons, while to 3 of them has filed indictments.

While, SPRK, BP in Gjilan, BP in Mitrovica and BP in Ferizaj, were the prosecutions that have filed indictments to more than 50% of solved cases. From a total of 22 persons involved in solved cases, BP in Mitrovica has dismissed criminal charges and terminated cases to only 3 persons, while to 19 of them has filed indictments and proposed to impose punitive orders. From a total of 13 persons, SPRK has filed indictments to 11 persons, while to 2 of them has terminated cases. From a total of 11 persons involved in solved cases, BP in Gjilan has filed indictments to 8 persons, while to 3 of them has terminated cases. From a total of 15 persons involved in solved cases, BP in Ferizaj has filed indictments to 12 persons, to 1 of them has proposed to impose the punitive order, while to 2 persons has dismissed criminal charges.

KLI has also done the categorization of solved cases and the method of solving them according applicants of criminal charges for corruption. For more details, see table 10.

<b>PP - The method of solving cases according applicants during the reporting period (January - March 2015)</b>	<b>Dismissal</b>	<b>Termination</b>	<b>Punitive Order</b>	<b>Direct indictments</b>	<b>Indictments after investigations</b>	<b>Total</b>
<b>ACA</b>		6			6	<b>12</b>
<b>KP</b>	6	13	6	6	43	<b>74</b>
<b>The injured party</b>	9	3			1	<b>13</b>
<b>KPI</b>		1			3	<b>4</b>
<b>The citizens</b>		9				<b>9</b>
<b>EULEX</b>					4	<b>4</b>
<b>Prosecutor with self initiative</b>		1				<b>1</b>
<b>Received by competence</b>					2	<b>2</b>
<b>Total</b>	<b>15</b>	<b>33</b>	<b>6</b>	<b>6</b>	<b>59</b>	<b>119</b>

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

From a total of 119 persons involved in solved cases, prosecutors have managed to solve cases to 74 persons, filed by KP. To 49 persons, prosecutors have filed indictments, to 6 persons they have proposed the imposition of the punitive order, while to 19 persons prosecutors have dismissed criminal charges and have terminated investigations (to 6 persons they have dismissed criminal charges, while to 13 of them prosecutors have terminated the investigations).

In cases that were solved by prosecutors, which were filed by the injured parties, from a total of 13 persons only to 1 of them prosecutors have filed indictment, while to 13 persons they dismissed the criminal charges and have terminated investigations.

As in previous reports, KLI continues to express its concern about the method of solving cases, because the half of them are being dismissed or investigations are being terminated as a result of the lack of evidence. These statistics demonstrate the need to make an identification of problems about these cases, in which should be analyzed the quality of criminal charges, their argument by applicants and the decision making of prosecutors, in order to eliminate these problems in the future.

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

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

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

The implementation of the Action Plan, according to the dynamics set out in this plan, was foreseen to end on June 30, 2014, pretending to solve all old corruption cases which were registered until November 4, 2013.<sup>19</sup>

As it was noted above, during this reporting period all prosecutions have solved 62 cases in total with 119 persons. According to statistical analysis of KLI, it results that from 119 persons in total to whom cases of corruption have been solved for this reporting period (January, February, March 2015), 42 persons or 35.29% of them belong to old cases, respectively cases registered in the Action Plan until November 4, 2013.

---

<sup>19</sup> Article 8.5, "Deadlines", "Action Plan for Increasing Efficiency of Prosecutorial System in Fighting Corruption", Kosovo Prosecutorial Council. November 4, 2013

KLI has set indicators through which, has measured the implementation of the Action Plan for old cases registered until November 4, 2013, which were solved since the entry into force of the Action Plan. In the table 11, KLI has presented unsolved cases at the beginning on November 4, 2013, to continue then with the total number of solving these cases until March 31, 2015.

**Based on KLI's indicator for measuring the implementation of the Action Plan, it turns out that prosecutions have solved cases to 900 persons or have managed to implement the Action Plan 55%.**

Based on the data provided by KPC, KLI has identified that from 1,632 persons in total involved in unsolved cases at the beginning, respectively on November 4, 2013, until March 31, 2015, SPRK and BPs have managed to solve cases in which are involved 900 persons or as it was noted above 55% of them. For more KLI has presented in table below, in a detailed way the method of solving these cases of the Action Plan, for each prosecution.

PP - The method of solving old cases, according prosecutions during the period November 4 2013 - March 31 2015	The total of unsolved cases on November 4 2013	The percentage of the implementation of Action Plan	Total	Dismissal		Termination		Indictment UN		Direct Indictments		Indictments after investigations	
				Persons	Percentage	Persons	Percentage	Persons	Percentage	Persons	Percentage	Persons	Percentage
SPRK	232	53%	123	10	8%	84	68%					29	23%
Pristina	777	27%	210	68	32%	48	22%			9	4%	85	40%
Prizren	175	90%	159	38	23%	50	31%			3	1%	68	42%
Peja	86	100%	92	6	6%	64	69%					22	23%
Gjilan	81	100%	81	18	22%	27	33%			20	24%	16	19%
Mitrovica	141	62%	88	46	52%	7	8%			10	11%	25	28%
Ferizaj	126	74%	94	13	13%	6	6%	35	37%	2	2%	38	40%
Gjakova	64	82%	53	7	13%	4	7%					42	79%
<b>Total</b>	<b>1,632</b>	<b>55%</b>	<b>900</b>	<b>206</b>	<b>22%</b>	<b>290</b>	<b>32%</b>	<b>35</b>	<b>3%</b>	<b>44</b>	<b>4%</b>	<b>325</b>	<b>36%</b>

Table 11 - The method of solving cases according prosecutions during the period from November 4, 2013 to March 31, 2015

As can be seen from the table above, in order to implement the Action Plan, SPRK and BPs must solve old cases to 732 persons or 45% of the Action Plan. Based on the statistical analysis, the large number of old unsolved cases remain to be a concern. Regarding the method of solving such cases, KLI has identified that more than to the half of the solved cases prosecutors have issued rulings for dismissal of criminal charges and termination of the investigations. KLI has identified that prosecutors for 22% of cases that have been solved have dismissed the criminal charges, to 32% of cases they have terminated investigations, while to about 40% of cases they have filed indictments, and to 3% of old solved cases prosecutors have proposed to impose the punitive order.

BP in Pristina continues to be the prosecution with the poorest efficiency in fulfilling the obligations of the Action Plan. **BP in Pristina** has solved cases only 27% of persons as they were also in the previous quarter, or only to 210 of 777 persons, who were registered in the Action Plan until November 4, 2013.<sup>20</sup> *So, BP in Pristina did not solve any of old cases during this reporting period (January, February, March 2015), registered before November 4, 2015. Considering the large number of old unsolved cases, this problem remains to be concerning.*

Compared to the previous reporting quarter in which SPRK has not managed to solve even the half of old cases, now in this period, on January, February and March 2015, SPRK has managed to solve more than the half of old cases. From unsolved cases to 232 persons as has been registered at the beginning of the Plan, **SPRK** has solved cases to 123 persons or 53% of them.<sup>21</sup> *So, during these three month of the reporting period, SPRK has solved cases to 13 persons, who belong to cases registered until November 4, 2013.*

After BP in Pristina, follows **BP in Mitrovica** as the most ineffective prosecution, which has solved cases to 61% of persons or only to 88 persons from 141 of them as they were registered on November 4, 2013.<sup>22</sup> *During the reporting period this prosecution has solved cases to 19 persons.* Anyhow, KLI has into the consideration these poor results of this prosecution, in which have affected also objective reasons of working conditions, for which KLI has required to be addressed urgently by the Prosecutorial Council in order to improve working conditions, but nothing were done in this regard.

---

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

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

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

**BP in Ferizaj** has managed to solve over half of persons, which from 126 persons, has solved 94 persons or **74%** of them.<sup>23</sup> *During this reporting period has managed to solve cases to 3 persons.*

*During this reporting period, **BP in Gjakova** has managed to solve only one case registered until November 4, 2013. This prosecution has solved cases to **82%** of persons or 53 of them from the total of 64 persons as were registered at the beginning of the Action Plan.<sup>24</sup>*

**BP in Prizren** has also managed to solve **90%** of persons, by solving cases to 159 persons from the total of 175 of them, as they were at the beginning of the Action Plan.<sup>25</sup> *During this reporting period this prosecution has managed to solve only one case registered until November 4, 2013.*

**BP in Peja** has managed to solve **100%** of persons or cases to 92 persons.<sup>26</sup> *During the reporting period this prosecution has solved cases to 5 persons<sup>27</sup>.*

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

Although that some prosecutions worked with a great commitment in solving corruption cases based on the Action Plan, the large number of unsolved cases remain to be a concern, whether inherited old cases, whether new cases received after November 4, 2013. KLI in particular considers concerning the large number of old unsolved cases in BP in Pristina, SPRK and BP in Mitrovica, which are the prosecutions with the poorest efficiency regarding old cases of corruption. Same as in previous period, BP in Pristina the large number of unsolved cases and the impossibility of fulfilling the Action Plan justifies with the large number of cases of corrupt nature, the large number of cases of urgent nature and the cases of detention on remand that require priority and also the insufficient number of

---

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

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

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

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

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

prosecutors.<sup>28</sup> SPRK considers that there were other reasons and challenges such as: the complexity of cases, difficulties in obtaining evidences, delays of expertise, insufficient number of prosecutors and in certain cases even of investigators, representation in all Basic Courts in Kosovo and the time that it takes etc.<sup>29</sup> While BP in Mitrovica continues to have specific reasons, which also failed to implement even half of the Action Plan regarding solving old cases, respectively 61% of them. As in previous periods, this prosecution continues to face with problems that prevent the normal functioning and its effectiveness. Among the main problems and challenges of the implementation of the Action Plan was and continues to be the lack of the needed space to operate, and also the numerous cases of detention on remand.<sup>30</sup>

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

KLI has made the categorization of the method of solving old cases from SPRK and BPs also for this reporting period (January, February, March 2015). In the table number 12, are presented the decisions of prosecutors for solved cases to 42 persons, who belong to the old cases of the Action Plan, registered until November 4, 2013. From these 42 persons, prosecutors have dismissed criminal charges or terminated investigations to 10 persons, while to 32 persons have filed indictments. Unlike the previous reporting period, in which prosecutors had filed indictments to more than the half of persons (55 of them) they have issued decisions on dismissal of criminal charges and termination of investigations, while to less than half of them they have filed indictments (52 persons), in this reporting period (January, February, March 2015) prosecutors have been more effective regarding file indictments in proportion to the solved cases. So, from 42 persons in total involved in the old solved cases, prosecutors have filed indictments to 32 persons, to 10 persons whose cases were dismissed and terminated . In table 12 you may see the method of solving “old” cases registered until November 4, 2013, for each prosecution.

---

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

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

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

<b>PP - The method of solving old cases according prosecutions during the reporting period (January 1 - March 31 2015)</b>	<b>Dismissal</b>	<b>Termination</b>	<b>Punitive Order</b>	<b>Direct Indictments</b>	<b>Indictments after investigations</b>	<b>Total</b>
<b>SPRK</b>		2			11	<b>13</b>
<b>Pristina</b>						
<b>Prizren</b>	1					<b>1</b>
<b>Peja</b>		4			1	<b>5</b>
<b>Gjilan</b>						
<b>Mitrovica</b>	2	1			16	<b>19</b>
<b>Ferizaj</b>					3	<b>3</b>
<b>Gjakova</b>					1	<b>1</b>
<b>TOTAL</b>	<b>3</b>	<b>7</b>			<b>32</b>	<b>42</b>

**Table 12 - The method of solving cases registered until November 4, 2013 during the reporting period January, February, March 2015**

BP in Mitrovica is the prosecution that has managed to solve the most of corruption cases of the Action Plan, 19 persons in total from 42 which were solved in total during this reporting period. From them to 16 persons prosecutors have filed indictments, to 2 persons they have dismissed criminal charges, while to one person they have terminated investigations.

After BP in Mitrovica, SPRK is the prosecution which has the largest number of persons involved in old solved cases during this reporting period. During these three months (January, February, March 2015), SPRK has managed to solve cases to 13 persons, of whom to 11 persons prosecutors have filed indictments, while to 2 persons they have terminated investigations. Although it is one of the prosecutions which has solved the most of old cases during this reporting period, KLI continues to express its concern about the large number of old unsolved cases of corruption, which after BP in Pristina, is the prosecution with the largest number of such cases. The leaders of this prosecutor, continue to point out that the main challenges that have prevented a greater efficiency in implementing

the Action Plan for solving corruption cases, are related with the complexity of corruption cases, difficulties in obtaining evidence, delays of expertise, insufficient number of prosecutors, in some cases also with investigator, the representation of cases in all courts in Kosovo and the time that it takes.<sup>31</sup> Despite the effectiveness of SPRK in this reporting period, KLI assesses that the large number of old unsolved cases in SPRK, continues to be a concerning for the work and results in this prosecution.<sup>32</sup> After BP in Pristina SPRK is one of the prosecutions with the lowest percentage in implementing the Action Plan, regards solving old cases of corruption.<sup>33</sup>

BP in Peja, has solved cases to 5 persons during this reporting period, while BP in Ferizaj has solved 3 such cases, followed by BPs in Prizren and Gjakova which have solved by one old case during this reporting period.

BP in Pristina, remains to be a special concerning, which despite the fact that has the largest number of unsolved cases and the poorest effectiveness in implementing the Action Plan, during this reporting period is the only prosecution that did not solve any old case, by having same results as in the previous period. From a total of 777 persons involved at old unsolved cases as they were at the beginning on November 4 2013, BP in Pristina has managed to solve cases to 210 persons, or has implemented the Action Plan only 27%.<sup>34</sup>

Except the method of solving old cases according prosecutions, KLI has also identified the method of solving old cases according applicants for this reporting period. From 42 persons in total involved in old solved cases, prosecutors have solved cases to 32 persons filed by KP, for which only to 9 persons they have dismissed criminal charges and terminated investigations,<sup>35</sup> while to 23 persons they have filed indictments. The following table presents the method of solving old cases according applicants for the reporting period (January, February, March 2015):

---

<sup>31</sup> KLI interview with Mrs. Sevdije Morina, Deputy/Chief Prosecutor of SPRK. January and March 2015.

<sup>32</sup> KLI assesses again that working conditions and stimulation that prosecutors have in SPRK are much better than to prosecutors of other prosecutions, so in this aspect, this State investment has been made to have better results in fighting crimes, which is in the competences of SPRK. Just to compare, KLI shows to you the results of fighting corruption of the prosecution alike which operates in Croatia. Unlike SPRK, the Bureau for Combating Corruption and Organized Crime in Croatia (USKOK) has an excellent performance in fighting crime. In 2012, from 283 indictments and represented by Croatian courts, USKOK has managed to protect 95 of them, by announcing 252 conviction judgments for these indictments. This proves the efficiency and quality of the function of USKOK-for investigating and prosecuting high level profiles. (see the report at the page 7 [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4%282013%297\\_Croatia\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round4/GrecoEval4%282013%297_Croatia_EN.pdf)). While, SPRK was founded and functionalized based in the Law On The Special Persecution Office Of The Republic Of Kosovo in 2008. (Last checked on July 30, 2014) [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L052\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L052_al.pdf))

<sup>33</sup> BP in Pristina is the most failed prosecution in solving corruption cases registered in the Action Plan with only 27%, then it is SPRK with 53% solved cases.

<sup>34</sup> Note: In the interview conducted with the Chief Prosecutor of BP Pristina Mr. Imer Beka in March 2015 in Pristina, Mr. Beka stated that the main reasons for the inefficiency of the BP in Pristina for this reporting period were: the transfer of prosecutors and staff in the new building of the prosecution (Palace of Justice), the transfer of materials, non-departure of the court in the new building, the objective conditions and technical problems with the environment. However, the Chief Prosecutor said that he is satisfied considering the work of prosecutors and their commitment, but he added that he is dissatisfied with the working conditions and objective problems.

<sup>35</sup> Note: According to statistics, results that in cases filed by KP, to 3 persons prosecutors have dismissed criminal charges, while to 6 persons, they have terminated investigations.

PP - The method of solving old cases according applicants, during the reporting period (January 1 - March 31, 2015)	Dismissal	Termination	Punitive Order	Direct Indictments	Indictments after investigations	Total
ACA					2	2
KP	3	6			23	32
The injured party						
KPI		1			3	4
The citizens						
EULEX					4	4
Forestry Authority						
Received by competence						
<b>TOTAL</b>	<b>3</b>	<b>7</b>			<b>32</b>	<b>42</b>

Table 13 - The method of solving cases registered until November 4, 2013, during the reporting period January, February, March 2015

After KP, prosecutors have solved the most of old cases filed by KPI and EULEX, with a total of 4 persons, regards the reporting period. All of such cases are presented in the table above.

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

Based on the statistical analysis of KLI, it results that for this reporting period, prosecutors have solved cases to 77 persons in total. BP in Peja and BP in Gjakova are the prosecutions with the largest number of new solved cases, during the period from January to March 2015. From 77 persons in total, BP in Peja and BP in Gjakova have solved cases to 17 persons.<sup>36</sup>

BP in Ferizaj has solved new received cases after November 4, 2013 with 12 persons<sup>37</sup>, followed by BP in Gjilan with 11 persons<sup>38</sup>, BP in Prizren with 9 persons<sup>39</sup>, BP in Pristina with 8 persons<sup>40</sup>, BP in Mitrovica with 3 persons<sup>41</sup> and SPRK did not have any new solved case during the reporting period.

All of such cases are presented in the table 14:

---

<sup>36</sup> Note: For the period January – March 2015, from 17 persons in total included in solved corruption cases, BP in Peja has dismissed the criminal charge to 1 person to 10 persons has terminated investigations, to 4 persons has proposed to impose punitive orders, while to 2 persons has filed direct indictments. From a total of 17 persons of solved cases, BP in Gjakova has dismissed criminal charges to 9 persons, to one person has terminated investigations, while to 7 persons has filed indictments after investigations.

<sup>37</sup> Note: In the period from January to March 2015, from a total of 12 persons involved in new solved cases, (received before November 4, 2013), BP in Ferizaj has dismissed criminal charges to 2 persons, to 1 person has proposed to impose the punitive order, to 1 person has filed direct indictment, while to 8 persons has filed indictments after investigations.

<sup>38</sup> Note: In the period from January to March 2015, from a total of 11 persons involved in new solved cases, (received before November 4, 2013), BP in Gjilan has dismissed criminal charges to 3 persons, to 1 person has filed direct indictment, while to 7 persons has filed indictments after investigations.

<sup>39</sup> Note: In the period from January to March 2015, from a total of 9 persons involved in new solved cases, (received before November 4, 2013), BP in Prizren has dismissed criminal charges to 6 persons, while to 3 persons has filed indictments after investigations.

<sup>40</sup> Note: In the period from January to March 2015, from a total of 8 persons involved in new solved cases, (received before November 4, 2013), BP in Pristina has dismissed criminal charges to 6 persons, while to 2 persons has filed indictments after investigations.

<sup>41</sup> Note: In the period from January to March 2015, from a total of 3 persons involved in new solved cases, (received before November 4, 2013), BP in Mitrovica has proposed to impose the punitive order to 1 person, while to 2 persons has filed direct indictments.

PP - The method of solving new cases received, according to prosecutions during the reported period (January 1 - March 31 2015)	Dismissal	Termination	Punitive Order	Direct Indictments	Indictments after investigations	Total
SPRK						0
Pristina		6			2	8
Prizren		6			3	9
Peja	1	10	4	2		17
Gjilan		3		1	7	11
Mitrovica			1	2		3
Ferizaj	2		1	1	8	12
Gjakova	9	1			7	17
<b>Total</b>	<b>12</b>	<b>26</b>	<b>6</b>	<b>6</b>	<b>27</b>	<b>77</b>

Table 14 - The method of solving received cases during this reporting period.

Even in previous reports, KLI has treated the issue of the large number of dismissed cases of criminal charges and termination of investigations. Also in this period, KLI considers concerning the large number of cases of dismissed criminal charges and the ones of termination of investigations. From all new solved cases with 77 persons for this reporting period, prosecutors have dismissed criminal charges and terminated the investigations to almost the half of them. Prosecutors have dismissed criminal charges and terminated investigations to 38 persons, to 39 persons they have filed indictments and proposed to impose the punitive order.

In proportion with the number of new solved cases for this reporting period, BP in Peja and BP in Gjakova are the prosecutions with the largest number of cases in which criminal charges were dismissed and investigations were terminated. Prosecutors of Peja, from a total of 17 persons involved at solved cases, have dismissed criminal charges to 11 persons and terminated investigations, to 4 persons they have proposed the punitive order and to 2 persons have filed direct indictments.

KLI has also categorized the method of solving new cases according to applicants for the reporting period January-March 2015. Also for such solved cases, the biggest applicant appears to be KP, followed by the injured parties and other applicants as ACA, the citizens,

received by competence and prosecutors with self-initiative. The following table, presents in details the method of solving new cases according applicants for the reporting period January-March 2015:

<b>PP - The method of solving new cases according applicants during the reporting period (January 1 - March 31, 2015)</b>	<b>Dismissal</b>	<b>Termination</b>	<b>Punitive Order</b>	<b>Direct Indictments</b>	<b>Indictments after investigations</b>	<b>Total</b>
ACA		6			4	10
KP	3	7	6	6	20	42
The injured party	9	3			1	13
KPI						
The citizens		9				9
EULEX						
Prosecutor with self-initiative		1				1
Received by competence					2	2
<b>TOTAL</b>	<b>12</b>	<b>26</b>	<b>6</b>	<b>6</b>	<b>27</b>	<b>77</b>

**Table 15 - The method of solving received cases according applicants, during this reporting period**

From 77 persons in total involved in new cases solved during the reporting period, to 42 persons KP has been the applicant, where to 26 persons were filed indictments, to 6 persons was proposed the imposition of punitive orders, while to 10 persons criminal charges were dismissed and investigations were terminated. The injured parties have filed 13 new cases and prosecutors have filed an indictment to 1 of them, to 9 persons they have dismissed criminal charges, while to 3 persons they have terminated investigations. To 9 persons involved in cases filed by the citizens, prosecutors have terminated investigations, as they have terminated them for the case initiated by the prosecutor with self-initiative, while to 2 persons received by competence prosecutors have filed indictments. ACA has filed 10 persons, and the prosecutors have terminated cases to 6 of them, while they have filed indictments to 4 of them. All of these cases are presented in the table number 15.

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

By solving only 55% of “old” cases registered in the Action Plan by the prosecutions, there remained a large number of unsolved corruption cases at the end of the reporting period on March 31, 2015. KLI expresses its concerns for these unsolved cases which were filed since 2001, 2003 and onwards. To have a clear picture for old corruption cases, KLI has presented in the table below, cases and persons for each prosecution and each year. As in the previous reports, KLI has offered this overview for the actors of prosecutorial system in order to have a clear issue and the risk of prescription of these unsolved cases over the years.

KLI assesses that this situation will lead as in other cases to the expire of the period of statutory limitation for criminal prosecution. Inherited cases from previous years starting from 2001, directly affect to the quality and efficiency of the work of prosecutors. As in previous reports, KLI assesses that it is very difficult for prosecutors to defend their cases in court for the criminal offenses which they pretend that are committed in distant years as in 2001. In these cases a long time from committing the criminal offense has passed and is very difficult to ensure witnesses, credibility of their statements regarding these cases and to prove the real situation.

Compared with the number of unsolved cases at the end of the previous reporting period (October, November, December 2014) in this reporting period (January, February, March 2015), the number of cases has increased from 530 cases with 1,556 persons, in 556 cases with 1,652 persons. Besides the fact that the number of cases has not decreased, unfortunately this number has increased to 26 more cases and 96 more persons than previous quarter, which is a very concerning fact to KLI.

In the table 16, KLI has presented all cases of corruption, which have remained unsolved on March 31, 2015, for each prosecution over the years:

Unsolved cases with persons at the end of the reporting period (March 31 2015)	2001		2004		2006		2007		2008		2009		2010		2011		2012		2013		2014		2015		Total	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
SPRK													7	25	5	27	3	25	8	40	21	120	2	5	46	242
Pristina	1	1	1	1	4	14	8	30	15	41	2	2	13	42	19	98	32	111	63	274	161	313	25	88	344	1,015
Prizren											1	4			1	1			2	2	12	43	7	10	23	60
Peja													1	1					3	11	16	39	6	8	26	59
Gjilan																				5	14	6	12	11	26	
Mitrovica											1	2	1	2	4	4	8	20	12	44	24	51	10	23	60	146
Ferizaj			1	4			1	2					2	4			1	4	7	22	11	22	5	13	28	71
Gjakova																	1	1	5	10	4	9	8	13	18	33
<b>Total:</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>4</b>	<b>14</b>	<b>9</b>	<b>32</b>	<b>15</b>	<b>41</b>	<b>4</b>	<b>8</b>	<b>24</b>	<b>74</b>	<b>29</b>	<b>130</b>	<b>45</b>	<b>161</b>	<b>100</b>	<b>403</b>	<b>254</b>	<b>611</b>	<b>69</b>	<b>172</b>	<b>556</b>	<b>1,652</b>

Table 16 – Unsolved cases at the end of the month on March 31, 2015

BP in Pristina continues to be the prosecution with the largest number of unsolved cases, which on March 31, 2015, had in its drawers 344 cases with 1,015 persons.<sup>42</sup>

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

<sup>42</sup> Note: After BP in Pristina, it is BP in Mitrovica with 60 cases and 146 persons, SPRK with 46 cases and 242 persons unsolved at the end, BP in Ferizaj with 28 cases and 71 persons, BP in Peja with 26 cases and 59 persons, BP in Prizren with 23 cases and 60 persons, BP in Gjakova with 18 cases and 33 persons and BP in Gjilan with only 11 cases and 26 persons unsolved at the end of the reporting period, namely on March 31, 2015.

Despite the fact that 3 months have passed since the last report on such cases, KLI finds that more than 50% of persons involved in these criminal charges for corruption, belong to the period from 2001 up to 2013. From all unsolved cases where are involved 1,652 persons at the end of this reporting period, which belong to the period 2001-2015, 869 persons or 52.6% of them, belong to the period of cases from 2001 up to 2013, towards 783 persons or 47.4% which belong to the period of new cases, received in 2014 and 2015.

The categorization of unsolved cases at the end, except according prosecutions, was done also according to applicants over the years. In the table 17, are presented unsolved cases with persons at the end of this reporting period, respectively unsolved cases until March 31, 2015:

Unsolved cases at the end of the reporting period (March 31, 2015) according applicants	2001	2004	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
ACA				10	16		19	19	91	95	124	9	383
TAK							2						2
Kosovo Customs		4								9	1	6	20
EULEX							7	11	1	6			25
KPI									7	7	22	10	46
KP			7	13	14	3	24	27	34	226	262	58	668
The citizens							11	25	10	28	57	3	134
The injured party				7	1	5	7	5	5	28	78	70	206
Municipal Administration								1			2		3
Received by competence											38	16	54
Holder of property	1	1	7	2	10		4		13	1	13		52
Forestry Authority										2			2
Prosecutor with self-initiative								41		1	14		56
Unidentified								1					1
<b>Total</b>	<b>1</b>	<b>5</b>	<b>14</b>	<b>32</b>	<b>41</b>	<b>8</b>	<b>74</b>	<b>130</b>	<b>161</b>	<b>403</b>	<b>611</b>	<b>172</b>	<b>1,652</b>

Table 17 - Unsolved cases with persons according applicants at the end on March 31, 2015

Kosovo Police continues to be the biggest applicant of corruption cases, which from a total of 1,652 persons involved in such cases, has filed criminal charges to 668 persons. ACA continues to be the second biggest applicant of filed cases with a total of 383 of them, dating from 2007.

After KP and ACA, the biggest applicants are injured parties with 206 persons, the citizens with 134 persons, prosecutors with self-initiative with 56 persons, criminal charges received by competence were filed to 54 persons, the Holders of Property with 52 persons, KPI has filed criminal charges to 46 persons, EULEX filed cases to 25 persons, Kosovo Customs to 20 persons etc.

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

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

TOTAL PP - UNSOLVED cases at the END, according applicants and criminal offenses (March 2015)	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	Disclosing Official Secrets	Participation in or Organization of an Organized Criminal Group	Entering into a harmful contract	Misusing Official Information	Tax Evasion	Money Laundry	Violation of the rights of license	Unauthorized use of Property	Smuggling of Goods	Prohibited Trade	Unauthorized Import, Export, Supply, Transport, Production, Exchange, Brokering or Sale of	No characteristic criminal offense	No offense
ACA	383	67	283			16			1	1	12					1			1	1					
KP	668	1	480	101	6	7	16	11	5	23	2	1			3		1					7	1	1	2
KPI	46		33		1		3			5			4												
The injured party	206		180			10	1		2	10		2													1
TAK	2		2																						
Forestry Authority	2		2																						
Kosovo Customs	20		7		2							4		5							2				
Prosecutor with self-initiative	56		52							4															
The citizens	134		115		2	5				2		2		8											
Holder of Property	52		46					2		4															
Received by competence	54		41			1	8	1			1						1							1	
EULEX	25		13		3		3					6													
Municipal Administration	3		2							1															
Unidentified	1		1																						
<b>Total</b>	<b>1,652</b>	<b>68</b>	<b>1,257</b>	<b>101</b>	<b>14</b>	<b>39</b>	<b>31</b>	<b>14</b>	<b>8</b>	<b>50</b>	<b>15</b>	<b>15</b>	<b>4</b>	<b>13</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>7</b>	<b>1</b>	<b>2</b>	<b>3</b>

Table 18 - Unsolved cases according applicants and criminal offenses at the end, on March 31, 2015

From the data presented in the table, same as in previous period reports, KP continues to be the biggest applicant of cases. From the total of 1,652 persons to whom were filed criminal charges, their cases remained unsolved until March 31, 2015 and KP has filed criminal charges to 668 persons. ACA is the second biggest applicant with 383 persons, the injured parties with 206 persons, the citizens with 134 persons etc.

The applicants have filed criminal charges mostly for the criminal offense of "Abusing Official Position or Authority" with a total of 1,257 suspects, then the criminal offense "Unlawful Collection and Disbursement" with a total of 101 suspects, the offense "Non-declaration of assets" with 68 persons, etc. All cases and suspected persons filed by applicants and the criminal offenses, are presented in the table above.

The Chief Prosecutor of BP in Pristina, whose prosecution also possesses the largest number of unsolved cases of corruption, stated the fact that during the quarter from January to March 2015, his prosecution was not successful in solving cases. The main reason of the effectiveness in BP in Pristina, during this period were: the transfer of prosecutors and the staff at the new building of the prosecution (Palace of Justice), transfer of cases, the non-departure of the court at the new building, other objective conditions and technical problems at the new working environment. In the interview for KLI, the Chief Prosecutor said that he is determined to treat corruption cases with an absolute priority.<sup>43</sup>

Acting Chief Prosecutor of SPRK expressed the commitment of this prosecution to achieve greater results in solving corruption cases.<sup>44</sup> Chief Prosecutor of BP in Prizren and Peja, in addition of the commitment to solve corruption cases, they have also required to increase the number of prosecutors and their profilization<sup>45</sup>. Acting Chief Prosecutor of BP in Ferizaj has also required to increase the number of prosecutors in order to increase the efficiency of his prosecution in solving corruption cases.<sup>46</sup>

---

<sup>43</sup> KLI, interview with the Chief State Prosecutor of BP in Pristina, Mr. Imer Beka, February, March 2015

<sup>44</sup> "We will continue to work with a great commitment in solving these cases by aiming to have greater results", Acting Chief Prosecutor of the Special Prosecution of the Republic of Kosovo, Mrs. Sevdije Morina, interviewed in January and March 2015.

<sup>45</sup> "Collegium meetings and treating with priority cases of corruption; More often meetings with other mechanisms of law enforcement and increasing the self-initiative are some of the steps that will be undertaken by BP in Prizen, in order to increase the efficiency in solving corruption cases", Mr. Metush Biraj, Acting Chief Prosecutor of BP in Prizren, interviewed in March 2015;

"We will continue to have a great commitment, by hoping to appoint prosecutors and professional collaborators, to have regular communications with all institutions of local and central level, to improve the coordination of works, to convince the citizens that we are fighting corruption and in this way to improve their trust, so they can freely file corruption offenses" Mr. Agron Galani, Chief Prosecutor of BP in Peja, interviewed in March 2015.

<sup>46</sup> "We need to increase the number of prosecutors and supportive staff..BP in Ferizaj will continue to implement the law and we will take actions based on the needs of social reality" Mr. Rasim Maloku, Acting Chief Prosecutor of BP in Ferizaj, interviewed in March 2015.

Besides poor working conditions, the Chief Prosecutor of BP in Mitrovica, said that they will continue to treat with priority all corruption cases and will insist to improve the needed spaces to work.<sup>47</sup> Chief Prosecutors of BPs in Gjilan and Gjakova, have also expressed their commitment to treat with with priority corruption cases, under the obligations of the Action Plan.<sup>48</sup>

## V. CORRUPTION CASES IN THE PHASE OF GATHERING INFORMATIONS- PPN

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

The treatment of corruption cases by basic prosecutions and SPRK, besides cases categorized as PP, has continued to corruption cases that are at the stage of gathering information, or as they are known as PPN.

Although the number of these cases is smaller than cases of PP category, PPN category cases continue to overload the Prosecutions of the Republic of Kosovo.

Compared to the beginning of the previous reporting quarter (October, November, December 2014), cases categorized as PPN have increased at the beginning of the subsequent quarter (January, February, March 2015), despite KPC strategies for solving cases of corruptive nature. While at the beginning of the previous quarter (October 1, 2014) prosecutions were loaded with 288 cases which included 681 persons, at the beginning of the subsequent quarter (January 1, 2015), their number has increased to 302 cases with 685 persons.

In the table below are presented unsolved cases at the beginning of the reporting period (January 1, 2015), for each prosecution over the year.

---

<sup>47</sup> "We will insist to require the needed spaces, which is the key of success for BP in Mitrovica..even though I made requests twice to CPC to improve our spaces, while several time I required also verbally to KPC for such thing, but they did not take it into the consideration", Mr. Shyqyri Syla, Chief Prosecutor of BP in Mitrovica, interviewed in March 2015.

<sup>48</sup> "This prosecution will implement all requirements arising from the Action Plan, by being committed especially to the requirements for confiscation and sequestration, respectively freezing assets of all perpetrators of these criminal offenses, that have benefited by their illegal actions" Mr. Jetish Maloku, Chief Prosecutor of BP in Gjilan, interviewed in January and March 2015.

"We will have some difficulties in 2015 because the new Regional Directorate of the Kosovo Police in Gjakova is still incomplete with staff and necessary experience, which creates difficulties in fighting corruption and other criminal offenses..But besides that BP in Gjakova will continue to have a great commitment in our duties and legal obligations", Mrs. Shpresa Bakija, Chief Prosecutor of BP in Gjakova, interviewed in March 2015.

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

Table 19 - Unsolved cases during years for each prosecution, at the beginning of this reporting period on January 1, 2015

Same as PP cases, BP in Pristina continues to be the prosecution with the largest number of PNN category cases. From a total of 302 cases with 685 persons, at the beginning of the reporting period BP in Pristina had 126 cases with 329 persons, or 41.7% of all cases in all prosecutions. BP in Ferizaj and SPRK, are the next ones with 43 cases and 69 persons, respectively 35 cases with 112 persons, followed by BP in Prizren with 30 cases and 64 persons, BP in Mitrovica with 28 cases and 40 persons, BP in Peja with 24 cases and 46 persons etc. All of these are presented in the table above

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

The categorization of PPN cases was done also according applicants during years. At the following table are presented PPN cases according applicants during years, for which were suspected 685 persons at the beginning of the reporting period:

PPN – Unsolved cases at the beginning of this reporting period, according applicants (January 1, 2015)	2006	2007	2008	2009	2010	2011	2012	2013	2014	Total
ACA		4	11	2	8	13	10	12	5	65
TAK						4		2		6
Kosovo Customs								2		2
EULEX								4	1	5
KPI							1	3	17	21
KP		3	1	1	5	22	40	81	117	270
The citizens			4		1	2	10	8	74	99
The injured party	4	4		1	4	14	15	71	38	151
Municipal Administration									4	4
KPA								4		4
Received by competence									9	9
The holder of property						1	5	18	2	26
Forestry Authority		4				5				9
Prosecutor with self-initiative							2	4	1	7
Unidentified						7				7
<b>Total</b>	<b>4</b>	<b>15</b>	<b>16</b>	<b>4</b>	<b>18</b>	<b>68</b>	<b>83</b>	<b>207</b>	<b>270</b>	<b>685</b>

Table 20 – Cases during years, according applicants, at the beginning on January 1, 2015

Based on the data presented in the table, same as PP cases, KP continues to be the biggest applicant of PPN cases in respective prosecutions. From a total of 685 persons involved in cases categorized as PPN, KP has initiated cases for 270 persons. After KP, the injured parties are the second biggest applicant with a total of 151 persons, followed by the citizens with 99 persons, ACA with 65 persons, the Holder of Property with 26 persons etc. All of these data are presented in the table above.

During the monitoring of the Action Plan and the analysis of the statistics provided by KPC, KLI has also identified unsolved cases at the beginning of the reporting period (January 1, 2015) according applicants and criminal offenses. At the table below are presented unsolved cases of PPN category at the beginning according applicants and criminal offenses:

TOTAL PP UNSOLVED cases at the BEGINNING according applicants and criminal offenses (January 2015)	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	Misusing Official Information	Unauthorized use of Property	Conflict of Interest	Does not belong to any characteristic criminal
ACA	65	64							1						
KP	270	247		2	9	11	1								
KPI	21	18				1						1		1	
The injured party	151	141	1		1	1		5				1	1		
TAK	6	6													
Forestry Authority	9	9													
Kosovo Customs	2	2													
Prosecutor with self-initiative	7	7													
The citizens	99	92				1	1				2				3
Holder of Property	26	24								2					
Received by competence	9	9													
EULEX	5	1								4					
Municipal Administration	4	4													
KPA	4	4													
Unidentified	7	7													
<b>Total</b>	<b>685</b>	<b>635</b>	<b>1</b>	<b>2</b>	<b>10</b>	<b>14</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>3</b>

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

Based on data from the table above, from the total of 685 persons involved in unsolved cases of PPN category at beginning of the reporting period, 635 of them or 92.70% of persons are suspected for the criminal offense "Abusing Official Position or Authority ", 14 persons for the criminal offense "Accepting bribes", 10 persons for the crime "Falsifying Official Document" etc. All of these cases according applicants and the criminal offenses are presented in the table above.

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

In the reporting period January – March 2015, SPRK and Basic Prosecutions, alongside existing cases categorized as PPN, have also received new cases, which are at the stage of gathering information. Although it is a large number of unsolved cases at the beginning of the reporting period, 302 cases with 685 persons in total, for the reporting period (January – March 2015), prosecutions are loaded with 68 new cases and dhe 111 persons suspected of committing criminal corruption offenses. Compared with the previous reporting period (October, November, December 2014), in this reporting period (January, February, March 2015), prosecutions have received the greatest number of new cases from PPN category.<sup>49</sup>

KLI has identified and categorized received cases of PPN category according to prosecutions for the reporting period (January, February, March 2015). In the following table, are presented such cases known as cases at the stage of gathering information.

---

<sup>49</sup> In the period October – December 2014, prosecutions have received 52 cases with 105 persons in total, categorized as PPN cases.

TOTAL PPN - Cases and persons received according to applicants (January - March 2015)	Cases in January 2015	Persons in January 2015	Cases in February 2015	Persons in February 2015	Cases in March 2015	Persons in March 2015	Cases in total	Persons in total
<b>SPRK</b>	2	7	1	1	4	12	7	<b>20</b>
<b>Pristina</b>	2	2	6	16	3	4	11	<b>22</b>
<b>Prizren</b>	1	3	8	12	4	4	13	<b>19</b>
<b>Peja</b>	4	5	7	9	5	5	16	<b>19</b>
<b>Gjilan</b>	4	4	3	5			7	<b>9</b>
<b>Mitrovica</b>	2	2	3	6	3	3	8	<b>11</b>
<b>Ferizaj</b>	2	5			2	4	4	<b>9</b>
<b>Gjakova</b>			1	1	1	1	2	<b>2</b>
<b>Total</b>	<b>17</b>	<b>28</b>	<b>29</b>	<b>50</b>	<b>22</b>	<b>33</b>	<b>68</b>	<b>111</b>

**Table 22 – Trend of cases received at each prosecution for the three months period (January, February, March 2015)**

During this reporting period (January, February, March 2015), BP in Peja is the prosecution that has received the largest number of PPN cases. From 68 cases with 111 persons in total received for the reporting period, BP in Peja has received 16 cases with 19 persons, followed by BP in Prizren, BP in Pristina, SPRK and BP in Mitrovica, BP in Gjilan and BP in Ferizaj, and the last one BP in Gjakova as the prosecution with the smallest number of received cases, 2 cases with 2 persons in total.<sup>50</sup> All of these are presented at the table above.

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

<sup>50</sup>For the period January – March 2015, BP in Prizren has received 13 cases with 19 persons, BP in Pristina 11 cases with 22 persons, SPRK 7 cases with 20 persons, BP in Mitrovica 8 cases with 11 persons, BP in Gjilan 7 cases with 9 persons, BP in Ferizaj 4 cases with 9 persons and the last one BP in Gjakova 2 cases with 2 persons.

<b>TOTAL PPN - Cases and persons received according to applicants ( January - March 2015)</b>	<b>Cases in January 2015</b>	<b>Persons in January 2015</b>	<b>Cases in February 2015</b>	<b>Persons in February 2015</b>	<b>Cases in March 2015</b>	<b>Persons in March 2015</b>	<b>Cases in total</b>	<b>Persons in total</b>
<b>KP</b>	7	10	11	13	8	10	26	33
<b>KPI</b>	2	3	2	5	1	2	5	10
<b>The Injured Party</b>	4	6	12	28	6	6	22	40
<b>The Citizen</b>	2	2	3	3	3	7	8	12
<b>Municipal Administration</b>			1	1			1	1
<b>Received by compet.</b>	2	7			4	8	6	15
<b>Total</b>	17	28	29	50	22	33	68	111

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

The injured party is the biggest applicant of persons included in cases known as PPN. From 68 cases with 111 persons in total received for the reporting period (January - March 2015), the injured party has initiated cases with information for 22 cases with 40 persons. In the other side, KP continues to lead with the largest number of initiated cases, 26 cases with 33 persons in total from all 68 cases with 111 persons filed for this reporting period. After KP comes the citizen with 8 cases and 12 persons, continuing with cases received in competence, 6 cases with 15 persons, KPI 5 cases with 10 persons and other applicants. For more, all these are presented at the table above.

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

TOTAL - PPN - Received persons according to applicants and criminal offenses ( January - March 2015)	Persons in total	Abusing Official Position or Authority	Falsifying Official Document	Accepting Bribes	Misusing Official Information	Without offense
KP	33	28		4		1
KPI	10	10				
The Injured Party	40	38	1		1	
The Citizen	12	12				
Municipal Administration	1	1				
Received by competence	15	15				
<b>Totali</b>	<b>111</b>	<b>104</b>	<b>1</b>	<b>4</b>	<b>1</b>	<b>1</b>

**Table 24 - The trend of received cases according to applicants and criminal offenses for the three months period (January, February, March 2015)**

From 111 persons received for the reporting period (January – March 2015), 104 persons or 93.69% are suspected for the criminal offense “Abusing Official Position or Authority”, 9 persons are suspected for the criminal offense “Accepting Bribes” by 1 person for the criminal offenses “Falsifying Official Document”, “Misusing Official Information” and by one person, the criminal offense does not appear in the sections of criminal offenses in the Tracking Mechanism. All these are presented in the table above.

**c) SOLVED CASES AND THE METHOD OF SOLVING THEM PPN**

Alongside PP cases, SPRK and Basic Prosecutions have solved cases categorized as PPN. During this reporting period, prosecutions have solved 27 cases with 52 persons. Compared with previous reporting period (October, November, December 2014),<sup>51</sup> prosecutions during this reporting period have solved almost less than half cases with persons.

For the reporting period (January, February, March 2015) KLI considers concerning the small number of solved cases, also the method of solving cases of this category. From the data provided from KPC, KLI in the first place has identified that 49.52%, prosecutors have solved less cases against persons compared with the previous reporting period. While in the previous period had solved 47 cases against 105 persons, in the current reporting period (January, February, March 2015), have solved 27 cases with 52 persons, as pointed out in the paragraph above.

Regarding the method of solving cases by prosecutors, same as in previous period, all cases were dismissed. For all 52 persons included in solved cases PPN, criminal charges are dismissed, while in only one case, the further investigations in criminal proceedings were not advanced. From these 52 persons, 51 were suspected for the criminal offense "Abusing Official Position or Authority", while only one person was suspected for the criminal offense "Accepting Bribes".

In the following table, are presented such cases, the method of solving them according to prosecutions:

---

<sup>51</sup> For the period October - December 2014, prosecutions had solved 47 cases against 105 persons in total, compared to 27 cases against 52 persons that are solved in the reporting period January-March 2015.

<b>PPN - The method of solving according to applicants for the reporting period (January 1- March 31, 2015)</b>	<b>Dismissal</b>	<b>Total</b>
<b>SPRK</b>	6	6
<b>Pristina</b>	9	9
<b>Prizren</b>	25	25
<b>Peja</b>	5	5
<b>Gjilan</b>	3	3
<b>Mitrovica</b>	2	2
<b>Ferizaj</b>	1	1
<b>Gjakova</b>	1	1
<b>Total</b>	52	52

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

Based on the data presented on the table, BP in Prizren is the prosecution with the largest number of solved cases, with 25 persons in total from all 52 as were included in the solved cases for this reporting period. BP in Pristina follows with 9 persons, SPRK with 6 persons and other prosecutions, presented in the table above.<sup>52</sup>

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

While at the beginning of the reporting period (January 1, 2015) SPRK and Basic Prosecutions had in total 302 unsolved cases with 685 persons, at the end of the reporting period (March 31, 2015), prosecutions had 330 unsolved cases with 720 persons. Compared with the

<sup>52</sup> Note: BP in Peja has solved cases against 5 persons, BP in Gjilan has solved cases against 3 persons, BP in Mitrovica cases against 2 persons and BP in Ferizaj and BP in Gjakova by one person involved in the solved case of such nature of PPN category.

previous period, in the current reporting period (January – March 2015), prosecutions had 28 cases with 35 persons more, by loading prosecutions further with the large number of cases in work.

As in the previous report, KLI continues to consider concerning the situation with the large number of unsolved cases known as PPN, in all prosecutions. Same as for the category of unsolved cases at the beginning (January 1, 2015), even for the category of unsolved cases at the end (March 31, 2015), KLI has identified old cases dating from 2006. At the following table, you may see PPN cases during years at all prosecutions:

PPN - Unsolved cases during years at the end of this reporting period (March 31, 2015)	2006		2007		2008		2009		2010		2011		2012		2013		2014		2015		Total	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
SPRK									1	1	1	2	2	8	4	8	27	89	7	20	42	128
Pristina	3	3	4	13	5	12	3	3	5	11	11	53	33	60	41	117	19	49	11	22	135	343
Prizren															1	5	19	32	8	13	28	50
Peja															6	23	9	12	12	15	27	50
Gjilan																	4	6	5	7	9	13
Mitrovica											1	3	5	9	7	12	14	15	7	10	34	49
Ferizaj	1	1	2	2	1	4	1	1	1	3	2	2	3	3	14	20	18	33	4	9	47	78
Gjakova															3	4	3	3	2	2	8	9
<b>Total:</b>	<b>4</b>	<b>4</b>	<b>6</b>	<b>15</b>	<b>6</b>	<b>16</b>	<b>4</b>	<b>4</b>	<b>7</b>	<b>15</b>	<b>15</b>	<b>60</b>	<b>43</b>	<b>80</b>	<b>76</b>	<b>189</b>	<b>113</b>	<b>239</b>	<b>56</b>	<b>98</b>	<b>330</b>	<b>720</b>

Table 26 - PPN unsolved cases at the end of the reporting period on March 31, 2015 for each prosecution

BP in Pristina, which besides having the largest number of cases (135 cases with 343 persons in total), also has the oldest unsolved cases dating from 2006. After Pristina, SPRK continues to be the prosecution with the largest number of persons involved in solved cases for the reporting period, with 42 unsolved cases and 128 persons in total. BP in Ferizaj has 47 cases with 78 unsolved persons in total, which has unsolved cases dating from 2006. After SPRK and BP in Ferizaj, the prosecutions with the largest number of cases are BP in

Mitrovica with 34 cases and 49 persons, BP in Prizren, which has 28 cases with 50 persons, BP in Peja 27 cases with 50 persons, BP in Gjilan 9 cases with 13 persons and BP in Gjakova 8 cases with 9 persons. KLI has made the categorization of these cases according to applicants, in which case KP remains the biggest applicant of cases of PPN category. At the following table are presented cases with persons during years, according to applicants:

PPN - Unsolved cases at the end of this reporting period according to applicants (March 31, 2015)	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
ACA		4	11	2	8	13	10	10	5		63
TAK						4			2		6
Customs								2			2
EULEX								4	1		5
KPI							1	3	17	10	31
KP		3	1	1	5	14	38	66	107	26	261
The Citizen			4		1	2	10	8	66	11	102
The injured party	4	4		1	1	14	14	70	26	35	169
Munic. Admin.									4	1	5
PAK								4			4
Received by competence									8	15	23
Holder of property						1	5	18	2		26
Forestry Authority		4				5					9
Pros. With self-initiative							2	4	1		7
Unidentified						7					7
<b>Total</b>	<b>4</b>	<b>15</b>	<b>16</b>	<b>4</b>	<b>15</b>	<b>60</b>	<b>80</b>	<b>189</b>	<b>239</b>	<b>98</b>	<b>720</b>

**Table 26 - PPN unsolved cases at the end of the reporting period on March 31, 2015 according to applicants**

From a total of 720 persons involved in unsolved cases at the end, KP has initiated cases for 261 persons, followed by the injured party with 169 persons, whose cases, also date from 2006 as old cases. Other applicants are the citizen with 102 persons, ACA with 63 persons, KPI with 31 persons, holder of property with 26, and other applicants, which are presented at the table above.

## VI. PROFILE OF PERSONS AGAINST WHOM CASES ARE SOLVED

KLI in this report has treated extensively the issue of profile of persons involved in suspected corruption cases against whom prosecutions have solved their cases for the period November 4, 2013 to December 31, 2014. Initially, KLI clarifies the fact that the data with the positions of persons treated in the report, are provided by BPs, SPRK and KPC and as such, these data do not match with the data generated by the Tracking Mechanism for the same period. From the data received for the profiles of persons from each prosecution, listed a total of 1,164 persons involved in solved cases. While in Tracking Mechanism, for the same period (November 4, 2013 – December 31, 2014) appear to have been solved cases against 1,301 persons. It is noticed that are missing 137 profiles of persons against whom cases are solved.<sup>53</sup>

KLI from the data received for the positions of persons involved in solved cases for the period November 2013 – December 2014, has categorized such data according to institutions such as Assembly of Republic of Kosovo, Government, Mayors, municipal councilor and other municipal officials, director/manager and other officials of public enterprises, independent agencies and other agencies within the institutions, banks and business/private companies, citizens and other officials from various institutions.

Besides the non-compliance of the data received from the prosecutions and those from the Tracking Mechanism for the same period, KLI has also identified the deficient profiling or incomplete data for the positions of the suspects involved in solved cases for the period

---

<sup>53</sup> Note: KLI identifies that BP in Pristina had provided data for the positions against 238 persons involved in solved cases, while in the Tracking Mechanism for the same period (November 2013 – December 2014), figure to be solved cases against 324 persons. KLI had received 86 persons less, involved in solved cases;

BP in Gjilan had provided data for the positions against 86 persons involved in solved cases, while in the Tracking Mechanism for the same period (November 2013 – December 2014), figure to be solved cases against 149 persons. So that means, KLI had received 63 persons less involved in solved cases than those that appear on Tracking Mechanism;

BP in Mitrovica had provided data for the positions against 73 persons involved in solved cases, while in the Tracking Mechanism for the same period (November 2013 – December 2014), figure to be solved cases against 88 persons. So that means, KLI had received 15 persons less involved in solved cases than those that appear on Tracking Mechanism;

BP in Ferizaj had provided data for the positions against 123 persons involved in solved cases, while in the Tracking Mechanism for the same period (November 2013 – December 2014), figure to be solved cases against 125 persons. So that means, KLI had received 2 persons less involved in solved cases than those that appear on Tracking Mechanism;

Meanwhile, another situation for which KLI has not found an explanation is with the prosecutions as: SPRK, BP in Gjakova, BP in Peja and BP in Prizren. For such prosecutions, KLI has received more persons involved in solved cases than those that appear solved on Tracking Mechanism for the same period (November 2013 – December 2014).

While SPRK had provided data for the positions against 171 persons involved in solved cases, in the Tracking Mechanism for the same period (November 2013 – December 2014), figure to be solved cases against 161 persons. So that means, KLI had received data about the positions for 10 persons more involved in solved cases that appear on Tracking Mechanism;

BP in Gjakova had provided data for the positions against 92 persons involved in solved cases, while in the Tracking Mechanism for the same period (November 2013 – December 2014), figure to be solved cases against 80 persons. So that means, KLI had received data about the positions for 12 persons more involved in solved cases;

BP in Peja had provided data for the positions against 137 persons involved in solved cases, while in the Tracking Mechanism for the same period (November 2013 – December 2014), figure to be solved cases against 132 persons, which means positions for 5 persons more involved in solved cases that appear on Tracking Mechanism;

BP in Prizren had provided data for the positions against 245 persons involved in solved cases, while in the Tracking Mechanism for the same period (November 2013 – December 2014), figure to be solved cases against 242 persons, which means positions for 3 persons more involved in solved cases that appear on Tracking Mechanism;

November 2013 – December 2014.<sup>54</sup> In this case, from a total of 1,164 persons involved in solved cases for the period November 2013 – December 2014, 368 persons are involved in the category of “other officials from various institutions”, for most of them, there were no complete data.

Based on the data provided from relevant prosecutions for the period November 2013 – December 2014, KLI has identified that municipal officials are involved with the largest number of persons in solved cases. From a total of 1,164 persons involved in such cases, 240 persons are municipal officials, including mayors, municipal councilors (municipal assembly members) as well as other officials. From a total of 240 such persons, 59<sup>55</sup> persons are of the highest municipal profile such as mayors and municipal councilors, while 181<sup>56</sup> persons, are other municipal officials.

Higher profiles such as deputy, ministers and other government officials, are in smaller number, a total of 58. Of them, only 9<sup>57</sup> are deputies and former deputies, 4<sup>58</sup> persons are ministers and former ministers, while 45<sup>59</sup> persons are other government officials.

After municipal officials, are the public enterprises with the largest number of persons/officials against whom cases are solved for the period November 2013 – December 2014. For director positions, manager and other officials of public enterprises, were 127 suspected persons in total against whom cases are solved for the respective period (8<sup>60</sup> persons for the positions director/manager, while 119<sup>61</sup> other official persons in public enterprises).

---

<sup>54</sup> Note: From the data received for the positions of persons against whom cases are solved, KLI has identified that in such data, for many officials/persons, are not involved at all institutions in which the suspected against whom cases were solved have worked.

<sup>55</sup> Note: Within the category of municipal officials, KLI has grouped in one rubric the mayors, municipal councilors (municipal assembly members) as the highest profile of such officials and other category with other municipal officials. Within the first category, “Heads/Assembly Members”, KLI has identified 59 persons in total where 13 such are mayors, 5 persons former mayors dhe 41 other persons within the same category are Municipal Assembly Members or Municipal Councilor.

<sup>56</sup> Note: The category with the largest number of officials against whom cases are solved include various municipal officials with a total of 181 people. Of the total 181 municipal officials, 11 such are municipal director while 170 other persons are from various municipal positions such as: procurement manager within the municipality, members of various municipal committees, other official from municipal directorates such as: urban planning, cadastre, procurement, construction, engineers and experts within the municipality, civil status and others.

<sup>57</sup> Note: In the category of persons from the position of Deputy of the Parliament of the Republic of Kosovo, are identified 9 persons in total, of whom 8 are deputies while 1 persons is former deputy of the Parliament of the Republic of Kosovo.

<sup>58</sup> Note: From all 4 persons involved in solved cases in the category of senior government officials, namely in Ministry, 2 such are ministers and 2 other former ministers.

<sup>59</sup> Note: From all 45 persons involved in solved cases in the category of other government officials, 4 persons are form the position of secretary of the ministry, 1 person acting secretary of ministry, 5 persons director in the relevant departments in ministries, 5 persons from the inspector position in TAK within the Ministry of Finance, and 30 other persons from various ministerial positions such as procurement officer, health officer, member of relevant committees within the ministries and others.

<sup>60</sup> Note: Of the 127 officials of enterprises/public companies, 8 of them are profiled as director of enterprises, while 119 persons from other positions within enterprises/public companies. Among the 8 directors of enterprises/public companies whose cases were solved for the period November 2013-December 2014, KLI has identified among others the

Judiciary, Prosecution and Police, bodies called for investigation, prosecution and adjudication of corruption cases, are institutions involved in these corrupt cases itself. According to data provided by prosecutions, from a total of 1,164 persons involved in solved cases of corrupt nature, 46<sup>62</sup> of them are judges, presidents of the courts and former judges, 15<sup>63</sup> persons were other court officials, 14<sup>64</sup> persons are Chief Prosecutors, prosecutors and former prosecutors, and 47<sup>65</sup> persons are police officers in different positions in the police institution.

Independent agencies and agencies within the institutions, businesses/private companies and banks, are other institutions which have a considerable number of their officials involved in cases of corrupt nature. From the total of 1,164 persons involved in solved cases for the period against whom the cases were solved (November 2013 – December 2014), 56 such were from independent agencies and other agencies within the institutions, of whom 5<sup>66</sup> director/managers and 51<sup>67</sup> other officials. On the other hand, 52 such persons belong to the officials from businesses and private companies, of whom 27<sup>68</sup> were in director and manager positions, while 25<sup>69</sup> other persons as other officials in businesses and private companies. Compared with two previous institutions, small number of officials were involved in suspected cases for corruption in the institution of banks in Kosovo. From a total of 1,164 persons, 26<sup>70</sup> officials belong to the

---

Director of Palace of Youth and Sports, 2 directors of Regional Water Company, Executive Chief of the Regional Water Company, Executive Chief at another public enterprises, Acting Executive Chief at Public Companies, former Combinat Director and other director of enterprises/other public companies.

<sup>61</sup> Note: Of the 119 other officials of enterprises /public companies, 60 officials are from KEC(Kosovo Energy Corporation), 49 such are managers and officials in KEDS (Kosovo Electricity Distribution and Supply Company), 6 officials/workers in KPT (Kosovo Post and Telecommunication), 1 secretary in public company, 2 officials in water companies (collection officer and technician) 1 supervisor in public companies.

<sup>62</sup> Note: Of the 46 persons of the profiles of court presidents, judges and former judges, 4 of them are court presidents, 39 of them are judges while 3 persons are former judges.

<sup>63</sup> Note: 15 persons categorized as “other officials” within the judiciary against whom cases are solved for the period November 2013-December 2014, are from various profiles such as judicial officials, court clerk and other court representatives.

<sup>64</sup> Note: Of the 14 persons of prosecutor profile and former prosecutor, KLI has identified that 13 of them are prosecutors while 1 person from such category is former prosecutor.

<sup>65</sup> Note: KLI has identified that 47 persons out of the total 1,164 persons against whom cases are solved for the same period (November 2013 – December 2014), belong to the institution of Kosovo Police in which category are included officials such as police officer, directors of departments within the KP, investigator, lieutenant and other officers within the KP.

<sup>66</sup> Note: Within the agencies and independent authorities and other, KLI has categorized officials of agencies in two categories: director/manager and other officials. In the category “director/manager” are identified 5 persons in total of whom two persons are directors and Executive Chief of KAMP (Kosovo Agency for Medical Products and Equipment), 1 person from the position of KPA director (Kosovo Agency Privatization) and 2 persons from CA (Kosovo Cadastral Agency), 1 Chief and the other manager in the agency.

<sup>67</sup> Note: Other officials within the agencies and independent authorities and agencies within other institutions, KLI has identified 51 persons included within the “other officials” from the same institutions. From a total 51 persons involved, 41 of them are officials from Kosovo Forest Agency and 10 other persons are officials from the KPA (Kosovo Property Agency) and other agencies.

<sup>68</sup> Note: Within the officials of the companies/private businesses, KLI has categorized the “director/owner” of the companies/private businesses and “other officials” of companies/private businesses in which case have been identified 52 persons in total from this category. In the category Director/Owner, are found 27 such officials, while in the category “Other official”, are 25 official persons and representatives of companies/private businesses.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

institution of banks, of whom 2<sup>71</sup> persons were in director and manager of the bank position. KLI has identified that in the field of education, 27<sup>72</sup> persons in total, were in professor position and other officials in universities and schools. While in the field of health, are identified 58 persons in total, of whom 53<sup>73</sup> such are in doctor position, while 5<sup>74</sup> others in nurses position, against whom cases are solved for the period November 2013 – December 2014. In a special rubric are categorized solved cases for citizens, against whom prosecutors have solved cases against 30<sup>75</sup> citizens. In the last rubric of the table, KLI has categorized all persons who in the absence of precise information, it has been impossible to be categorized in the rubrics above, according to institutions and agencies. The rubric “other officials from various institutions”, includes 368<sup>76</sup> persons out of the total of solved cases for the period November 2013 – December 2014.

All these and other persons involved, are presented in the Table number 32 as below:

---

<sup>71</sup> Note: Within the bank officials, KLI has made their categorization in “director/manager” of banks and “other officials” of banks in which case have been identified 26 persons from this category. In the category Directors/Managers are found only 2 officials, while in the category “other officials”, are 24 persons in total. Among others, banking officials from the positions of creditor agents, credit analysts, employees in the banking reception and others.

<sup>72</sup> Note: Of the 27 officials of education in universities and schools, 1 person is from the position of Rector of the University of Pristina (UP), 2 persons are in position of the General Secretary of UP, 3 assistants in the Faculty of Medicine within the UP, 12 persons within the profiles professor, teacher, and educator (universities and schools) and 9 other education officials, including also school principal.

<sup>73</sup> Note: In the field of health, KLI had made the categorization of health officials from the doctor profession and nurse or paramedic. Of the 1,164 persons against whom cases are solved, KLI has identified 58 of them are doctor or paramedic, of which 53 are doctors from various departments, and 5 other persons as paramedic.

<sup>74</sup> Ibid.

<sup>75</sup> Note: In the category “Citizens” are all persons who in the registers of the prosecutions, figure as citizens and unemployed.

<sup>76</sup> Clarification: Within the category “Other officials”, are included all officials from various institutions whose data are completed but do not belong to profiles categorized as above. Also are included the officials for which KLI did not have sufficient data even for the institution, data these provided by Basic Prosecutions and SPRK.

In the category “Other officials from various institutions”, KLI has identified a total of 368 persons from a total of 1,164 persons against whom cases are solved for the period November 2013 – December 2014. Of the 368 persons, officials for which data are completed, 11 officials are from Kosovo Customs, 11 employee/official in NGO, 19 persons are from the position of Chief Prosecutor, prosecutor, judge, lawyer, police, lieutenant and others, 13 lawyers, 5 officials in the Kosovo Correctional Service (KCS), 14 private employee, 7 officials from the Centar for Social Work and other officials.

While persons for whom there are no complete data based on the data provided in Basic Prosecutions and SPRK, are identified to be 64 director for whom is not known the institution, 23 employee, 12 responsible persons, 11 students, 13 farmers, 10 legal advisors, 7 economists, 10 drivers, 6 managers, 8 geodesy experts, 4 inspectors, 10 official persons, then 10 persons marked as “function of suspects” and other officials such as : Director of the Licensing Department, Member of the Commission, Head of the Hall, Cleaner, Retired, Accountant and Chief Accountant, firefighter, store-keeper, driving inspector, journalist, procurement manager, wall painter, cashier, referent and others for whom there are no data for the institution they belong.

Institutions	Positions	Categories					Total:
		Dismissal	Termination	Indictment	Suspension	Ceded	
Government	Minister/Former Minister	1	2	1			4
	Other officials	8	15	22			45
Assembly	Deputies	2		6		1	9
Judiciary	Chairman/Judge	27	12	3		4	46
	Other officials	6	1	7		1	15
Prosecution	Chief Prosecutor/Prosecutor	7	2	2		3	14
Police	Police/ Other police officers	18	12	15		2	47
Municipalities	Chairman/ Assembly members	6	17	33		3	59
	Other officials	41	51	85	1	3	181
Independent Agencies and other Agencies	Director/Managers	1	2	2			5
	Other officials	9	19	23			51
Public enterprises	Director/Managers	4		4			8
	Other officials	14	40	65			119
Businesses/ companies/firms	Director/Owner	3	7	17			27
	Other officials	5	7	13			25
Banks	Director/Managers			2			2
	Other officials	7	4	13			24
Education	Universities and schools	7	3	17			27
Health	Doctor	1	2	50			53
	Nurse	3		2			5
Citizens	Citizens	12	3	15			30
Others	Other officials from various institutions	83	112	171		2	368
<b>Total</b>	<b>Total</b>	<b>265</b>	<b>311</b>	<b>568</b>	<b>1</b>	<b>19</b>	<b>1,164</b>

Table 32 – The total number of persons and institutions categorized according to positions and institutions against whom cases are solved for the period November 2013 – December 2014

The table above, among others also contains the data categorized by the method of solving. Based on the data in the table, to almost half of solved cases, the criminal charges were dismissed and investigations were terminated. Out of the total of 1,164 persons involved in the solved cases, to 576 persons or 49.48% of the total, criminal charges were dismissed and the investigations were

terminated,<sup>77</sup> whereas to 568 persons or 48.79%, were filed indictments. Also, based on these data, KLI finds ceded (transferred) and suspended cases to 20 persons during the same reporting period (November 2013 - December 2014), or 1.71% of persons involved in solved cases.

The category of municipal officials, which includes the largest number of solved cases among other profiles, 240 persons out of a total of 1,164 as they were solved during the period November 2013 - December 2014, prosecutors have issued rulings on filing indictment to 118 persons, they dismissed criminal charges to 115 persons,<sup>78</sup> to 1 person they have terminated the investigations, while to 6 persons they had ceded cases. So, prosecutions had managed to file indictments for more than the half of officials suspected for corruption offenses, but the large number of dismissed and terminated cases remains to be a concern. The same issue it was addressed in the previous KLI's reports.

After municipal officials, officials of companies and public companies have the largest number of persons involved in allegations of corrupt nature offenses with a total of 127 persons / officials. Prosecutors have dismissed criminal charges to 18 persons, they have terminated investigations to 40 of them, while to 69 persons they have filed indictments. So, almost half of the persons involved in solved cases (68 persons from a total of 127 of them), were dismissed and terminated investigations, while to the other half (69 persons) were filed indictments.

Regarding the profile of officials within the Government of Kosovo, by a total of 49 persons (ministers, former ministers and other officials) to 9 persons were dismissed criminal charges, to 17 persons were terminated investigations, while to 23 persons were filed indictments. In this case, out of the total of 49 persons, 4 of them are ministers and former ministers and in this case only to a former minister was filed an indictment, while to 3 other ministers suspected, were dismissed criminal charges and investigations were terminated.<sup>79</sup>

Prosecutors of Basic Prosecutions and SPRK, had dismissed criminal charges and terminated investigations to a numerous judicial and prosecutorial officials (heads of courts, judges, former judges and other court officials, as well as prosecutors and former prosecutors).

---

<sup>77</sup> Note: To 265 persons the criminal charges were dismissed, while to 311 persons the investigations were terminated.

<sup>78</sup> Note: Out of 115 persons to whom were dismissed criminal charges and were terminated investigations, to 47 of them criminal charges were dismissed, while to 68 persons investigations were terminated.

<sup>79</sup> Note: Out of a total of 49 persons involved in solved cases of the profile "The Government" (3 ministers, 1 former minister and 45 other government officials), to 26 persons criminal charges were dismissed and investigations were terminated (to 9 persons were dismissed criminal charges, to 17 persons the investigations were terminated), while to 23 persons were filed indictments.

From a total of 46 judges, former judges and court presidents involved in the solved cases, only to 3 of them were filed indictments,<sup>80</sup> to 39 of them criminal charges were dismissed and investigations were terminated, to 4 persons cases were ceded (transferred by competence). Out of 15 other court officials in total, to 7 of them criminal charges were dismissed and investigations were terminated, to 7 of them were filed indictments and to 1 person the case has been ceded. Regarding prosecutors and former prosecutors suspected for committing offenses of corrupt nature, according to the data provided by the relevant prosecutions from a total of 14 persons, only to 2 of them were filed indictments, while to 8 of them investigations were terminated and criminal charges were dismissed, and to 3 other persons cases were ceded.

Regarding police officers, more than the half of the cases were dismissed and terminated. Out of 47 police officers involved in solved cases during the period November 2013 - December 2014, to 30 of them the criminal charges were dismissed and investigations were terminated, to 15 of them were filed indictments,<sup>81</sup> and to 2 of them cases were ceded.

While, the percentage of cases in terms of independent agencies and other agencies within the institutions is different, where to more than half of the persons / officials from such agencies, were filed indictments. Based on statistics provided by the prosecution and the Kosovo Prosecutorial Council, KLI has identified that from a total of 52 relevant officials involved in solved cases, to 30 of them were filed indictments. To 8 persons / officials were dismissed criminal charges, while to 14 of them investigations were terminated.

The same percentage of the dominance of indictments to dismissed and terminated it is also present in the category of doctors and nurses or medical technicians. Out of 58 persons involved in solved cases of the same category, to 52 persons / officials were filed indictments (50 doctors), to 2 of them investigations were terminated, while to 4 persons / officials criminal charges were dismissed.

The category of professors in universities and schools, school directors, teachers, etc, from a total of 27 of them involved at solved cases during the period November 2013 - December 2014, to 17 persons were filed indictments, to 3 of them investigations were terminated, while to 7 others criminal charges were dismissed.

According to such statistics, besides officials from various institutions, also citizens have been involved in corruption offenses. Out of 30 citizens, to 15 of them were filed indictments, to 3 persons investigations were terminated, while to 12 of them criminal charges were dismissed.

---

<sup>80</sup> Note: Out of 46 persons in the positions as Court Presidents, judges and former judges, only to 3 of them were filed indictments, while to all of Court Presidents, other judges and former judges, the criminal charges were dismissed, investigations were terminated and cases were ceded.

<sup>81</sup> Note: Out of 47 persons / police officers to whom criminal charges were dismissed and investigations were terminated, to 18 of them criminal charges were dismissed and to 12 of them investigations were terminated.

And finally, it is the category of "other officials from various institutions", which also includes the largest number of persons, with a total of 368 persons involved in solved cases, from 1,164 persons during the period November 2013 - December 2014, to 171 persons were filed indictments, to 112 of them investigations were terminated, to 83 persons criminal charges were dismissed, while to 2 of them cases were ceded. All of these cases are presented in the table above.

Based on such data, KLI has identified a few cases of high-profile as ministers, MPs, mayors and other officials of higher profiles. According to the Administrative Instruction for determination of high-level corruption, SPRK has the authority to prosecute high-level officials who are suspected to be involved in corruptive offenses.<sup>82</sup> Based on the data provided by relevant prosecutions and KPC, during the period November 2013 - December 2014, KLI has identified solved cases for three ministers, one former minister, nine deputies and former deputies, 13 mayors and 5 former mayors and other officials from various institutions.

Although KLI had required from SPRK to seek for the real reasons of challenges and difficulties in prosecuting high-level officials, KLI had not received any response to such an issue by SPRK.<sup>83</sup> On the other hand, in the lack of high-profile persons involved in their cases the Chief Prosecutors of BP-s have justified this issue by saying that they do not have competences on this and these cases belong to the SPRK.

Despite this, in KLI interviews with the Chief Prosecutors of BPs, conducted in March 2015, Chief Prosecutors stated that they are committed to do their job including here also the prosecution of all suspects of the highest profiles, based on their legal competences.<sup>84</sup>

---

<sup>82</sup> Administrative Instruction - when a corruption offense is considered as a high-level offense; approved by Kosovo Prosecutorial Counsel on November 13, 2013, Pristina [http://www.psh-ks.net/repository/docs/Udhezim\\_kur\\_nje\\_veper\\_e\\_korrupsionit\\_do\\_te\\_konsiderohet\\_si\\_e\\_nivelit\\_te\\_larte.pdf](http://www.psh-ks.net/repository/docs/Udhezim_kur_nje_veper_e_korrupsionit_do_te_konsiderohet_si_e_nivelit_te_larte.pdf).

<sup>83</sup> Note: In March 2015, KLI had required to conduct an interview with the Acting Chief Prosecutor of SPRK, Mrs. Sevdije Morina, but this was not done, and then she suggested to KLI to send her the questions in written. Despite the fact that SPRK and the Acting Chief Prosecutor have received the questions on this issue (high-profile suspected persons, challenges and obstacles in prosecuting high-level corruption), KLI has received only few answers, in which were not included issues on profiles, positions of persons involved in cases that are being investigated in SPRK.

<sup>84</sup> KLI interviews with Chief Prosecutors of Basic Prosecutions in Kosova:

"Prosecutors of BP in Pristina prosecute all cases and all the profiles foreseen by law within their competences.. None of cases has failed due to the lack of courage, and if there was any hesitation, the Chief Prosecutor himself dealt with such cases" Mr. Imer Beka - Chief Prosecutor of the Basic Prosecution in Prishtina, March 2015 in Pristina;

"In BP in Peja, our prosecutors prosecute high profiles such as professors, directors, doctors, police officers, etc..to which there is no lack of the will or courage to prosecute all the profiles and of all the nature of criminal offenses, within the competences of the Prosecution," Mr. Agron Galani - Chief Prosecutor of the Basic Prosecution in Peja, March 2015 in Peja;

In BP in Prizren there were persons involved in solved cases and in cases which are at the stage of investigations, from profiles as Mayors, directors of municipal directorates, directors of KEDS, police officers, doctors, officers of TAK, Forestry Authority officials etc. Despite citizens' perception for the lack of efficiency of Prosecution in prosecuting high-profile officials and serious offenses, BP in Prizren has prosecuted and investigated all of them, based on the competences and legal framework and we have willingness, readiness and courage to handle with all cases regardless profiles or cases", Mr. Metush Biraj - Acting Chief Prosecutor of the Basic Prosecution in Prizren, March 2015 in Prizren;

## VII. COURT SENTENCES ON CASES OF CORRUPTION

Alongside prosecutions, KLI has continued to monitor the solving of corruption cases also at courts. Based on data provided by the Tracking Mechanism for solved cases by the courts during this reporting period (January, February, March 2015), were identified only solved corruption cases against 31 persons. Table 27, presents solved cases of corruption nature from the courts, for this reporting period and the method of solving them:

The number of persons for whom courts made decisions during this reporting period (January - March 2015)	The number of persons to whom courts have made decisions/judgments	Persons who are found guilty	Acquitted persons	Refused indictments
SPRK				
BP in Pristina				
BP in Prizren	13	7	2	4
BP in Peja	3	3		
BP in Gjilan	2	2		
BP in Mitrovica	2	2		
BP in Ferizaj	5	5		
BP in Gjakova	6	3	2	1
<b>Total:</b>	31	22	4	5

**Table 27 - The number of persons for whom courts made decisions during this reporting period (January - March 2015)**

"I believe that we are doing our job based on competences and law .. our prosecution and prosecutors have the courage and willingness to prosecute all cases of corruption. There are various profiles as: municipal officials, police officers, officers of public companies, school directors, procurement officials and others ", Mr. Rasim Maloku - Acting Chief Prosecutor of the Basic Prosecution in Ferizaj, March 2015 in Ferizaj;

"BP in Gjakova has solved cases and is investigating persons of profiles as mayors, the municipal officials, police officers, school directors etc .. I believe that we are prosecuting all profiles in cases when we are aware about any offense .. There is willingness and courage to fight corruption, and our Prosecution and prosecutors are ready to react at any moment when there are suspects for any offense, "Mrs. Shpresa Bakija - Chief Prosecutor in the Basic Prosecution in Gjakova, March 2015;

"The main profiles of suspected officials to whom cases were solved and who are under the investigations, are municipal officials, police officers, officers in economy and others. There is the will and courage to prosecute all cases and to all officers / persons regardless of position, nationality etc..whoever they are, "Mr. Shyqyri Sylja - Chief Prosecutor of the Basic Prosecution in Mitrovica, March 2015.

Based on the data presented in the table, from a total of 31 persons involved in solved cases by the courts for this reporting period (January-March 2015), 22 persons were found guilty, 4 persons were acquitted while for 4 persons, the indictment was refused.

BP in Prizren has more persons involved at solved cases by the courts than other prosecutions, for this reporting period. From a total of 31 persons, 13 of them belong to cases represented by BP in Prizren, in which case 7 persons were found guilty, 2 of them were acquitted, while for 4 persons, the indictment was refused. BP in Gjakova follows with 6 persons in total against whom the court has solved cases (3 of them were found guilty, 2 of them were acquitted, while to one of them the indictment was refused). BP in Ferizaj has represented cases against 5 persons, in which case all persons were found guilty by the court. BP in Pejë has represented cases for 3 persons, in which case all of them were found guilty by the court. Two other Basic Prosecutions, BP in Gjiilan and BP in Mitrovica have had by 2 persons involved in the solved cases and all of them were found guilty. Based on the data of the Tracking Mechanism, provided in KPC, KLI has identified that for the reporting period January – March 2015, no case represented by SPRK and BP in Pristina was solved.

Few cases solved by the courts and such outstanding as is the case with SPRK and BP in Pristina, continue to reflect once again the poor performance of these institutions, which results should alert the institutions responsible for undertaking measures conform the responsibilities and legal provisions for solving numerous outstanding cases. KLI continues to recommend prosecutions and courts in more efficient representation of cases and in greater efficiency for solving such cases.

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

KLI has continued to monitor the trend of statistics in the Tracking Mechanism, observance of which is foreseen even with the Action Plan for Increasing Efficiency of Prosecutorial System in Fighting Corruption. Based on monitoring of KLI, the prosecutions have continued to fail in respecting accurately the rules of Tracking Mechanism.

As in previous reports, also for this period January, February and March 2015, KLI has identified cases registered with delay in the Tracking Mechanism and cases that do not figure in the data register of the Tracking Mechanism at all, even though the same cases existed in the previous registers. Such cases have been identified in both categories of data, for data marked as PP and others as PPN.

While in the PP category were identified 15 cases in total with 35 persons registered with delay and cases that do not figure in the data register of the Tracking Mechanism at all, in the PPN category were identified 11 such cases with 13 persons.

The following table, has presented cases with persons PP registered with delay and cases that do not figure in the Tracking Mechanism for this reporting period which existed in the registers of previous months:

PP- Cases and persons registered on delay and the ones which are not listed in the register, according to prosecutions (January - March 2015)	Registered on delay		Are not listed in the register at all		TOTAL	
	Cases	Persons	Cases	Persons	Cases	Persons
BP in Pristina	6	22	1	1	7	23
BP in Gjilan	1	4			1	4
BP in Prizren			5	7	5	7
BP in Peja			2	2	2	2
<b>Total</b>	7	26	8	10	15	36

**Table 28 - PP Cases and persons registered on delay and the ones which do not figure in the Tracking Mechanism at the end of this reporting period**

Based on the data presented at the table above, KLI has identified 15 cases in total with 36 persons which are registered on delay by the relevant prosecutions and cases which do not figure at all in the register of criminal charges, neither in the rubric of solved cases for the period January, February, March 2015. Such cases that do not exist in the Tracking Mechanism, existed in the registers of previous months.

From all 15 cases with 36 persons, 7 of them with 26 persons are registered on delay by the prosecutions, while 8 cases with 10 persons do not exist at all in the Tracking Mechanism.

BP in Pristina continues to lead with the largest number of such cases which from 7 cases in total with 23 persons, 6 of them with 22 persons figure registered on delay while 1 case with 1 person does not figure at all in the Tracking Mechanism.<sup>85</sup> BP in Prizren follows with 5 cases and 7 persons,<sup>86</sup> BP in Peja 2 cases with 2 persons<sup>87</sup> and BP in Gjilan 1 case with 4 persons.<sup>88</sup>

BP in Gjilan and BP in Peja, such cases which do not exist in the Tracking Mechanism at all, have had also for the PPN category, also known as reports in the initial phase, which, were followed also by BP in Mitrovica with cases registered with delay and such cases which do not figure in the Tracking Mechanism.

The following table, presents cases with persons PPN registered with delay and cases which do not exist in the data register for this reporting period:

---

<sup>85</sup> Note: BP in Pristina has 7 cases in total with 23 persons, which are registered with delay and do not figure in the Tracking Mechanism. Regarding these cases, KLI gives an explanation for each concrete case. Following are the cases of BP in Pristina, which are registered with delay in the Tracking Mechanism:

1. Case number 8909/14-IIPR, case with one (1) person, accepted on December 24, 2014;
2. Case number 1248/14-IPR, case with eight (8) persons, accepted on November 25, 2014;
3. Case number 1356/14-IPR, case with three (3) persons, accepted on December 30, 2014;
4. Case number 1355/15-IPR, case with two (2) persons, accepted on December 30, 2014;
5. Case number 460/14-IPR, case with three (3) persons, accepted on May 16, 2014;
6. Case number 1354/2014-IPR, case with five (5) persons, accepted on December 29, 2014;

While, the case in BP in Pristina, which does not figure in the Tracking Mechanism:

1. Case number 829/12-IPR, case with one (1) person, accepted on October 31, 2012.

<sup>86</sup> Note: BP in Prizren has 5 cases in total with 7 persons, which do not figure in the Tracking Mechanism at all. Following are the cases which do not figure in the Tracking Mechanism at all:

1. Case number 302/14-IPZ, case with one (1) person, accepted on November 11, 2014;
2. Case number 337/14-IPZ, case with one (1) person, accepted on December 18, 2014;
3. Case number 1455/12-IIPZ, case with one (1) person, accepted on May 22, 2012;
4. Case number 336/14-IPZ, case with three (3) persons, accepted on December 18, 2014;
5. Case number 309/14-IPZ, case with one (1) person, accepted on November 17, 2014.

<sup>87</sup> Note: BP in Peja has 2 cases in total with 2 persons which do not figure in the Tracking Mechanism at all. Following are the cases which do not figure in the Tracking Mechanism at all:

1. Case number PP 23/2013-I PE, case with one (1) person, accepted on January 28, 2013;
2. Case number 373/13-I PE, case with one (1) person, accepted on November 22, 2013.

<sup>88</sup> Note: BP in Gjilan has 1 case in total with 4 persons which is registered with delay in the Tracking Mechanism. Following is presented the case which is registered with delay in the Tracking Mechanism:

1. Case number 4/2015-I-Gji, case with four (4) persons, accepted on December 23, 2014.

PPN- Cases and persons registered on delay and the ones which are not listed in the register, according to prosecutions (January - March 2015)	Registered on delay		Are not listed in the register at all		TOTAL	
	Cases	Persons	Cases	Persons	Cases	Persons
<b>BP in Gjilan</b>			1	1	1	1
<b>BP in Mitrovica</b>	1	1	1	1	2	2
<b>BP in Peja</b>			8	10	8	10
<b>TOTAL</b>	1	1	10	12	11	13

**Table 29 - PPN Cases and persons registered on delay and the ones which do not figure in the Tracking Mechanism at the end of this reporting period**

The table has presented 11 cases in total with 13 persons, from which BP in Peja is the prosecution with the largest number of such cases with 8 cases in total with 10 persons,<sup>89</sup> BP in Mitrovica 2 cases with 2 persons<sup>90</sup> and BP in Gjilan 1 case with 1 person.<sup>91</sup>

<sup>89</sup> *Note:* BP in Peja has 8 cases in total PPN with 10 persons which do not figure in the Tracking Mechanism at all. Following are the cases which do not figure in the Tracking Mechanism at all:

1. Case number 292/14-I-PE-PPN, case with one (1) person, accepted on December 19, 2014;
2. Case number 302/13-I PE -PPN, case with one (1) person, accepted on November 5, 2013;
3. Case number PPN 122/2013-I PE, case with one (1) person, accepted on May 30, 2013;
4. Case number PPN 139/2013-I PE, case with two (2) persons, accepted on April 2, 2013;
5. Case number PPN 153/2013-I PE, case with one (1) person, accepted on June 19, 2013;
6. Case number 213/13-I-PE-PPN, case with two (2) persons, accepted on July 18, 2013;
7. Case number 179/13-I PE -PPN, case with one (1) person, accepted on July 9, 2013;
8. Case number 225/13-I PE -PPN, case with one (1) person, accepted on August 29, 2013.

<sup>90</sup> <sup>90</sup> *Note:* BP in Mitrovica has 2 cases in total with 2 persons, which are registered with delay and do not figure in the Tracking Mechanism. As in previous cases, KLI gives an explanation for each concrete case. Following is the case registered with delay in the Tracking Mechanism:

1. Case number 03/15-IMI, case with one (1) person, accepted on April 08, 2014.
- While, the other case PPN in BP in Mitrovica, which does not figure in the Tracking Mechanism:

1. Case number 56/11-IMI, case with one (1) person, accepted on May 11, 2011.

<sup>91</sup> *Note:* BP in Gjilan has 1 case with one person which does not figure in the Tracking Mechanism:

1. Case number 316/2014-PPNI-GjI, case with one (1) person, accepted on November 25, 2014.

Kosovo Law Institute has interviewed the Chief Prosecutors of relevant prosecutions, in which case the Chief Prosecutor of BP in Prishtina, as in BP in Mitrovica, BP in Prizren and BP in Peja, declared to not be aware if in their prosecutions, had registered cases with delays or others which do not exist in the register of criminal charges at all, therefore not in the Tracking Mechanism.<sup>92</sup> According to them, all measures for the diagnosis of such cases and avoidance of problems which reflect in the data of Tracking Mechanism will be taken and. Despite this, responsible in the registry office in BP in Prizren declared that it happened for such defects reasons. According to relevant official, the main reason for the non-existence of cases in the register of criminal charges, despite the fact that the same existed in the registers of previous months, is the violation of those cases in other prosecutions under the competence, while in terms of registered cases with delay, according to them can be exceptionally any case which is initially recorded under the sign PPN, then, after the investigations, it is registered as PP case, by coming so to the delays in the registration of such cases.

Despite the fact that the Action Plan has the pronouncement of measures for all the officials who do not implement it, from the entry into power of Action Plan, KLI has not identified any case when against any responsible official in relevant prosecutions, were taken measures for such defects, which would guarantee the implementation of the Action Plan and the normal functionalization of the Tracking Mechanism. KLI has continuously expressed its criticisms and concerns regarding this, recommending appropriate mechanisms to implement and respect the Action Plan.

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

As it is included in previous reports, each prosecution has had several obligations, which are defined by the Action Plan to Increase the Efficiency of Prosecutorial System in Fighting Corruption.

Also for this reporting period (January, February, March 2015), KLI has placed its indicators to measure the implementation of the Action Plan for each prosecution. The preparation of special reports for each statutory limitation case, assignment of cases with an absolute priority and the separation based on their perpetrators, the implementation of provisions relating to the confiscation and

---

<sup>92</sup> KLI interview with Mr. Imer Beka, Chief Prosecutor in Basic Prosecution of Prishtina, Mr. Shyqri Sylla, Chief Prosecutor in Basic Prosecution of Mitrovica, Mr. Metush Biraj, Acting Chief Prosecutor in Basic Prosecution of Prizren and Mr. Agron Galani, Chief Prosecutor in Basic Prosecution of Peja; March 2015.

sequestration of goods arising from criminal offenses, the appointment of experts, regular meetings with law enforcement agencies and others, have been some of the main duties and responsibilities for each Basic Prosecutions and SPRK.

Article 3.2 of the Action Plan has foreseen the obligation of each prosecution in the preparation of special reports on all cases that have reached the period of statutory limitation, for which prosecutions had issued decisions for prescription.

In the interviews conducted with the Chief Prosecutors of Basic Prosecutions and SPRK during March 2015, according to them no prosecution had statutory limitation cases until the moment of the interview. On the other side, National Coordinator against Corruption declares that has received special reports for statutory limitation cases for the reporting period January – March 2015, but without specifying accurately from which prosecutions had received such reports.<sup>93</sup>

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

The obligation specified in the Article 5.2 of the Action Plan had defined identifying cases that could not be reported in the register of criminal charges. This obligation has not been fulfilled completely by some prosecutions. During monitoring, KLI has found that a number of cases and persons are not reported on time in the database of the Tracking Mechanism, some of them were reported on delay and other cases that have been listed in the register did not figure there at the end of this reporting period. Namely almost all the Chief Prosecutors and the National Coordinator are not aware about the violation of the rules of Tracking Mechanism. This is why there were no reports for such cases, as it is foreseen in the Action Plan obligations. For this constant failure, KLI has reacted officially to KPC and publicly in the media, as it is included in the previous report, by requiring the implementations of KPC decisions, to ask prosecutors and officials who have failed in respecting the Tracking Mechanism about their accountability.<sup>94</sup>

The assignment of cases with an absolute priority and their separation according to the type of their perpetrators is another obligation foreseen by the Article 6.3 of the Action Plan, which even for this reporting period, results to be fulfilled. However, BP in Peja continues to make exemptions of the unique practice of separation of cases in work for prosecutors. While in all prosecutions, are engaged a large number of prosecutors, in BP in Peja even for the period January-March 2015, continues to be engaged only one prosecutor for solving corruption cases.

---

<sup>93</sup> KLI interview with Chief Prosecutors of Basic Prosecutions, SPRK and National Coordinator against Corruption, March 2015.

<sup>94</sup> KLI has reacted officially to members of KPC and publicly in the media for the failure of the Prosecutorial Council to held responsible prosecutors and officials of prosecutions who have failed to respect the rules of the Tracking Mechanism for the registration of corruption cases. "Reaction to Kosovo Prosecutorial Council for inadequate criminal policies on fighting corruption", reaction of KLI published on November 3, 2014.

The other obligation defined with Article 7.3 of the Action Plan is the implementation of legal provisions relating to the sequestration and confiscation of goods arising from criminal offenses. KLI has identified that during this reporting period (January, February, March 2015), beside SPRK and BP in Gjakova which have stated on several cases for sequestration of money, cars and houses and other things with low monetary value, the Chief Prosecutors of other Basic Prosecutions have stated that there were not such cases of sequestration and confiscation, others are not aware if such provisions were applied during this reporting period. While the National Coordinator against Corruption, declared to not be aware, and that has not received reports with cases of sequestration and confiscation for this reporting period.<sup>95</sup>

The obligation defined in the Article 7.1 for holding regular meetings with the Kosovo Police, ACA, other institutions and agencies of law enforcement, was partially fulfilled. While most of the Chief Prosecutors declare to have held regular meetings according to the rules of the Action Plan, BP in Mitrovica, BP in Ferizaj and BP in Prizren declare to have held regular meetings with all other institutions except ACA. While the National Coordinator against Corruption, declares that did not held meetings in person, but based on the informations received, prosecutors have had regular meetings with the institutions.<sup>96</sup>

Regarding the obligation of the Article 8.2 which obliges Prosecutions to report on the progress of the Action Plan at the National Coordinator against Corruption, KLI found that this obligation was fulfilled. While BP in Pristina and BP in Mitrovica, unlike other prosecutions continued with the practice of more frequent reporting, by reporting on regular basis weekly and twice weekly, except regular monthly.

The obligation specified in the Article 10.1 for engaging SPRK experts from Basic Prosecutions was not fulfilled at all, since all Chief Prosecutors, declare not to have engaged such experts for the reporting period, while the National Coordinator against Corruption declares not to be notified of such commitments.

The component of public relations defined in Article 13.1 of the Action Plan even for this reporting period is minimally realized by the National Coordinator against Corruption. KLI has assessed the approach and informing the public about the implementation of this plan, but the findings indicate that this obligation has remained largely unrealized. For this reporting period (January-March 2015) the National Coordinator had to hold 6 regular press conferences or press releases, while during this period has not held any press conference, as it is not issued any public statement. According to the Coordinator, the reason for non-respecting and non-implementation of this obligation, is the lack of the report with data in the office of statistics.

---

<sup>95</sup> KLI interview with the Chief Prosecutors and Acting Chief Prosecutors in SPRK and Basic Prosecutions and the National Coordinator against Corruption, March 2015.

<sup>96</sup> Ibid.

OBLIGATION	DEADLINE	RESPONSIBLE	COMMENT
Special and grounded report on every case that has reached the statutory limitation (Article 3.2 of AP)	<i>As soon as possible</i>	<u>Relevant prosecution (The Chief Prosecutor) reports to KPC</u>	
<b>SPRK</b>	<b>National Coordinator:</b> I have accepted from some prosecutors. <b>Acting Chief Prosecutor:</b> - SPRK, during the reporting period, had no cases of statutory limitation and no decision of this prosecution for statutory limitation.		
<b>BP in Pristina</b>	<b>National Coordinator:</b> I have accepted reports for two cases. <b>Chief Prosecutor:</b> During the reporting period January-March 2015, BP in Pristina had no cases of statutory limitation and no decision of this prosecution for for statutory limitation. As a result, there was no special report for statutory limitation cases.		
<b>BP in Prizren</b>	<b>National Coordinator:</b> I have accepted from some prosecutors. <b>Acting Chief Prosecutor:</b> There are no cases of statutory limitation.		
<b>BP in Peja</b>	<b>National Coordinator:</b> I have accepted one report for one case. <b>Chief Prosecutor:</b> There are no cases of statutory limitation.		
<b>BP in Gjakova</b>	<b>National Coordinator:</b> I have accepted one report for one case. <b>Chief Prosecutor:</b> There are no cases of statutory limitation, therefore nor special reports for cases of statutory limitation		
<b>BP in Ferizaj</b>	<b>National Coordinator:</b> I have accepted from some prosecutors. <b>Acting Chief Prosecutor:</b> During this period, BP in Ferizaj had no case of statutory limitation.		
<b>BP in Mitrovica</b>	<b>National Coordinator:</b> I have accepted from some prosecutors. <b>Chief Prosecutor:</b> There are no cases of statutory limitation.		
<b>BP in Gjilan</b>	<b>National Coordinator:</b> I have accepted from some prosecutors. <b>Chief Prosecutor:</b> This prosecution has no statutory limitation case of this nature.		
The plan of identifying and separating cases according to the competences (Article 5.1 of AP)	<i>As soon as possible after the entry into force of AP</i>	<u>Chief Prosecutors of relevant prosecutions and SPRK</u>	
<b>SPRK</b>	<b>National Coordinator:</b> According to received statistics, it is fulfilled. <b>Acting Chief Prosecutor:</b> After reviewing and analyzing the case it is done the identification of corruption cases and their separation, according to the competencies, by the Acting Chief Prosecutor.		
<b>BP in Pristina</b>	<b>National Coordinator:</b> According to received statistics, it is fulfilled. <b>Chief Prosecutor:</b> It is done.		
<b>BP in Prizren</b>	<b>National Coordinator:</b> According to received statistics, it is fulfilled. <b>Acting Chief Prosecutor:</b> It is done.		

<b>BP in Peja</b>	<b>National Coordinator:</b> According to received statistics, it is fulfilled. <b>Chief Prosecutor:</b> The identification of cases in BP in Peja continues to be done according to the current practice, which is done by the Chief Prosecutor, where cases of corrupt nature are assigned to the only prosecutor for corruption cases.		
<b>BP in Gjakova</b>	<b>National Coordinator:</b> According to received statistics, it is fulfilled. <b>Chief Prosecutor:</b> The separation of cases and their appointment with priority as it is foreseen by the Action Plan continues to be the same with the current practice.		
<b>BP in Ferizaj</b>	<b>National Coordinator:</b> According to received statistics, it is fulfilled. <b>Acting Chief Prosecutor:</b> It is done.		
<b>BP in Mitrovica</b>	<b>National Coordinator:</b> According to received statistics, it is fulfilled. <b>Chief Prosecutor:</b> It is done.		
<b>BP in Gjilan</b>	<b>National Coordinator:</b> According to received statistics, it is fulfilled. <b>Chief Prosecutor:</b> As in previous months, the identification of cases in the field of corruption is done by the supervisor of the prosecution, who has made their separation according to the competencies.		
The identification of cases that could not be reported in the register of criminal charges (Article 5.2 of AP)	<i>As soon as possible</i>	<u>Chief Prosecutors of relevant prosecutions and SPRK</u>	
<b>SPRK</b>	<b>National Coordinator:</b> The National Coordinator against Corruption has no information about such cases. <b>Acting Chief Prosecutor:</b> During the reporting period, SPRK has made regular reportings in KPC and there were no discrepancies of statistical data with the cases which are registered in the database of SPRK.		
<b>BP in Pristina</b>	<b>National Coordinator:</b> The National Coordinator against Corruption has no information about such cases. <b>Chief Prosecutor:</b> There were no such cases identified.		
<b>BP in Prizren</b>	<b>National Coordinator:</b> The National Coordinator against Corruption has no information about such cases. <b>Acting Chief Prosecutor:</b> There were no such cases identified.		
<b>BP in Peja</b>	<b>National Coordinator:</b> The National Coordinator against Corruption has no information about such cases. <b>Chief Prosecutor:</b> BP in Peja had no such problems for the period January – March 2015.		
<b>BP in Gjakova</b>	<b>National Coordinator:</b> The National Coordinator against Corruption has no information about such cases. <b>Chief Prosecutor:</b> There were no such cases identified.		
<b>BP in Ferizaj</b>	<b>National Coordinator:</b> The National Coordinator against Corruption has no information about such cases. <b>Acting Chief Prosecutor:</b> There were no such cases identified.		
<b>BP in Mitrovica</b>	<b>National Coordinator:</b> The National Coordinator against Corruption has no information about such cases. <b>Chief Prosecutor:</b> There were no such cases identified.		
<b>BP in Gjilan</b>	<b>National Coordinator:</b> The National Coordinator against Corruption has no		

	information about such cases. <b>Chief Prosecutor:</b> We have not noticed any discrepancy of statistics in the register of criminal charges.		
Case assignment with absolute priority and separated based on the type of perpetrators (Article 6.3 of AP) (How many prosecutors were engaged before and after AP)	<i>As soon as possible</i>	<u>Chief Prosecutors and prosecutors of relevant prosecutions</u>	
<b>SPRK</b>	<b>National Coordinator:</b> I have no information, but the assignment of cases with priority remains a priority to prosecutions. <b>Acting Chief Prosecutor:</b> Corruption cases are treated with priority in SPRK, while within corruption cases separated according to perpetrators and the seriousness of the offense, it depends by the prosecutors of the case, who organize and manage their cases.		
<b>BP in Pristina</b>	<b>National Coordinator:</b> I have no information, but the assignment of cases with priority remains a priority to prosecutions. <b>Chief Prosecutor:</b> It is done, according to previous practice.		
<b>BP in Prizren</b>	<b>National Coordinator:</b> I have no information, but the assignment of cases with priority remains a priority to prosecutions. <b>Acting Chief Prosecutor:</b> In principle, all corruption cases are treated with priority, also according to perpetrators within corruption cases.		
<b>BP in Peja</b>	<b>National Coordinator:</b> I have no information, but the assignment of cases with priority remains a priority to prosecutions. <b>Chief Prosecutor:</b> Corruption cases continue to be treated with priority, also the cases against high-profile officials.		
<b>BP in Gjakova</b>	<b>National Coordinator:</b> I have no information, but the assignment of cases with priority remains a priority to prosecutions. <b>Chief Prosecutor:</b> The assignment of cases with priority as it is foreseen by the Action Plan continues to remain such.		
<b>BP in Ferizaj</b>	<b>National Coordinator:</b> I have no information, but the assignment of cases with priority remains a priority to prosecutions. <b>Acting Chief Prosecutor:</b> Those are cases that are treated with priority.		
<b>BP in Mitrovica</b>	<b>National Coordinator:</b> I have no information, but the assignment of cases with priority remains a priority to prosecutions. <b>Chief Prosecutor:</b> As current practices, cases of corrupt nature continue to be treated with absolute priority, which by their nature, are not very serious.		
<b>BP in Gjilan</b>	<b>National Coordinator:</b> I have no information, but the assignment of cases with priority remains a priority to prosecutions. <b>Chief Prosecutor:</b> The superior of the same prosecution has given absolute priority the assignment and separation of these cases based even on the nature of the conduct of these criminal offenses considering the number of actors suspected in each case.		
The implementation of legal	<i>During all the time</i>	<u>Chief Prosecutors and</u>	

provisions relating to sequestration and confiscation of material benefit of goods arising from criminal offenses (Article 7.3 of AP)		<u>prosecutors of relevant prosecutions</u>	
<b>SPRK</b>	<b>National Coordinator:</b> At the Office of National Coordinator against Corruption, no one reported about any case of sequestration or confiscation of goods arising from criminal offenses. <b>Acting Chief Prosecutor:</b> - We had cases of sequestration and confiscation of monetary assets, cars, electronics equipments, real estate, etc.		
<b>BP in Pristina</b>	<b>National Coordinator:</b> At the Office of National Coordinator against Corruption, no one reported about any case of sequestration or confiscation of goods arising from criminal offenses. <b>Chief Prosecutor:</b> There were no cases of sequestration or confiscation.		
<b>BP in Prizren</b>	<b>National Coordinator:</b> At the Office of National Coordinator against Corruption, no one reported about any case of sequestration or confiscation of goods arising from criminal offenses. <b>Acting Chief Prosecutor:</b> There were no cases of sequestration or confiscation.		
<b>BP in Peja</b>	<b>National Coordinator:</b> At the Office of National Coordinator against Corruption, no one reported about any case of sequestration or confiscation of goods arising from criminal offenses. <b>Chief Prosecutor:</b> The Chief Prosecutor was not aware to have had such cases and based on the information he had, he did not hear about any case.		
<b>BP in Gjakova</b>	<b>National Coordinator:</b> At the Office of National Coordinator against Corruption,, no one reported about any case of sequestration or confiscation of goods arising from criminal offenses. <b>Chief Prosecutor:</b> Provisions were implemented in such cases, but there were only few cases.		
<b>BP in Ferizaj</b>	<b>National Coordinator:</b> At the Office of National Coordinator against Corruption, no one reported about any case of sequestration or confiscation of goods arising from criminal offenses. <b>Acting Chief Prosecutor:</b> There were no cases of sequestration or confiscation.		
<b>BP in Mitrovica</b>	<b>National Coordinator:</b> At the Office of National Coordinator against Corruption, no one reported about any case of sequestration or confiscation of goods arising from criminal offenses. <b>Chief Prosecutor:</b> There were no cases of sequestration or confiscation.		
<b>BP in Gjilan</b>	<b>National Coordinator:</b> At the Office of National Coordinator against Corruption, no one reported about any case of sequestration or confiscation of goods arising from criminal offenses. <b>Chief Prosecutor:</b> The Chief Prosecutor did not answer.		
Regular meeting with KP, ACA and other institutions (Article 7.1)	<i>During all of the time</i>	<u>Chief Prosecutor of the relevant prosecution</u>	National Coordinator: I had meetings with Chief Prosecutors, but not with ACA
<b>SPRK</b>	<b>National Coordinator:</b> National Coordinator against Corruption did not held		

	meetings in person, but based on the informations, prosecutors have had regular meetings with the institutions. <b>Acting Chief Prosecutor:</b> Regular meetings are held with all relevant institutions as follows: Kosovo Police, Customs and TAK.		
<b>BP in Pristina</b>	<b>National Coordinator:</b> National Coordinator against Corruption did not held meetings in person, but based on the informations, prosecutors have had regular meetings with the institutions. <b>Chief Prosecutor:</b> Regular meetings are held with all institutions, with some of them in daily basis.		
<b>BP in Prizren</b>	<b>National Coordinator:</b> National Coordinator against Corruption did not held meetings in person, but based on the informations, prosecutors have had regular meetings with the institutions. <b>Acting Chief Prosecutor:</b> Regular meetings are held with all institutions, while rarely or not at all with ACA and TAK.		
<b>BP in Peja</b>	<b>National Coordinator:</b> National Coordinator against Corruption did not held meetings in person, but based on the informations, prosecutors have had regular meetings with the institutions. <b>Chief Prosecutor:</b> Regular meetings are held with all institutions.		
<b>BP in Gjakova</b>	<b>National Coordinator:</b> National Coordinator against Corruption did not held meetings in person, but based on the informations, prosecutors have had regular meetings with the institutions. <b>Chief Prosecutor:</b> Regular meetings according to Action Plan, are held with all institutions.		
<b>BP in Ferizaj</b>	<b>National Coordinator:</b> National Coordinator against Corruption did not held meetings in person, but based on the informations, prosecutors have had regular meetings with the institutions. <b>Acting Chief Prosecutor:</b> Regular meetings are held with all institutions, except with ACA.		
<b>BP in Mitrovica</b>	<b>National Coordinator:</b> National Coordinator against Corruption did not held meetings in person, but based on the informations, prosecutors have had regular meetings with the institutions. <b>Chief Prosecutor:</b> We had held regular meetings with Kosovo Police, in the municipal and regional level, and with all other mechanism for law enforcement according to the Action Plan, but we did not hold meetings with ACA, with whom we have a contact point.		
<b>BP in Gjilan</b>	<b>National Coordinator:</b> National Coordinator against Corruption did not held meetings in person, but based on the informations, prosecutors have had regular meetings with the institutions. <b>Chief Prosecutor:</b> Regularly, this prosecution holds monthly and weekly meetings with law enforcement institutions.		
Obligatory reporting on the progress of the Action Plan (Article 8.2 of AP)	<i>At the end of each month</i>	<u>Chief Prosecutor of the relevant prosecution</u> at KPC Commission about the coordination of corruption cases ( <u>National Coordinator</u> )	
<b>SPRK</b>	<b>National Coordinator:</b> Yes, it was reported.		

	<b>Acting Chief Prosecutor:</b> Yes, it was done. The method of reporting in KPC is done at the beginning of each month, every three months and upon request of KPC.		
<b>BP in Pristina</b>	<b>National Coordinator:</b> Yes, it was reported. <b>Chief Prosecutor:</b> Yes, it was done.		
<b>BP in Prizren</b>	<b>National Coordinator:</b> Yes, it was reported. <b>Acting Chief Prosecutor:</b> Yes, it was done.		
<b>BP in Peja</b>	<b>National Coordinator:</b> Yes, it was reported. <b>Chief Prosecutor:</b> Yes, it was done.		
<b>BP in Gjakova</b>	<b>National Coordinator:</b> Yes, it was reported. <b>Chief Prosecutor:</b> Yes, it was done.		
<b>BP in Ferizaj</b>	<b>National Coordinator:</b> Yes, it was reported. <b>Acting Chief Prosecutor:</b> Yes, it was done.		
<b>BP in Mitrovica</b>	<b>National Coordinator:</b> Yes, it was reported. <b>Chief Prosecutor:</b> Yes, it was done.		
<b>BP in Gjilan</b>	<b>National Coordinator:</b> Yes, it was reported. <b>Chief Prosecutor:</b> Yes, it was done.		
Two preliminary assessment of AP (Article 8. 3 and 8.4 of AP)	1. At the first week of January 2014  2. At the first week of April 2014	<u>Kosovo Prosecutorial Council</u>	National Coordinator:
Overall assessment of AP (Article 8.5 of AP )	June 30, 2014	<u>Kosovo Prosecutorial Council</u>	
Five experts of SPRK against corruption will assist BPs with the cases foreseen by AP (Article 10. 1 of AP)	During the period of AP implementation	<u>The Experts of SPRK will assist the Chief Prosecutors and the prosecutors of BPs</u>	
<b>BP in Pristina</b>	<b>National Coordinator:</b> Was not notified about the engagement of experts, but considers that the experts should have been invited whenever there was a need for this. <b>Chief Prosecutor:</b> There were no cases of the involvement of SPRK experts.		
<b>BP in Prizren</b>	<b>National Coordinator:</b> Was not notified about the engagement of experts, but considers that the experts should have been invited whenever there was a need for this. <b>Acting Chief Prosecutor:</b> There were no cases of the involvement of SPRK experts.		
<b>BP in Peja</b>	<b>National Coordinator:</b> Was not notified about the engagement of experts, but considers that the experts should have been invited whenever there was a need for this.		

	<b>Chief Prosecutor:</b> There were no cases of the involvement of SPRK experts.		
<b>BP in Gjakova</b>	<b>National Coordinator:</b> Was not notified about the engagement of experts, but considers that the experts should have been invited whenever there was a need for this. <b>Chief Prosecutor:</b> For this period, there were no cases of the involvement of SPRK experts. This has to do with the fact that such cases are not of the serious nature.		
<b>BP in Ferizaj</b>	<b>National Coordinator:</b> Was not notified about the engagement of experts, but considers that the experts should have been invited whenever there was a need for this. <b>Acting Chief Prosecutor:</b> There were no cases of the involvement of SPRK experts.		
<b>BP in Mitrovica</b>	<b>National Coordinator:</b> Was not notified about the engagement of experts, but considers that the experts should have been invited whenever there was a need for this. <b>Chief Prosecutor:</b> There were no cases of the involvement of SPRK experts.		
<b>BP in Gjilan</b>	<b>National Coordinator:</b> Was not notified about the engagement of experts, but considers that the experts should have been invited whenever there was a need for this. <b>Chief Prosecutor:</b> The Chief Prosecutor did not answer.		
Administrative support is obliged for BPs and SPRK ( <i>Article 12 of AP</i> )	<i>During the period of AP implementation</i>	<u>The Secretariat of KPC</u>	National Coordinator:
Administrative support is obliged for BPs and SPRK ( <i>Article 12 of AP</i> )	<i>During the period of AP implementation</i>	<u>The Unit for Prosecution performance review</u>	National Coordinator:
Public communication ( <i>Article 13. of AP</i> )	<i>Every two weeks</i>	<u>Kosovo Prosecutorial Council</u>	National Coordinator: For the period January, February, March 2015, no press conference was held or no press statement was released. The reason is the lack of the report with data in the office of statistics.
Signing of Memorandums of Understanding ( <i>Article 13. 2 of AP</i> )	<i>At the beginning of the implementation of Action Plan</i>	<u>KPC with interested NGOs</u>	
Disciplinary measures for non-implementation of AP	<i>During all of the time</i>	<u>KPC</u>	National Coordinator: The Office of the National Coordinator did not receive any report or information whether some of Chief Prosecutors or KPC have imposed any disciplinary measures against prosecutors or staff, who hindered the implementation of the Action Plan.

## X. PRESCRIPTION OF CORRUPTION CASES

### *a. Prescription of cases according to prosecutions*

Prescription known as obsolescence, is an institute of criminal law, through which over the deadlines set by law, terminates the criminal prosecution and the execution of criminal sanctions. Criminal Code and the Criminal Procedure Code of the Republic of Kosovo, has foreseen accurate time deadlines for reaching the statutory deadline and procedural actions.<sup>97</sup> The criminal law and criminal provisions and criminal procedure, also have known two kinds of limitations, the absolute and relative one, depending on the procedural actions on the prosecution and the execution of criminal sanctions.<sup>98</sup>

Based on the Memorandum of Cooperation for independent monitoring and assessment of the implementation of the Action Plan<sup>99</sup>, between KLI and KPC, KLI has analyzed the decisions for solved corruption cases (the decisions for dismissal of criminal charges, the decisions for termination of investigations and filed indictments). Among other things, during the monitoring and analysis of acts of SPRK and Basic Prosecutions in Kosovo, KLI had identified the reaching of the statutory limitation period for many cases.

By analyzing the legal acts of relevant prosecutions for the period November 4, 2013 – December 31, 2014, KLI has identified 54 cases in total in which SPRK and Basic Prosecutions have dismissed the criminal charges and have terminated investigations due to the reaching of the statutory limitation.

The table below, has presented such cases according to prosecutions:

---

<sup>97</sup> Criminal Code of the Republic of Kosovo, Article 106- Statutory limitation for criminal prosecution and Article 108 – Statutory limitation of the execution of rulings.

<sup>98</sup> Salihu I. The Criminal Law...

<sup>99</sup> Note: Based on the StrateGIC Plan for inter-institutional Cooperation in fighting organized crime and corruption, Kosovo Prosecutorial Council, on November 4, 2013, has issued the Action Plan to Increase the Efficiency of Prosecutorial System in Fighting Corruption.

<b>Prosecutions that have had prescribed cases</b>	<b>Prescribed cases for the period November 4, 2013 - December 31, 2014</b>
<i>SPRK</i>	1
<b>BP in Pristina</b>	15
<b>BP in Prizren</b>	4
<b>BP in Peja</b>	2
<b>BP in Gjilan</b>	7
<b>BP in Mitrovica</b>	21
<b>BP in Ferizaj</b>	2
<b>BP in Gjakova</b>	2
<b>Total</b>	54

**Table 30 - The total number of prescribed cases for the period November 4, 2013 - December 31, 2014**

Based on the data presented at the table, in all Basic Prosecutions and in SPRK, were identified prescribed cases of corruption nature. From all 54 prescribed cases, BP in Mitrovica has had the largest number of prescribed cases, 21 such cases in total. BP in Pristina, which has the largest number of corruption cases in proceedings, for the same period (November 4, 2013 - December 31, 2014), had 15 prescribed cases in total. BP in Gjilan and BP in Prizren follow with 7 prescribed cases each, namely 4 cases, followed by 2 prescribed cases each BP in Peja and BP in Ferizaj, and the last one SPRK with 1 prescribed case.

*b. Special reports for prescribed cases*

The Action Plan in Article 3.2 defined the compilation of special reports for each case that had reached the statutory limitation deadline. Through this the Chief Prosecutors were obliged to compile special reports for each case that reached the statutory limitation deadline of criminal prosecution to submit to the National Coordinator against Corruption and then to report back to the KPC.

In the first report published by KLI – “Corruption in Kosovo: Comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases”, were identified 23 prescribed cases in total for the period November 4, 2013 – February 19, 2014.<sup>100</sup> In none of the 23 prescribed cases, no special report was prepared on statutory limitation grounds, thus, was not fulfilled the obligation under Article 3.2 of the Action Plan.<sup>101</sup>

Despite KLI recommendations for the implementation of the Action Plan and the fulfillment of obligations under Article 3.2 of the Action Plan, nor for the period March – June 2014, the prosecutions had not fulfill the obligations under the Action Plan, for the compiling of special reports on the reasons for the prescription of cases. For this period KLI had identified 13 prescribed cases in total in all prosecutions (excluding the SPRK and BP in Ferizaj), while in any case no special report was prepared on the reasons for the prescription of cases.<sup>102</sup> The same was the situation with the previous report of KLI published on December 2014, “Corruption in Kosovo 3”, in which case for the period July-September 2014 were identified 5 cases of prescription in total, but in either case, the Chief Prosecutors of relevant prosecutions, did not prepare a special report for the reasons of prescription.<sup>103</sup>

Considering the continuous recommendations of KLI, the prosecutions have recently started the fulfillment of obligation under Article 3.2 of the Action Plan. In the last report for 2014, which included the period October, November, December 2014, were identified 13 prescribed cases in total. From 13 cases, for which criminal charges were dismissed and investigations were terminated due to reaching of the statutory limitation period, for 11 cases were prepared special reports on the reasons of the statutory limitation, while for two others no special report was prepared on the reasons of the statutory limitation (SPRK and BP in Prizren by one case).<sup>104</sup>

From 54 prescribed cases in total of corrupt nature, based on the interviews with the Chief Prosecutors of BPs and SPRK, also on the interview with the National Coordinator against Corruption, KLI has identified 11 cases for which was prepared a special report for prescribed cases, according to the Action Plan.

---

<sup>100</sup> Musliu B. Gashi A. Corruption in Kosovo, comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases, page 36-41, published on March 31, 2014, Pristina.

<sup>101</sup> Musliu B. Gashi A. Corruption in Kosovo, comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases, page 25-27, published on March 31, 2014, Pristina.

<sup>102</sup> Musliu B. Corruption in Kosovo 2, comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases, page 54-57, published on September 5, 2014, Pristina.

<sup>103</sup> Musliu B. Nimoni G. Corruption in Kosovo 3, comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases, page 69, published on 26, 2014, Pristina.

<sup>104</sup> Musliu B. Nimoni G. Corruption in Kosovo, comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases, page 65, published on April 8, 2015, Pristina.

KLI assesses that non-implementation of this obligation of Action Plan proves the seriousness of the Chief Prosecutors and prosecutorial system in the treatment of fighting corruption.

*c) The reasons of statutory limitation and prosecutions' measures to prevent it*

KLI has analyzed cases of statutory limitation for criminal offenses of corruption and the reasons for which they are prescribed. By prosecutors' rulings to dismiss criminal charges and rulings to terminate investigations, it results that the statutory limitation reasons are related to the lack of taking the necessary legal actions by the Kosovo Police or other relevant prosecutions to prosecute the suspects. However, in some cases it was noted that they were denounced on delay by applicants and in these cases because of legal provisions for criminal prosecution deadline and the expiration of this deadline, cases have remained intact due to the expire of the statutory limitation.

According Chief Prosecutors there are many reasons of the expire of the statutory limitation period. The Chief Prosecutor of BP in Pristina stated that this prosecution had a large number of cases, which should be treated with urgency and this has influenced at other cases by not taking the necessary legal actions over the years and in some cases the statutory limitation has expired.<sup>105</sup> Another reason was the lack of taking actions when cases of corruption have been under the jurisdiction of the former Pristina District Prosecution, which later has passed under the jurisdiction of BP in Pristina. These untreated cases of the former Pristina District Prosecution which has a lack of prosecutors have caused the expire of the statutory limitation at some cases.<sup>106</sup>

BP in Mitrovica has similar reasons for prescribed corruption cases. The small number of prosecutors in Mitrovica at the time when this prosecution was organized as Municipal and District Prosecution, has made many cases to remain close at drawers without taking any legal actions in order to solve them<sup>107</sup>. Same as BP in Pristina, also BP in Mitrovica, the treatment of urgency cases as detention on remand cases has disabled the treatment of cases that have endangered to be prescribed, which has led to the expire of statutory

---

<sup>105</sup> KLI interview with Mr. Imer Beka, Chief Prosecutor in the Basic Prosecution in Pristina; March 2015

<sup>106</sup> Ibid.

<sup>107</sup> KLI Interview with Mr. Shyqyry Sylja, Chief Prosecutor in the Basic Prosecution in Mitrovica; March 2015

limitation.<sup>108</sup> But there are also other reasons in BP in Mitrovica that contributed to the limitation of cases such as poor working conditions due to lack of necessary working spaces and the insufficient number of prosecutors.<sup>109</sup>

BP in Peja, BP in Gjakova and BP in Ferizaj have by two prescribed cases during the period November 2013 - December 2014. According Chief Prosecutors, the reasons for the limitation of these cases rely on the fact that these cases were received at the time when they have expired the statutory limitation.<sup>110</sup> Also the Chief Prosecutor of BP in Prizren stated the same, by saying that this prosecution has 4 prescribed cases.

After the publication of every KLI's periodic report, the Office of the Disciplinary Counsel, ex officio, has started a numerous of preliminary investigations and disciplinary investigations against certain prosecutors, for prescribed corruption cases and for the violation of legal deadlines.<sup>111</sup> This office has already taken disciplinary measures to some prosecutors by reducing their salary because of the violations which were presented in KLI's reports.<sup>112</sup>

---

<sup>108</sup> Ibid.

<sup>109</sup> KLI Interview with Mr. Shyqry Sylla, Chief Prosecutor in the Basic Prosecution in Mitrovica; March 2015

<sup>110</sup> KLI interview with Mr. Agron Galani, Chief Prosecutor in the Basic Prosecution in Peja; Mrs. Shpresa Bakija, Chief Prosecutor in the Basic Prosecution in Gjakoca and Mr. Rasim Maloku, Acting Chief Prosecutor in the Basic Prosecution in Ferizaj; March 2015.

<sup>111</sup>Note: The Director of the Office of Disciplinary Counsel, Mr. Zef Prendrecaj, in a formal notice to the KLI, has informed that ODC has started that preliminary investigations and some of them are still in the process in 98 cases presented in four KLI's periodic reports. See the response of Mr. Prendrecaj: "We inform you that the Office of Disciplinary Counsel (ODC), has reviewed the first report of KLI: "Corruption in Kosovo 1" published on March 28, 2014, to which has decided: From 26 prosecutorial cases presented in this report, to all of them we have done the disciplinary preliminary investigations where 5 of them were rejected from the report of KLI (ODC has estimated that there is no sufficient basis to open a disciplinary investigation therefore it rejected allegations presented in the report) and to 21 cases, ODC has opened disciplinary investigations. Also, ODC has reviewed the second report "Corruption in Kosovo 2", published on September 15, 2014, to which has decided: Out of 16 cases presented in the report we have done the preliminary investigations and it resulted by; the opening of a disciplinary investigation for 1 case (ODC during preliminary investigations has estimated that there were a negligence in performance of duties, failure to perform them, or misuse of prosecutorial functions and violation of the Code of Ethics); and rejection of the allegations in the report for 15 cases, (ODC has estimated that there was no sufficient basis to open a disciplinary investigation therefore it rejected allegations presented in the report). ODC is also reviewing the third report of KLI "Corruption in Kosovo 3", published on 26 December 2014, which included 29 cases and to all these cases ODC has provided relevant documents and other important information . ODC is currently in the stage of deciding on all these cases. ODC also is reviewing the fourth KLI's report "Corruption in Kosovo 4", published on April 8, 2015, which included 25 prosecutorial cases and to all of them we have started the completion files. Right now, we are at this stage and at the time of completion of all case files, ODC will review them and decide to all of cases". KLI conversation with Mr. Prendrecaj via email. April 28, 2015.

<sup>112</sup> Note: Director of Office of Disciplinary Counsel, Mr. Zef Prendrecaj, in a formal notice to KLI, has informed that so far ODC has found three cases of misconduct from KLI's reports and has prepared the final report in which has recommended the initiation of disciplinary proceedings in KPC against three prosecutors. There are cases where the Disciplinary Committee of KPC has found the responsible prosecutor for misconduct of negligence by the findings of the KLI's report. In some cases the disciplinary investigations in ODC are in final stage. KLI conversation with Mr. Prendrecaj via email. April 28, 2015.

KLI considers very concerning the issue of statutory limitation cases due to the lack of procedural actions by prosecutions. The prescription of 54 cases of corruptive nature within a year remains to be a worrying issue to all the prosecutorial system, which must take all necessary actions to prevent and eliminate this phenomenon.

## VIOLATION OF LEGAL DEADLINES IN CASE OF PLACEMENT

### *a. Violation of legal deadlies according to prosecutors*

During the monitoring of corruption cases and analyzing of prosecutorial legal acts of prosecutions, KLI has identified a number of cases of non-respecting the legal deadlines defined by legal provisions, namely with the Criminal Procedure Code of Kosovo. In Article 82 of Criminal Procedure Code, it is clearly defined the 30-day deadline in case of dismissing criminal charges.<sup>113</sup> For the period November 4, 2013 – December 31, 2014, KLI has identified a total of 41 such cases of violation of the legal deadline in all BPs and SPRK. The following table, presents the cases of violation of the legal deadline for placement of 30 days of the receipt of the criminal charge:

Violation of legal deadlines November 4, 2013 - December 31, 2014	Cases
<i>SPRK</i>	2
<i>BP in Pristina</i>	13
<i>BP in Prizren</i>	14
<i>BP in Peja</i>	1
<i>BP in Gjilan</i>	5
<i>BP in Mitrovica</i>	4
<i>BP in Ferizaj</i>	0
<i>BP in Gjakova</i>	2
<b>TOTAL</b>	<b>41</b>

**Table 31 - The total number of cases in which legal deadlines are violated for the period November 4, 2013 – December 31, 2014**

<sup>113</sup>Criminal Procedure Code of Kosovo, Article 82: 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: 1.1. there is no reasonable suspicion that a criminal offence has been committed; 1.2. the period of statutory limitation for criminal prosecution has expired; 1.3. the criminal offence is covered by an amnesty or pardon; 1.4. the suspect is protected by immunity and a waiver is not possible or not granted by the appropriate authority; or 1.5. there are other circumstances that preclude prosecution.

BP in Prizren is the prosecution with the largest number of violation cases, all 14 cases in total, followed by BP in Pristina with 13 cases, BP in Gjilan with 5 cases of criminal charges and BP in Mitrovica with 4 such cases. SPRK and BP in Gjakova have had 2 cases each of violation of legal deadlines in case of placement, BP in Peja with one case and BP in Ferizaj as the only prosecution without any case of violation of legal deadlines according to KPCC.

The non-respecting of legal deadlines by SPRK and BPs, among other things has its effect in main issues, by highlighting the prosecutors negligence, the lack of vigilance and their professionalism regarding their legal obligations, and all this results in the lack of prosecutions effectiveness in treating corruption cases.

*b. Reasons for the violation of legal deadlines and the avoidance of violations*

Violation of legal deadlines in case of placement of criminal charges, was also treated in previous reports of KLI for the implementation of the Action Plan. KLI has presented cases of violation of legal deadlines in case of placement by prosecutors through different periods.

The reasons for the violation of legal deadlines are different. From the interviews conducted with the Chief Prosecutors of BPs and SPRK, the violation of legal deadlines was justified in most cases with the load of prosecutions with cases and with the inability of prosecutions to respect these legal deadlines due to objective reasons.

BP in Prizren, as the prosecution with the largest number of cases of violation of legal deadlines, the non-respecting of legal deadlines has justified with the load of prosecution with numerous cases. Also another reason, according to them, were numerous representations to the courts and the limited time for treatment of criminal charges within the legal deadlines, the small number of prosecutors and professional collaborators. However, Chief Prosecutors also highlighted the lack of vigilance by prosecutors to respect the legal deadlines.<sup>114</sup> The load with numerous cases emphasizes also the Chief Prosecutor of BP in Pristina, which considers that this is

---

<sup>114</sup> KLI interview with Mr. Metush Biraj, Acting Chief Prosecutor of Basic Prosecution in Prizren; March 2015.

the reason that prevents respecting the legal deadlines.<sup>115</sup> Other reasons in BP in Pristina are the duration of gathering evidences, which cause delays due to the limited time and the slow actions of Kosovo Police.<sup>116</sup>

Same reason of violation of deadlines due to the load with cases, is also emphasized by BP in Gjakova. The excessive load with cases, had been the main reason why they did not pay attention to the deadline when dismissing the criminal charges.<sup>117</sup> Besides the load with cases in BP in Mitrovica, there were also other reasons that caused the inability to respect legal deadlines in case of placement for criminal charges. The difficult work conditions due to the lack of space needed for the work, had been the main reason for the inability of BP in Mitrovica efficiency, which reflected in the non-respecting of legal deadlines in case of placement for criminal charges.<sup>118</sup> The lack of needed space in BP in Mitrovica, was also treated in previous reports of KLI for the implementation of the Action Plan. Because of the political situation in Mitrovica, BP in Mitrovica is located in the building of the former Municipal Court in Vushtrri since 2008, where continue to share the same work space together with the Basic Court of Mitrovica.<sup>119</sup>

Two prosecutions with the largest number of cases of such violations, BP in Prizren and BP in Pristina, the avoidance of this problem they initially see in addressing the issue in meetings with prosecutors, later on increasing the number of prosecutors and professional collaborators.<sup>120</sup> The issue of increasing the number of prosecutors and professional collaborators, is emphasized as a need also of the BP in Peja in order to avoid the non-respecting of legal deadlines. According to Chief Prosecutor of BP in Peja, this would have an effect in the treatment of corruption cases within the deadlines of cases in prosecution, by adding that the violation of legal deadlines was caused due to the insufficient number of engaged prosecutors in corruption cases.<sup>121</sup>

From interviews conducted with the Chief Prosecutors of BPs, KLI has noticed also the cases when the prosecutions were not aware of the existence of the 30 day deadline in case of dismissal of criminal charge, defined in the Criminal Procedure Code of Kosovo. After addressing this issue by KLI, Chief Prosecutors discussed this problematic in the meetings with all prosecutors. KLI considers disturbing the non-respecting of legal deadlines, by proving in practice the findings published in Kosovo Prosecutors Survey conducted by the American Embassy, in which, the findings show that prosecutors have serious problems understanding the Criminal

---

<sup>115</sup> KLI interview with Mr. Imer Beka, Chief Prosecutor of Basic Prosecution in Pristina; March 2015.

<sup>116</sup> Ibid.

<sup>117</sup> KLI interview with Mrs. Shpresa Bakija, Chief Prosecutor of Basic Prosecution in Gjakova; March 2015.

<sup>118</sup> KLI interview with Mr. Shyqyri Sylja, Chief Prosecutor of Basic Prosecution in Mitrovica; March 2015.

<sup>119</sup> Ibid.

<sup>120</sup> KLI interview with Chief Prosecutors of Basic Prosecutions in Pristina and Prizren, Mr. Imer Beka, namely Mr. Metush Biraj; March 2015.

<sup>121</sup> KLI interview with Mr. Agron Galani, Chief Prosecutor of Basic Prosecution in Peja; March 2015.

Code and the Criminal Procedure Code.<sup>122</sup> KLI assesses that it is an urgent need to address the issue of capacity building, knowledge and professionalism of prosecutors.

## XI. RECOMMENDATIONS

Based on the findings during the process of monitoring and assessment of implementation of the Action Plan, Kosovo Law Institute as in previous reports issues the following recommendations for Kosovo Prosecutorial Council. It must be stated that the most of the recommendations are the same ones, because of the failure to implement the recommendations of previous reports:

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

1. Assessing the performance of the Chief Prosecutors of Basic Prosecutions and SPRK and prosecutors of these prosecutions for the implementation of the Action Plan until this reporting period.
2. The responsibility of Chief Prosecutors that have not pronounced any disciplinary measures against employees, for whom defalcations were concluded by the Commission in charge of overseeing and verification of the data for corruption cases.
3. The responsibility of Chief Prosecutors who have not done the special reports with justification for each case that has reached the deadline of prescription. The same reports should continue to be prepared separately for each case for KPC.
4. KPC should seek greater account from Chief Prosecutors for non-enforcement of legal provisions for sequestration and confiscation of material benefits.
5. KPC should create internal mechanisms to analyze the solving corruption cases , with a focus on analyzing dismissed cases of criminal charges and the termination of investigations by the applicants of these acts. In this direction it should be analyzed, especially cases filed by Kosovo Police and ACA because of the large number of dismissal and termination of them. This is the only way to made criminal adequate policies in fighting corruption.
6. During dealing with cases of criminal charges filed by ACA related to cases of disclosure of the origin of the property, Basic Prosecutions should treat these cases with priority during 2015 and must apply uniform practices.

---

<sup>122</sup> "Kosovo Prosecutors Survey". Conducted and supported by the US Embassy in Kosovo. Kosovo Prosecutorial Council. 2013.

7. Corruption cases of high level must be identified in SPRK and Basic Prosecutions and must be treated with priority under the direct supervision of respective Chief State Prosecutors and State Prosecutor.
8. Despite the commitment to re-organize the work of BP in Pristina, KPC should continue to provide support in solving problems in BP of Pristina due to the over load and quality of the preparatio of corruption acts, which deals this prosecution.
9. KPC should take urgent and very concrete in order to improve the working conditions for the BP in Mitrovica.
10. KPC should oblige the prosecutions to put the data for corruption cases on daily basis, by updating the data in the Tracking Mechanism to be accessible at any time.
11. KPC should categorize the statistical database of prescription corruption cases. There should be a special category that enables the identification of prescribed cases.
12. KPC to categorize in the statistical data base the profiles of persons against whom corruption cases are solved.
13. KPC should invest in profilization and specialization of prosecutors dealing with corruption cases.
14. Prosecutors should testify self-initiative in initiating corruption cases.

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

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

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

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