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# CORRUPTION IN KOSOVO: Combating or Promotion of Corruption

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#### **ABOUT KLI**

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

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## I. EXECUTIVE SUMMARY

Corruption in Kosovo is endemic. Kosovo is suffering from the lack of will to fight corruption in practice in all links of power. Kosovo Prosecutorial Council (KPC) and Kosovo Judicial Council (KJC) continuously were approving Action Plans to treat corruption cases with absolute priority.

Fighting high level of corruption it remains rhetorical, while concrete results are missing. Such assessment by KLI is based on the daily monitoring of the corruption cases in prosecution offices and courts.

Subject of investigation and indictments for corruption continues to be limited to the lower level, eventually to the middle level of corruption, and individuals who are without power or political support. There are very rare cases when the indictments are raised for high level corruption, especially those related to the politicians or powerful people from business. Government decisions or political and illegal appointments by the legislative and executive branch, raised by civil society or media, are not investigated by competent authorities. Also there is no investigation for violation of laws or their corruptive activities, committed by the stakeholders of the judicial and prosecutorial system which are reported in daily basis. The lack of willingness and courage to investigate and prosecute such activities is resulting with the installation of the impunity culture. Such approach does promote corruption and criminal activities within and out the justice system.

Still is lacking the state courage to fight such harmful occurrence that directly impacting the daily life and the citizen's welfare, lack of the economical development and foreign investments which are complicating the Kosovo integration towards the European Union. The Judicial and Prosecutorial system, still couldn't find the courage to exercise their constitutional and legal competencies, to control and supervise two other branches. Even though, Kosovo Constitution guarantees the control and balance between State powers, its implementation in practice is missing. The procedural investigations actions, prosecution and indictment of the different profile of individuals for criminal offences of corruption, it is not that are missing time by time. However, the final result in the end is missing. Even then such actions are filed through indictments, the same are either dismissed by courts, or in case that there is sentence, such sentence is imposed conditionally even though the court confirms that the damage caused as a result of the corruption case is more the million Euro. All this had direct impact in lost of the public trust towards the justice system. Based on the UNDP Public Pulse, it results that the satisfaction of the Kosovo citizens with the work of the judicial and prosecutorial system during march-September 2015, has the major decrease of all times, by not reaching even 15%.

- *Prosecutorial system*

Prosecutorial system for the first time since 2014, has managed to complete the last quarter of 2015 with a smaller number of unsolved cases of corruption and persons involved in these cases. For the first time since the entry into force of the Action Plan on November 4, 2013, almost all BP offices and SPRK, during the last quarter of 2015, have managed to solve the largest number of corruption cases and persons involved in those, in relation to the number of cases and persons received during the same period.

Even in this reporting period (*October, November, December 2015*) the solving manner of cases by prosecutors is presented as a characteristic. In percentage results that prosecutors in the solved cases of corruption against 347 persons, on 66.31% of them have closed the cases, while on 33.69% have filed indictments. The percentage of closed cases which is 66.31% remains a concern regarding the quality of the criminal reports submitted or the quality of prosecutor's professionalism in their handling.

KLI has continued the monitoring of the publication of the information's in the webpage of State Prosecutor for this reporting period, regarding the filing of indictments against the perpetrators of criminal offences of corruption. State Prosecutor has taken seriously the critics of KLI presented in the last report regarding the implementation of selective justice in publishing information's for persons and different positions, applying so double standards. During this quarter, all information's published by State Prosecutor have been uniform and in accordance with the law.

Despite the approval of policies in fighting corruption, the trend of unsolved cases of corruption in the prosecutorial system has increased. In January 2015, Prosecution offices have had in work a total of 520 unsolved cases of corruption with 1556 persons, meanwhile in December 2015 have remained 538 unsolved cases with 1640 persons. This proves the lack of will and commitment of prosecutorial system in implementing the policies to fight corruption.

A matter of concern remains the statutory limitation of corruption cases, as in prosecution offices, as well as in courts. In the last quarter of 2015, KLI has identified 7 corruption cases that have reached the statutory limitation in the prosecutorial system including: 4 cases in BP office in Pristina, 1 case in BP office in Gjakova, 1 case in BP office in Mitrovica and 1 case in BP office in Prizren. Also, during the monitoring process, KLI has found a chain of violations regarding the legal deadlines defined in the Criminal Procedure Code.

Accountability within the justice system continues to be a challenge. A culture of impunity is installed. From the entry into force of the Action Plan on November 4, 2013 until December 31, 2015, KLI has published 7 reports regarding the monitoring process and one detailed analytical report regarding the failures and challenges of prosecution offices in handling corruption cases. KLI findings identified in corruption cases handled by prosecutors, have served to ODC, which according to ex officio, has started the preliminary investigations in 149 cases. Of them 42 cases of corruption are included in disciplinary investigations, 9 reports are sent from ODC to the Disciplinary Committee of KPC for disciplinary proceeding. ODC during 2014 and 2015 has sent to Disciplinary Committee of KPC, 25 reports for alleged violations by prosecutors. Of these 25 cases, 9 cases are as a result of KLI findings in the published reports. In percentage it turns out that 36% of the reports presented by ODC to Disciplinary Committee of KPC are as a result of KLI findings.

In the last report of KLI, published on December 10, 2015, ODC has included 56 cases in preliminary investigations, out of which 12 cases for statutory limitation of criminal offences of corruption while 44 other cases due to violations of legal deadlines.

- *Judicial system*

KLI monitors, from July 1, 2015, until March 31, 2016, have monitored 729 court hearings, where are involved 474 corruption cases with 1085 persons. This report was focused on monitored cases of corruptive nature in the last quarter of 2015, where are included 278 court hearings with 162 corruption cases and 379 persons.

During the monitoring process KLI has found many irregularities, involving here the violation of legal deadlines in treating corruption cases at all levels of the justice system, including prolongations at Kosovo Police, Prosecution Offices and Courts. From the total number 278 monitored hearings were held 237 of them, while due to the non-fulfillment of legal conditions during hearings, 41 of them were postponed. The reasons of their postponement were various, starting from the absence of defendants, the failure of Prosecution Offices to provide the court and parties in proceeding with case files, the absence of prosecutors, trial panel, defenders, the injured party and the requests of parties in the proceeding.

During the monitoring process of corruption cases at Prosecution Offices and Courts, KLI has noted in practice the phenomenon of prolongation caused by prosecutors who failed to submit indictments in time to courts. KLI has identified seven (7) corruption cases where prosecutors have filed indictments, and those were not submitted to courts for 436 days delay. KLI considers this as a negligence of prosecutors, which matter must be investigated by the accountability mechanisms.

From a total of 128 monitored cases, Courts have announced 29 judgments for corruption cases. Almost in every stage of the criminal procedure the prescribed periods of time weren't followed as stipulated by the Criminal Procedural Code. The shortest time in handling a corruption case from the moment the criminal report was set forth until the judgment was announced amounted to 264 days, while the case that lasted the longest until its judgment promulgation amounted to 4144 days or converted, 11 years. On the other hand, the length period from the time when the indictment was filed until the judgment was promulgated, in the best case monitored scenario, amounted to 146 days, while the case with the longest length lasted for 1878 days or converted, 5 years.

KLI through its monitoring activity of the 29 judgments that were announced in the first instances of Courts assesses that the penalty policy regarding corruption cases is mild. Judges have announced 29 judgments with 67 persons involved. Out of this total, 13 persons (or 19.49%) were sentenced to imprisonment, 12 persons (or 17.91%) were given a suspended sentence, while 30 persons (or 44.77%) were acquitted.

Even in the other cases the percentage of the persons that are acquitted exceeds 50%. This is a further proof that the quality of prosecution is rather low. KLI has continuously reported that such a high scale of criminal report or indictment dismissal, in practice mirrors more the practice of persecution rather than the practice of combating and punishing the perpetrators of corruption offences.

Out of the total of 67 persons for whom the first instance Courts had reached a verdict, 13 persons were sentenced with imprisonment summed up to a total of twenty-four (24) years for every person sentenced. 12 persons were sentenced with a suspended sentence summed up to a total of 160 months. Punishment such as fines and imprisonment that is substituted by fines, reached total amount to 10850 Euros. Judges have acquitted 30 persons and have dismissed the indictment due to the fact that the statutory of limitation had expired.

KLI without wanting to comment the merit of the decision-making in the judicial cases of corruption expresses concern that the punishing policies applied by judges in corruption cases don't deliver a clear message to the potential perpetrators of these types of

offences. The practice of giving out mild imprisonment punishments, suspended sentences or fines, delivers a negative message to the citizens and public. Through these mild punishments the preventive or punitive purpose of sentencing cannot be reached. KLI throughout the monitoring of 162 corruption cases has found out that prosecutors in rare cases apply the legal provisions that are related with the confiscation and sequestration requests against the perpetrators of corruption cases. During this time, KLI was able to identify a pattern of sequestration and confiscation requests that were mainly based in means that served for committing the criminal offences, but they failed to apply the provisions that aim to recuperate the illegal assets gained by corruption.

## II. METHODOLOGY

KLI in order to draft comprehensive and analytical report in relation to the treatment of the corruption cases by the prosecutorial and judicial system has used a mixed methodology of research. That is as the prosecutorial and judicial systems are still facing with the problems in relation to the unified system the information. Therefore, the research dealing with cases of corruption of the prosecutorial and judicial system is based on direct monitoring of the performance of prosecution offices and courts in applying the law, policies and action plans for treatment of corruption cases with priority.

KLI based on legal obligations and action plans has created a clear indicator for measuring progress in implementing them by the prosecutorial system and the judicial system. Research includes monitoring of corruption cases in seven Basic Prosecution offices, Special Prosecution Office of the Republic of Kosovo, seven Basic Courts and their branches. In the focus of monitoring have been the activities of the National Anti-Corruption Coordinator of the State Prosecutor, Kosovo Prosecutorial Council and Kosovo Judicial Council in the implementation of policies and action plans. KLI also has provided statistical data from the Unit for Evaluation of the Prosecutors Performance and Statistics Department of the Judicial Council and it also gathered information individually during the monitoring process across all prosecution offices and courts.

Reports provided by the KLI are summarized in a database, which included all cases of corruption and those involved in these cases at all stages of criminal proceedings in the prosecutorial system and the judicial system.

The database was used to identify issues of concern relating to the implementation of legal obligations and obligations of action plans, respectively associated with the solution, and how to solve unsolved cases of corruption by prosecutors and judges. Through statistics, the Institute has analyzed some aspects which are presented and commented through tables and graphics, including all the specifics of corruption cases for each prosecution offices and the courts, for each of corruption case applicants, for statutory limitation of corruption cases and how to solve these cases. IKD has continued monitoring the prosecutorial related to the decisions to dismiss criminal reports and the termination of investigation. The same are analyzed whether are in line with legal obligations was made the identification of legal violations during the treatment of corruption cases in the criminal proceedings, including identification of the cases that reached statutory limitation. It is worth mentioning that for this quarter (October, November, December 2015) SPRK and BP office in Ferizaj did not offer the prosecutorial acts, by not respecting so the provisions of the Law on Access of Public Documents, according to which these prosecutorial acts are required and provided by all other Prosecution Offices.

For the period July 1, 2015- March 31, 2016, KLI researchers have monitored 729 court hearings, including 474 corruption cases with 1085 defendants. Now KLI has created clear indicators to correctly measure the duration of corruption cases in all stages of criminal proceeding, including from the criminal report until the announcement of the verdict by the courts. Only for this reporting period (*October, November, December 2015*) KLI monitors have monitored 278 court hearings, including 162 corruption cases with 379 persons. This reporting period will be the focus of this report. Analyses include all handling trends of these cases and the time spend in the proceedings of corruption cases. On focus of this report are also 29 corruption cases, for which is announced the verdict of the first instance.

An important aspect of the monitoring has been the performance of accountability mechanisms for prosecutors and judges, which because of their performance in corruption cases were the subject of disciplinary proceedings.

KLI has continuously monitored the activities of the National Anti-Corruption Coordinator, Basic Prosecutors offices, SPRK, the Municipal Courts, Prosecutorial Council and Kosovo Judicial Council. With all stake holders of prosecutorial and judicial functions, KLI has conducted thorough interviews, based on the indicators defined in accordance with legal obligations and obligations of action plans. Interviews are codified in the way that the issues and the information extracted from them are included in the report. As well, to be more accurate in identifying problems and making recommendations for the solution of problems in fighting corruption, respectively in the implementation in more efficient and effective of the legal obligations and obligations of the Action Plan, KLI has analyzed the legal basis, and also analyzed in detail the relevant national and international documents, which are related to the fight against corruption in Kosovo.

### III. THE POLICIES OF THE PROSECUTORIAL AND JUDICIAL SYSTEM IN FIGHTING CORRUPTION

International reports are nowadays continuously concluding that corruption in Kosovo is endemic<sup>1</sup> and the mere fact that Kosovo is suffering from the lack of will in combating corruption. In order to achieve results, Kosovo Prosecutorial Council (KPC) and Kosovo Judicial Council (KJC)<sup>2</sup> have adopted an Action Plans in order to prioritize the treatment of corruption cases.

KPC in December 1, 2015 adopted the Strategic Plan (2016-2018) and Action Plan to Increase the Efficiency of the Prosecutorial System in Combating Corruption and Economic Plans, including Sequestration and Confiscation of Illegal Assets ( hereinafter Action Plan). This Strategic Plan has set some purposes such as: the decrease of unsolved cases, efficiency increase in solving new cases, increase of the level on institutional cooperation, capacity increase through specialized trainings, accountability and transparency. It contains almost the same obligations and responsibilities set with the Action Plan to Increase the Efficiency of the Prosecutorial System in Combating Corruption adopted in November 4, 2013 by the KPC.<sup>3</sup>

Despite the fact that KPC throughout this Strategic Plan has expressed its declarative will to increase the accountability and transparency of the prosecutorial system related with the cases emphasized in this plan, such a thing did not occur in reality. KLI has issue a requested to the KPC and the Chief Prosecutor's Office for access on the Strategic Plan adopted by the KPC, but received a negative response for the submitted request complying with the Law on Access to Public Documentation.<sup>4</sup> However, KLI managed to obtain a copy of this Strategic Plan and Action Plan, documents that are of a public nature and the same ones ought to be published in the official websites of the prosecutorial system of Kosovo.

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<sup>1</sup> The Progress Report of the European Commission for the year 2015 and US Department of State Report on Human Rights in Kosovo, year 2015

<sup>2</sup>*Note:* With KLI's initiative on implementing the recommendations published in the analytical reports that intertwine the efficient and effective handling of cases of corruption by the judiciary and prosecutorial system, KLI has held a meeting with KJC's Chairman Mr. Enver Peci who expressed his will for cooperating on drafting the Action Plan on the Resolution of Corruption Cases. KLI has drafted this Plan that after amendment and supplementation by the KJC was adopted in September 25, 2015. "Action Plan on Resolving Corruption Cases" Kosovo Judicial Council. September 25, 2015.

<sup>3</sup>Kosovo Prosecutorial Council has adopted for the first time the Action Plan on Increasing the Efficiency of the Prosecutorial System in Combating Corruption in November 4, 2013.

<sup>4</sup> Response from the KPC's official for access to public documents: "*Kosovo Prosecutorial Council in December 1, 2015 adopted the Strategic Plan (2016-2018) and Action Plan on Increasing Efficiency of the Prosecutorial System in Combating Corruption and Economic Crimes, including Sequestration and Confiscation of Illegal assets, but this plan should be supplemented with the recommendations given by the Council's members and international representatives that support the Council's work. After the amendment and supplementation with these recommendations the Plan will be published in the official website of State Prosecutor and Kosovo Prosecutorial Council*".

KLI considers that the answer and official approach of the KPC related with the adopted Strategic Plan is quite concerning. Yet, even before this strategy began its implementation by the prosecutors, the KPC's officials admit the fact that it has flaws and that it shall be amended due to the recommendations granted by the Council's members and international representatives that support the Council's work.<sup>5</sup>

Through this Strategic Plan, the prosecutorial system admits the fact that the justice system hasn't achieved the needed success in combating the perpetrators of the criminal offences of corruption dictated in this plan. Furthermore, it confirms that the performance of the prosecutorial system has imposed a negative effect upon the reputation of judicial organs and the image of Kosovo.

KPC concludes that this Strategic Plan complies with the objectives of the Action Plan to Increase the Efficiency of the Judicial System in Handling Corruption Cases adopted by the KJC.<sup>6</sup> KLI in cooperation with the Chairman of the KJC has drafted the Action Plan for the KJC, a plan that was adopted after being amended by the KJC.

KPC in paragraph five (5) of this plan has set high-priority cases within the competence of the SPRK and BP offices according to the official position of the perpetrator and material benefit or damage caused by the criminal offence. In paragraph six (6) of this plan, KPC has foreseen the establishment of the Unit for Anticorruption, Economic Crimes, Sequestration and Confiscation of Illegal Assets in the BP in Pristina. Bearing in mind the tremendous volume of cases that BP in Pristina deals with, as well as the fact that 60% of corruption or economic cases are handled by this office, the establishment of this Unit can be assessed as a strategic objective that shall result in the increase of efficiency of the prosecutorial system in handling and combating criminal offences of corruptive or economic nature, only if there exists will and commitment.

KLI by analyzing this Strategic Plan and Action Plan has noted that KPC hasn't paid proper attention to the SPRK, having in mind that the process of combating organized crime and high-level corruption falls under the competences and responsibilities of this

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<sup>5</sup> Note: The Strategic Plan and Action Plan is adopted by the members of KPC itself, there for the excise that the same documents will be supplemented with the recommendations given by the members of KPC and international representatives depict lack of seriousness from the KPC itself during the adoption of these documents in the Council.

<sup>6</sup> KLI has supported KJC in drafting the Action Plan on Increasing the Efficiency of the Judicial System in handling corruption cases. KLI had compiled the Action Plan draft that was adopted by the KJC after some supplementation.

Prosecution office. KLI assesses that primarily, part of this plan should be the strengthening of the SPRK by filling in the prosecutorial positions<sup>7</sup> as well as by announcing an open call, the development of a competitive fair and lawful process regarding the process of appointing the Chief-Prosecutor of this office.<sup>8</sup>

KPC and the State Prosecutor office (hereinafter SP) have the constitutional and legal obligation to strengthen the SPRK with specialized experienced prosecutors. The capacity deficit in this office reflects lack of results in combating organized crime and high-level corruption. KLI considers that every ounce of energy and capacity of the prosecutorial system should be channeled towards the strengthening of this office. The establishment of the Anticorruption Unit in BP offices is more of an evasion of responsibilities and delegation of responsibilities into other offices so that the SPRK won't be burdened with them due to the lack of results.

KPC within the frames of its authority and responsibilities is competent for the development and adoption of policies that intertwine with the efficiency increase of the prosecutorial system in combating corruption and crime in general, as stipulated by Article 4 of the Law on the KPC.

KLI considers that the provision of this Strategic Plan regarding the appointment of prosecutors in the Anticorruption Unit according to procedures determined by the Council, does not comply with the Law on State Prosecutor, namely with Article 13 that determines that the Chief Prosecutor manages with the work flow and represents the prosecution for which he/she was appointed. The Chief Prosecutor is responsible for the work done within the office and he answers to the State Chief Prosecutor and KPC for his work. Subsequently, prosecutors answer to their Chief Prosecutor for their work.<sup>9</sup> The appointment of prosecutors in the Anticorruption Unit by the KPC violates the authority and independence of the Chief Prosecutor of BP in Pristina and it is considered to be interference in the competencies and responsibilities that the law has foreseen related to the way a Prosecution Office is managed and administrated by its Chief Prosecutor.

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<sup>7</sup>Note: Special Prosecution of the Republic of Kosovo, from 18 positions available for prosecutors has filled in only 8. This office is functioning with less than 50% of its capacities.

<sup>8</sup> SPRK from the year 2014 is headed by an Acting Chief. Finally in April 22, 2016 KPC has opened a call for Chief Prosecutor of the SPRK.

<sup>9</sup> Article 13 "Chief Prosecutor's Authority". Law on State Prosecutor. ([http://www.psh-ks.net/repository/docs/Ligji\\_per\\_prokurorin\\_e\\_shtetit\\_\(shqip\).pdf](http://www.psh-ks.net/repository/docs/Ligji_per_prokurorin_e_shtetit_(shqip).pdf)). (Last access on March 12, 2016).

KPC reserves the right to transfer or promote state prosecutors based on legal criterion and procedures. However, the interference in the internal administration and management of a relevant prosecution office, outside of the scope of legal procedures and criterion, violates the authority of Chief Prosecutors and thus violates the competences and responsibilities guaranteed by law. The appointment of state prosecutors by the KPC even through the cooperation with the Chief Prosecutor of BP office in Pristina, excludes the Chief Prosecutor of this office from the liability of eventual failures or of non-fulfilling the obligations defined by this Strategic Plan. This responsibility now passes to KPC and it must hold accountability for eventual failures. KLI considers to be a very concerning matter the fact of such an interference by the KPC in the time when during the last quarter BP in Pristina had achieved solid results in case corruption treatment compared with the anteceding period.

Paragraph 8 of this Strategic Plan defines the assessment of its implementation. With this paragraph KPC aims to incline the accountability and efficiency of the prosecutorial system in combating criminal offences foreseen by it. A set of provisions that are welcomed and should be applied are the provisions of this plan that have to do with the granted competences of the supervisory mechanisms for the inclination of accountability of the prosecutors and chief prosecutors who fail to fulfill the obligations deriving from this document through the recommendation for initiating disciplinary procedures against them. Their implementation is rooted in the goodwill and commitment firstly from the KPC itself by eliminating practices applied until now when this will has been lacking and did not find application in practice.<sup>10</sup>

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<sup>10</sup> "KPC itself has found the failures regarding registration of corruption cases, through the Prosecutor Performance Review Unit, by establishing (February 2014) the Verification and Supervision Committee of corruption cases in prosecution offices.<sup>10</sup>. The results of the work of this Committee have brought to light a big irresponsibly of a chain of officials in prosecution offices, starting from prosecutors to the support staff officials, who had not respected the rules of the Tracking Mechanism for the registration of corruption cases in the database. These findings and recommendations of the Committee were approved at the KPC meeting, held on February 25, 2014, where it was issued the decision no. 45-2014.<sup>10</sup>, through which all of Chief Prosecutors were obliged to initiate disciplinary actions against those who have failed to respect the rules for the registration of corruption cases in the Tracking Mechanism. Despite the numerous violations that were identified by the Committee and the decision of KPC to take measures against the responsible persons, Chief Prosecutors have never taken any actions to implement this decision, respectively they have not initiated disciplinary proceedings against any prosecutor or employee for their failures. By noticing the hesitation of Chief Prosecutors to hold accountable their officials, in the meeting held on April 25, 2014<sup>10</sup>, KPC has taken a decision by which Chief Prosecutors of BPs and SPRK should report regarding the implementation of the decision no. 45-2014 of the date February 25, 2014. Through this decision, KPC has require responsibility directly from the Chief Prosecutors, for the non-punishment of their prosecutors and officials who have not registered corruption cases. KLI expresses its double concern about Chief Prosecutors who have not implemented the decision of the highest body in the prosecutorial system, KPC, but also expresses the concern about the non-implementation of the decision by KPC, to punish Chief Prosecutors if they did not punish their prosecutors and employees for the identified violations. This reaction is a continuation of KLI's reactions to KPC, which is failing to address the most of important issues on the implementation of its decisions related to fighting corruption in Kosovo Miftaraj E. and Musliu B. "Fighting Corruption in Kosovo, priority on paper", Kosovo Law Institute, December 2015. Pages: 78-79. (<http://kli-ks.org/wp-content/uploads/2015/12/1.-FINAL-Lufta-kunder-korrupsionit-ne-Kosove-prioritet-ne-leter-08.12.2015-Repaired1.pdf>). (Last access on March 20, 2015).

Also, KPC in this strategic plan delegates competences and responsibilities to its internal mechanisms, a delegation that does not comply with the Constitution, and laws that regulate the prosecutorial system and with practices and international standards implemented in Kosovo.<sup>11</sup> KPC delegates to the supervisory mechanism the competence to recommend the direct dismissal of prosecutors and chief prosecutors that fail to fulfill their obligations.

Paragraph 9 of this Strategic Plan has foreseen for the first time in the justice system “The Institute for Rewarding the Prosecutors” with the purpose of motivating prosecutors to successfully solve the cases foreseen with this plan. The remuneration foreseen with this strategy amounts to 150-400 Euros for the Anticorruption Unit, with the condition that this Unit and the hired prosecutors to have realized successfully the purposes of the Strategic Plan and Action Plan. Paragraph 9 of this plan doesn’t comply with the Law on State Prosecutor, namely Article 21 paragraph 1.8 that stipulates that:

*“Each prosecutor permanently appointed to the Basic Prosecution Office shall receive a base salary of not less than seventy percent (70%) of the salary of the Chief Prosecutor of a Basic Prosecution Office. The Council shall promulgate a schedule for additional compensation that recognizes the unique responsibilities of prosecutors appearing before the Serious Crimes Department of the Basic Court; but in no case shall the sum of the base salary and the additional compensation exceed ninety percent (90%) of the salary of the Chief Prosecutor of a Basic Prosecution Office.”*

The remuneration of 150-400 Euros foreseen with this Strategic Plan as an additional material compensation shall exceed the salary of the Chief Prosecutors of BP offices and thus contradicts the Law on State Prosecutor.

If we consider that the same standards should apply for prosecutors<sup>12</sup> and judges, it turns out that numerous international documents don’t allow the violation of wage and income of judges.<sup>13</sup> The Venice Commission shares the view that the salary of

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<sup>11</sup> The Venice Commission in the opinion number 712/2013 dated on March 24, 2014, relating the draft law on Kosovo Judicial and Prosecutorial Council of Bosnia and Herzegovina. Page 17, point 87.” (See link [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2014\)008-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2014)008-e)). (Last accessed on February 10, 2016)

<sup>12</sup> “Like for judges, remuneration in line with the importance of the tasks performed is essential for an efficient and just criminal justice system. A sufficient remuneration is also necessary to reduce the danger of corruption of prosecutors” REPORT ON EUROPEAN STANDARDS AS REGARDS THE INDEPENDENCE OF THE JUDICIAL SYSTEM: PART II - THE PROSECUTION SERVICE, Adopted by the Venice Commission at its 85th plenary session (Venice, 17-18 December 2010) page 13, point 69, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)040-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)040-e)

judges should correspond with the dignity of this profession and that an adequate salary is of a crucial importance to protect judges from external influence. The level of the salary should be decided according to the social conditions, comparing it with the salary of highly ranked officials. The salary should be defined by a general standard and by objective and transparent criterion and under no condition should it be based on the individual performance of the judge. Bonuses that include discretionary elements have to be excluded.<sup>14</sup> KLI considers that this Strategic Plan and Action Plan should immediately be amended by the KPC complying with the applicable laws and international practices. The individual independence of prosecutors and chief prosecutors should be accented. KLI will continue to monitor the amending and supplementing of this plan and its implementation in practice.

KJC in September 25, 2015 adopted the Action Plan on handling corruption cases. KLI<sup>15</sup> in cooperation with KJC proposed a draft plan on solving the corruption cases, a plan that was adopted by the KJC after some changes and supplements.

Through this plan KJC depicts the general situation, current shortcomings in the handling of corruption cases, the identification and separation of cases. Also, this plan has foreseen specific activities and deadlines on inclining the activity of handling corruption cases. Through this plan it is foreseen the establishment of the Supervisory Commission on the implementation of the Plan, whose competences are limited only in terms of supervising the implementation of the Action Plan and can't discuss or interfere in the merit of any case or person that is a subject of the judicial procedure, but shall be limited only in the implementation of legal deadlines according to the highest standards of judicial independence.

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<sup>13</sup>A similar stand regarding the salary of judges has the UN Commission on Human Rights in the comment number 32 that related to the implementation of Article 14 of the International Convention of Civil and Political rights, with direct application in Kosovo. The Council of Ministers of the Council of Europe has the same stand through the Recommendation number R(94) 12, Principle III, paragraph 1b. Also the Universal Charter of Judges stipulates that judges should receive a sufficient salary that ensures a real economic independence. The salary shouldn't be based on the judge's work results and cannot decline during his service. While, the protection of independence of judges is guaranteed with the Constitution, Article 3, the section of USA's Constitution that contains direct prohibitions in declining the salary of judges during the exercise of the profession. Naturally, the decline of a judge's or prosecutor's salary can be done only when disciplinary measures are imposed against them by internal mechanisms of accountability.

<sup>14</sup>REPORT ON THE INDEPENDENCE OF THE JUDICIAL SYSTEM PART I: THE INDEPENDENCE OF JUDGES, Adopted by the Venice Commission at its 82nd Plenary Session (Venice, 12-13 March 2010), Page 10: [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2010\)004-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2010)004-e)

<sup>15</sup>Note: With KLI's initiative on implementing the recommendations published in the analytical report that intertwine with the efficient and effective treatment of corruption cases by the judicial and prosecutorial system, KLI has held a meeting with KJC's Chairman Mr. Enver Peci who expressed his will for cooperating on drafting the Action Plan on the Resolution of Corruption Cases. KLI has drafted this Plan that after amendment and supplementation by the KJC was adopted in September 25, 2015. "Action Plan on Resolving Corruption Cases" Kosovo Judicial Council. September 25, 2015.

This Action Plan has foreseen the deadlines regarding the assessment of its implementation. The first round of assessment should have been done in November 2015, whilst the second round in January 2016. Despite the obligation stipulated with this Action Plan, Courts and KJC have failed to fulfill their obligations according to the prescribed deadlines at the Action Plan. Some of the BC's have not committed this obligation on time. KJC has done the same, by going delayed in the field to do the assessment of the implementation of Action Plan regarding the solution of corruption cases in Courts. The report prepared and presented by the Committee<sup>16</sup> to KJC, is a generalized and formal report, by not highlighting the problems, challenges or other issues faced by judges while handling corruption cases.

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

KPC and KJC continue being the primary institutions that lead to policies and decision in combating corruption with absolute priority.<sup>17</sup> The failure of practical implementation of the obligations set by the Action Plan and the lack of efficiency of accountability mechanisms has resulted in a continuous increased trend of unsolved corruption cases. The aforementioned assessments KLI relies in the daily monitoring of the activities of State Prosecutor Office, KPC, and Courts and KJC regarding the implementation of the Action Plan on prioritizing the cases of the corruption domain.<sup>18</sup>

KLI considers that the promotion of these policies and their failure to be implemented in reality has turned the occurrence of fighting corruption into a daily rhetoric.<sup>19</sup> Low profile persons continue to remain the object of investigation and indictments of corruption cases, eventually some of a medium-profile are involved as well. Rare are the cases where high profile figures are indicted on corruption, especially cases related to politicians or powerful businessmen.

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<sup>16</sup>Source: KJC's Committee on monitoring of the implementation of Action Plan regarding the solution of corruption cases. Kosovo Judicial Council. April 2016.

<sup>17</sup> KPC adopted "The Action Plan on Increasing Efficiency of the Prosecutorial System in Combating Corruption" in November 4, 2013. Also, KPC in December 1, 2015 adopted the Strategic Plan (2016-2018) and "The Action Plan to Increase the Efficiency of the Prosecutorial System in Combating Corruption and Economic Plans, including Sequestration and Confiscation of Illegal Assets." KJC adopted "The Action Plan on Resolving Corruption Cases" September 25, 2015.

<sup>18</sup> Note: KLI monitors the activities of the Prosecution Offices, KPC, Courts and KJC in handling corruption cases from the year 2013 and so far has published 8 reports referring to the fight against corruption. Kosovo Law Institute.  
<http://www.psh-ks.net/repository/docs/Nr.1285.2013>

<sup>19</sup>"The fight against corruption has turned into a farce followed by a loud noise tolling everywhere, but in my opinion this enables the real suspects to save themselves by camouflaging and it condemns those that have maybe committed irrelevant offences." Aleksandër Lumezi, Chief State Prosecutor, October 8, 2015.

KLI just like in the previous reports, shares the view that the majority of corruption cases that are proceeded in courts don't depict the real phenomenon of corruption occurring in various segments of life in Kosovo, especially in the public institutions. Up until now Prosecution Offices have lacked will to pursue real corruption, despite the fact that they have been challenged with a tremendous number of case submissions. Still, powerful figures were let off the hook.

KLI considers that many factors impede the real combat against corruption. The first one is related with political influence<sup>20</sup> and the lack of independence in the justice system that hasn't been supported financially by the two remaining branches of power. These factors have contributed to a fragile functioning of the justice system by producing an implementation of a selective justice by the prosecutors and judges, the lack of an efficient system of accountability, lack of professionalism and courage to be confronted with the profile of persons involved in corruption.

It is not like the procedural acts of investigation and accusing people of different profiles for criminal offences of a corruptive nature have lacked from time to time. But, what has been lacking continuously is a final result. The accused correspond mainly with the low profile, eventually medium, but cases of high profile figures rarely formalize into indictments. Even in those cases when these people are indicted, the indictment is dismissed by the court or these people don't get convicted, or they are granted a suspended sentence even if it has been concluded that the damages amount to significant figures.<sup>21</sup> This has contributed in the loss of faith from the citizens in the judiciary system. According to the Public Pulse of UNDP, it is concluded that the satisfaction of citizens with the work conducted by the judicial<sup>22</sup> and prosecutorial system<sup>23</sup> during the period March-September 2015 has reached the biggest decrease of all time, by not reaching even 15.0 %.

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<sup>20</sup> The Progress Report of the European Commission for the year 2015 for Kosovo. Page. 12. (See link [http://ec.europa.eu/enlargement/pdf/key\\_documents/2015/20151110\\_report\\_kosovo.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2015/20151110_report_kosovo.pdf)) (Last accessed on March 15, 2016)

<sup>21</sup> Salih Nj. "Nuhi Uka: *The Trial that stimulates Corruption*". Newspaper JNK. Published in September 29, 2014. <http://gazetajnk.com/?cid=1,979,9145>

<sup>22</sup>Note: The judicial system from the year 2007 when UNDP conducted surveys regarding the satisfaction of citizens regarding the system, the results have been of a lower percentage. The highest percentage as noted in year 2013 (16.7%). In the following years the level of satisfaction has fluctuated, but in year 2015 has marked the biggest decline with 13.9%. "Public Pulse 9" (Pristina: UNDP Kosovo, October 2015). Page 2.

<sup>23</sup>Note: The prosecutorial system from the year 2007 when UNDP conducted surveys regarding the satisfaction of citizens regarding the system, the results have been of a lower percentage. The highest percentage as noted in year 2012 (15.0%). In the following years the level of satisfaction has fluctuated, but in year 2015 has marked the biggest decline with 12.8%. "Public Pulse 9" (Pristina: UNDP Kosovo, October 2015). Page 2.

### a) Cases of corruption in the prosecutorial system (01.10.2015 –31.12.2015)

The Basic Prosecutor Office in the last quarter of the year 2015 (October, November, December) has managed to finalize a smaller number of unsolved corruption cases and people involved in those cases than in the third quarter of the year 2015. Table 1 depicts that at the end of September 2015, BP had 636 unsolved cases with 1753 persons involved. This number in the end of the year 2015 had decreased to 538 cases with 1640 persons involved. The BP office that has accomplished better results in solving corruption cases throughout this period is the BP in Pristina<sup>24</sup> and during the three months period had solved 90 cases with 178 persons involved. For the first time since the Action Plan in November 4, 2013 was enforced, almost every BP office and SPRK during the last quarter of 2015 have managed to solve the highest number of corruption cases and persons involved, in comparison with the number of cases submitted in the same period. Prosecution offices during this period had received 97 new cases with 230 persons involved. During the same period they had resolved almost double the number received, namely 188 cases with 374 persons involved.

This reporting period (*October, November, December 2015*) is also characterized by the manner the prosecution solved the cases. Out of 374 persons involved, for 112 persons the criminal report was dismissed, for 136 persons the investigation was dismissed, 113 persons were indicted while for 3 persons the cases were solved otherwise. The percentage shows that the prosecutors solved the cases of corruption against 66.31% by dismissing the cases, whilst 33.69% were indicted. See table 1.

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<sup>24</sup> The Chief Prosecutor of BP in Pristina, Mr. Imer Beka in August 2015 has expressed his willingness to cooperate with KLI in drafting the Action Plan, bearing in mind the monitoring experience and continuous recommendation given to this office in order to increase the efficiency and effectiveness in handling corruption cases. Chief Prosecutor's will for cooperation has resulted with the drafting of a valuable document that has brought specific results in handling old cases of corruption that burden the work of BP in Pristina. KLI interview with Chief Prosecutor of BP in Pristina, Mr. Imer Beka. January 2016.

CORRUPTION CASES IN THE PROSECUTORIAL SYSTEM IN THE REPORTING PERIOD (01.10.2015 - 31.12.2015)												
State Prosecutor												
State Prosecutor	Solved in the beginning (01.10.2015)		Received (01.10.2015 until 31.12.2015)		Received (01.10.2015 until 31.12.2015)		Solving Manner				Unsolved in the end (31.12.2015)	
	Cases	Persons	Cases	Persons	Cases	Persons	Dismissal	Termination	Indictment	Others	Cases	Persons
							Persons	Persons	Persons	Persons		
<b>SPRK</b>	49	253	2	6	9	35	12	4	19		43	263
<b>Pristina</b>	391	1094	34	92	90	178	55	80	43		336	1,018
<b>Prizren</b>	24	63	16	39	19	39	7	12	17	3	23	64
<b>Peja</b>	40	77	12	25	16	33	11	18	4		22	45
<b>Gjilan</b>	16	25	11	19	20	29	4	6	19		10	17
<b>Mitrovica</b>	69	148	11	24	10	13	5		8		71	163
<b>Ferizaj</b>	24	52	5	15	9	24	8	10	6		19	40
<b>Gjakova</b>	23	41	6	10	15	23	10	6	7		14	30
<b>Total:</b>	636	1753	97	230	188	374	112	136	123	3	538	1,640

Table 1- Corruption cases in the prosecutorial system for the reporting period (October, November, December 2015)

The highest number of unsolved cases remains to be in BP in Pristina. This Office has 336 unsolved cases with a total of 1018 persons involved from a total of 548 cases with 1640 persons involved in every Prosecution Office in Kosovo.

### b) Corruption cases in the prosecutorial system (04.11.2013 - 31.12.2015)

Even though the purpose of the Action Plan<sup>25</sup> was prioritizing the treatment of corruption cases by every Prosecution Office, statistical data prove that not every office has seriously undertaken the obligation deriving from the Action Plan. Whilst, with the entering into force of the Action Plan in November 4, 2013 the Prosecution Offices were dealing with 516 cases of corruption with 1682 persons involved, in December 31, 2015 the offices was dealing with 538 cases with 1640 persons involved. This proves that the prosecution offices were loaded with more corruption cases in December 2015 (538 cases) than November 2013 (516 cases). Regarding the number of persons involved, this number is lower at the end of 2015 (1640) in comparison with those in November 2013 (1682), namely 42 persons less. Furthermore, take a look at the table below that depicts the general situation of corruption cases in the prosecutorial system, from the entering into force of the Action Plan in November 2013 until December 31, 2015.

CORRUPTION CASES IN THE PROSECUTORIAL SYSTEM IN THE REPORTING PERIOD (04.11.2013 - 31.12.2015)												
State Prosecutor	State Prosecutor											
	Solved in the beginning (04.11.2014)		Received (04.11.2013 until 31.12.2015)		Solved		Solving Manner				Unsolved in the end (31.12.2015)	
	Cases	Persons	Cases	Persons	Cases	Persons	Dismissal	Termination	Indictment	Other	Cases	Persons
						Persons	Persons	Persons	Persons			
<b>SPRK</b>	35	232	46	180	48	258	47	105	106		43	263
<b>Pristina</b>	224	777	370	720	293	588	150	174	264		336	1,018
<b>Prizren</b>	70	175	110	231	132	333	79	102	149	3	23	64
<b>Peja</b>	37	86	106	181	108	209	45	105	59		22	45
<b>Gjilan</b>	23	81	77	135	102	215	63	49	103		10	17
<b>Mitrovica</b>	64	141	84	167	77	163	54	11	98		71	163
<b>Ferizaj</b>	37	126	71	134	92	217	42	36	139		19	40
<b>Gjakova</b>	26	64	51	108	82	148	38	30	80		14	30
<b>Total:</b>	516	1682	915	1856	954	2131	518	612	998	3	538	1,640

<sup>25</sup> Action Plan on the Increase of Efficiency of the Prosecutorial System in Combating Corruption, Adopted by the KPC in November 4, 2013,(See link [http://www.psh-ks.net/repository/docs/Nr.1285.2013-Plani\\_i\\_Veprimit\\_per\\_Rritjen\\_e\\_Efikasitetit\\_te\\_Sistemit\\_Prokurorial.pdf](http://www.psh-ks.net/repository/docs/Nr.1285.2013-Plani_i_Veprimit_per_Rritjen_e_Efikasitetit_te_Sistemit_Prokurorial.pdf)) (Last accessed on March 10, 2016)

**Table 2 - Corruption cases in the prosecutorial system during the period November 4, 2013 until December 31, 2015.**

Concerning the number of new cases received from the time the Action Plan in November 4, 2013 was enforced until the end of year 2015, in comparison with the number of solved cases throughout the same period, Prosecutor Offices have solved more cases than those received in process. During this time period 915 new cases with 1856 persons involved were received, whilst 954 cases with 2131 persons involved were solved. Out of 2131 persons involved in corruption cases, against 612 persons the prosecutors have terminated the investigation, against 518 persons the criminal report was dismissed and 988 persons were indicted, whilst against 3 persons cases were solved otherwise. According to this data, it is noted that in 46.50% of cases against persons involved in corruption, the prosecutors have filed indictments, while in 53.50 % of cases prosecutors have terminated or dismissed corruption cases against the persons involved.

The termination or dismissal of this ample number of corruption cases is a concerning phenomenon in Kosovo. From November 2013 until December 2015, 1140 citizens of Kosovo have been involved in preliminary investigation or criminal investigation under the suspicion that they have committed crimes of corruption, but in the end their cases were dismissed or terminated by the prosecution office. The phenomenon of initiating large numbers of corruption cases against the citizens or official, their prolongation for years and the dismissal of these cases, proves the fragility of the justice system in Kosovo and enables the opportunity of abusing the official authority by persons vested with the power of prosecution. On one hand, the easy initiation of corruption cases with no evidentiary support or without the possession of arguments or reasonable doubt that a criminal offence was committed and on the other hand their effortless dismissal or termination by the prosecutor, implants the suspicion regarding the independence, impartiality and professionalism of agencies that implement the law and the State Prosecutor Institution itself.

The seriousness of this phenomenon is depicted by the performance of corruption cases treatment by the SPRK. This office from November 2013 until the end of 2015 out of a total number of 258 persons suspected of corruption, against 152 persons has terminated the investigation or dismissed the criminal report and against 106 persons has filed an indictment. Having in mind that SPRK deals with complex cases of corruption and mainly high-profile cases, the majority of persons whose cases have been terminated confirms KLI's concerns that the prosecutorial system applies a selective justice against citizens. This proves that this system hasn't demonstrated the will to handle corruption cases with priority and that prosecutors abuse their legal power against some person due to some specific groups of interest, by prosecuting them without a reasonable doubt and some cases after a while are terminated in the absence of evidence.

Apart from solving the corruption cases, Prosecution Offices haven't applied numerous obligation of the Action Plan upon which KLI has continuously reported.<sup>26</sup> Same failures were raised upon discussion twice in KPC's meeting and were confirmed by KPC's members.<sup>27</sup> The members were auto critical; accepting the fact that Chief Prosecutors and KPC itself has failed in implementing the Action Plan and in disciplining the prosecutors whose failure in handling the cases of corruption was evidenced by KLI's findings. These findings were helpful for the Office of Disciplinary Council to initiate investigations against prosecutors.<sup>28</sup>

### c) The profile of pursued perpetrators of corruption cases

KLI has monitored the promulgation of information in the official website of State Prosecutor for this reporting period (October, November, December 2015), regarding the indictments that were filed for corruption cases. According to the published information by the State Prosecutor, it is concluded that during this quarterly period 46 persons were indicted for corruption crimes. The profile of the persons indicted includes: Prosecutors, City Mayors, Agency Directors, Executive Directors, Department Directors, Director and Senior Board Manager, Correctional Officer, Municipal Inspectors, Municipal Officer, Head of Procurement, other officials, Legal Executives, Businessmen etc. The Prosecution Offices that came out as the most efficient in filing the aforementioned indictments are SPRK, BP in Pristina and Prizren.

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<sup>26</sup> View the publications of KLI regarding the monitoring and assessment of the Action Plan (See link <http://kli-ks.org/publikime/> ) (Last accessed on March 12, 2016)

<sup>27</sup> KPC member during the year 2015 after the appointment of the nje Chief State Prosecutor, Mr. Aleksander Lumnezi, have discussed in two different meetings the way corruption cases are being handled, namely the implementation of the action plan. The members were auto critical, accepting the fact that Chief Prosecutors and KPC itself has failed in implementing the Action Plan and in disciplining the prosecutors whose failure in handling the cases of corruption was evidenced by KLI's findings. The discussions took place in the meeting held on 26.06.2015 and 08.10.2015. (See links <https://www.youtube.com/watch?v=JgngHpVQW38> and <https://www.youtube.com/watch?v=kNL1bTf1bJ4> ) (Last accessed on March 12, 2016)

<sup>28</sup> Chief Prosecutor of BP in Gjilan, also member of the Kosovo Judicial Council Mr. Jetish Maloku in the meeting held in October 8, 2015 declared that Chief Prosecutors, the National Coordinator against Corruption and KPC have failed in holding accountable the prosecutors who were unsuccessful with handling corruption cases. Mr. Maloku said that *the failure of KPC's mechanisms to hold accountable the prosecutor was pointed out by KLI that according to him took initiative to offer finding of prosecutorial violation in the ODC. Mr. Maloku's quote: "While KLI recommends and sends reports to the ODC for the initiation of disciplinary procedures against certain prosecutors whose cases have reached the statutory of limitation, neither the Coordinator nor Chief Prosecutor haven't been able to report our prosecutors. The question rises why are we waiting for external remarks on accountability.. while we internally haven't been able to hold responsible any of these prosecutors who let the cases reach the statutory of limitation. Where is our responsibility? Why aren't we able to set forth these cases? Why can't we initiate disciplinary procedures against prosecutors?". "... A corruption case that should have been handled by a prosecutor has reached the statutory of limitation; we should initiate this issue on why this has occurred. Sometimes, as luck has it an NGO (KLI) goes forwards and reports the case which today is in process (in ODC). We haven't received reports on many prosecutors who are equally liable."* KPC's meeting held in October 8, 2015. (See link [www.youtube.com/watch?v=kNL1bTf1bJ4](http://www.youtube.com/watch?v=kNL1bTf1bJ4) ) (Last accessed on March 12, 2016)

Date	The profile of the accused	The value of the caused damage	Request on sequestration/ confiscation	Number of persons	Prosecutor Office
01.10.2015	Correctional Officer	No information available	No information available	1	BP in Prizren
07.10.2015	Agency Director	No information available	No information available	4	BP Pristina
	Executive Director				
	Two ex officials of MTI				
15.10.2015	Department Director	No information available	No information available	1	SPRK
23.10.2015	Citizens	No information available	No information available	4	SPRK
17.11.2015	Prosecutor	No information available No information available	No information available	3	SPRK
	2 citizens		No information available		
20.11.2015	Businessmen	4.000.000 Euro	No information available	8	SPRK
14.12.2015	Mayor	No information available	No information available	1	SPRK
18.12.2015	Education Officer	No information available	No information available	1	BP in Prizren
21.12.2015	Municipal Inspectors	No information available	No information available	1	BP in Prizren
21.12.2015	Officials	No information available	No information available	6	BP in Prizren
23.12.2015	Vice President of the Board of Directors	5.200.000 Euro	No information available	8	SPRK
	Board Director				
	6 high officials of management				
28.12.2015	Head of Procurement	No information available	No information available	1	BP in Pristina
29.12.2015	Five officials	30.000 Euro	No information available	5	PSRK
29.12.2015	Private legal executives	No information available	No information available	1	BP in Prizren

Table 3 - Monitoring table from SP website (1 October -31 December 2015).

KLI in the first nine months of 2015 through the monitoring of SP's website related to the promulgation of corruption cases, has found that same practices and standards do not apply for all the accused. During this time period, SP in certain cases published detailed information including the name, surname and position of the person suspected for corruption. In some specific cases the office referred only to the position of the suspected, whilst in other cases where high-level profiles were involved there was no information regarding the suspect or his/hers position. KLI has noticed that SP during the publishing of information has granted a selective justice by applying double standards for indicted persons.<sup>29</sup>

In the last quarterly of 2015, SP has seriously taken under consideration KLI's remarks by applying unified practices and standards in every case of published information related to indictment filing for corruption cases. In each and every one of the cases, SP complying with the Law on Protection of Personal Data has published only the initials of indicted persons for corruption crimes.

Based on the data published by the SP, the damage caused as a result of corruption crimes amounts to 4.300.00 Euros. In such cases the prosecutors haven't submitted a request on the sequestration or confiscation of illegal assets acquired by committing a criminal offence of corruption. The lack of results in the rightful implementation of the applicable law regarding the confiscation or sequestration of illegal assets brings into question the willingness of the prosecutorial system and mechanisms established by the KPC for the implementation of their legal competences and responsibilities. Yet, there is lack of coordination and cooperation between the SP and agencies and institutions that implement the law in Kosovo in terms of investigating and detecting the illegal assets acquired by the criminal offences of corruption, which practically is lacking positive results in this field.

SPRK as a specialized prosecutor office in combating high level of corruption has continued with the same trend during this quarterly. The office was challenged by the deficit of the number of prosecutors as well.<sup>30</sup>

A peculiarity of the SPRK is the fact that even though with internal regulations its prosecutors are specialized and divided into specific fields such as organized crime, corruption, war crimes, money laundering and terrorism financing, in practice its prosecutors deal with various cases of almost every aforementioned field. The lack of adequate planning from the KPC and SPRK affect the efficiency of this office, resulting into non-delivering the required results in fighting corruption.

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<sup>29</sup> Miftaraj E. dhe Musliu B. "Fighting Corruption in Kosovo, Priority on Paper". Kosovo Law Institute. December 2015. Page 26, (See link <http://kli-ks.org/wp-content/uploads/2015/12/1.-FINAL-Lufta-kunder-korrupsionit-ne-Kosove-prioritet-ne-leter-08.12.2015-Repaired1.pdf>) (Last accessed on March 12, 2016)

<sup>30</sup> In the SPRK during the reporting period 10 out of 18 positions for prosecutors were filled in. Out of 10 prosecutors, 7 were dealing with corruption cases.

SPRK in the last quarterly of the year 2015 has solved 48 cases with 258 persons involved. In cases handled by the SPRK against 258 persons, against 152 the investigation was terminated or the criminal report was dismissed, while 106 persons were indicted. Out of 106 accused persons, KLI based on the information provided by the website of the State Prosecutor office has identified the seriousness of some corruption cases such as the indictment filed against a prosecutor, mayor, vice-president of the board of directors and a board director. Nonetheless, the others persons indicted by the SPRK belong to the category of low and medium profile of corruption. This means that also during this quarterly SPRK has failed to conduct a real fight against corruption, namely against the high level of corruption.

#### **d) The performance of criminal reports of corruption submitted by applicants (01.10.2015 - 31.12.2015)**

Through the following table, KLI reflects the trend of number of persons presented through criminal reports initiated by institutions and agencies that enforce the law in Kosovo, citizens, injured party, self-initiative case initiated by the prosecutors etc., the manner of solving such cases and the number of persons against whom cases of corruption have not be solved. The table depicts the efficiency of SP in treating the criminal reports submitted in progress during the reporting period (*October, November, December 2015*).

Applicants of criminal reports	Unsolved in the beginning (01.10.2015)	Received (01.10.2015 until 31.12.2015)	Resolved(01.10.2015 until 31.12.2015)	Manner of solving				Unsolved in the end (31.12.2015)
				Dismissal	Termination	Indictment	Other	
	Persons	Persons	Persons	Persons	Persons	Persons	Persons	Persons
<b>Anti-Corruption Agency</b>	391	10	122	25	69	28		273
<b>Tax Administration of Kosovo</b>	2							2
<b>Kosovo Customs</b>	20	9	4		4			25
<b>EULEX</b>	25	1						26
<b>Kosovo Police Inspectorate</b>	61	4	13	1	8	4		56
<b>Kosovo Police</b>	668	104	129	18	39	70	2	634
<b>Citizens</b>	158	38	44	31	4	9		184
<b>Injured Party</b>	225	37	41	20	10	11		219
<b>The Municipality Adm. Body</b>	3	1	1	1				3
<b>Holder of Property</b>	46	1	8	6	1		1	38
<b>Forestry Authority of Kosovo</b>	2	1						3
<b>Prosecutor with Self-initiative</b>	56	2	1	1				57
<b>Unidentified</b>	1							1
<b>Received into competence</b>	95	22	11	9	1	1		119
<b>Total:</b>	1,753	230	374	112	136	123	3	1,640

**Table 4 - Trends of corruption cases according to applicants from 01.10.2015 until 31.12.2015**

From October 1, 2015 until December 31, 2015 the SP has admitted cases against a total of 230 persons suspected for committing corruption crimes. During this period SP has solved cases against 374 persons involved, which is depicted as a positive trend in handling corruption cases compared with the previous quarterly.<sup>31</sup> During this time period 144 more cases were solved than the ones that were submitted. Out of a total of 374 persons, SP has dismissed the criminal reports against 112 persons, has terminated the

<sup>31</sup> Miftaraj E. and Musliu B. "Fighting corruption in Kosovo, priority on paper". Page 16. Kosovo Law Institute. December 2015.

investigation against 136 persons, has indicted 123 persons and against 3 of them the case was solved otherwise. This reporting period is characterized with a high trend of criminal report dismissal or termination of investigation against the perpetrators of criminal offences of corruption in comparison with the indictments that were filed. This constitutes a matter of concern and puts into question the professionalism and quality of criminal reports submitted by the applicants or the lack of professionalism of prosecutors in the process of handling corruption cases. This phenomenon is displayed by the mere fact that out of a total of 374 persons suspected for corruption, only 123 persons were indicted, whilst against 248 persons the case was dismissed or terminated. The tremendous number of dismissed cases by the SP and the fact that this high trend phenomenon remains untreated, depict the system of Justice in Kosovo as useless and unprofessional.

A concerning matter remains the fact that the prosecutorial system is lacking will in assessing and analyzing the actual condition and putting a stop to this ill-practice, where a great number of citizens and state officials are being prone to a yearly investigation under the suspicion that they have committed criminal offences of corruption, a process that ends with the dismissal of criminal reports and termination of the investigation.

According to the aforementioned table, it is concluded that the most frequent applicant of criminal reports in the SP remains the Kosovo Police with the submission of criminal reports against 104 persons, whilst the citizens have submitted criminal reports against 38 persons, the injured parties against 27 persons, ACA against 10 persons, Customs against 9 persons, KPI against 4 persons and the Prosecutors with self-initiative against 2 persons.

The solving manner of corruption cases by the SP related to the applicants of the criminal reports can be used as a quantitative indicator regarding the quality and professionalism of the agencies or subjects who are entitled of submitted criminal reports. During the last quarterly of the year 2015, SP has managed to solve cases against 122 persons, against whom the criminal reports were set forth by the ACA. Out of 122 persons, against 25 the criminal report was dismissed, against 69 persons the investigation was terminated while 28 persons were indicted. Another situation is displayed when we talk about criminal reports set forth by the KP, where out of 129 persons involved in solved cases by the SP, 70 persons were indicted, against 18 persons the criminal report was dismissed and against 39 persons the investigation was terminated.

### e) The performance of criminal reports for corruption set for by the applicants (04.11.2013 - 31.12.2015)

KLI through the below table depicts the manner of solving and trends for corruption cases by the SP, submitted by the applicants of criminal reports for corruption during the time period November 4, 2013 until December 31, 2015. While in November 4, 2013 the State Prosecutor office was dealing with cases against 1682 persons suspected for corruption, from this period until December 31, 2015 the SP has received new cases against 1856 persons summing up a total of 3538<sup>32</sup> persons suspected for committing criminal offences of corruption.

SP from November 4, 2013 until December 31, 2015 has managed to solve cases against 2131<sup>33</sup> persons suspected for committing corruption crimes, namely SP during this time period has managed to solve cases against 275 persons more than the number of persons against whom criminal reports were submitted. In cases where 2131 persons were involved against whom the SP has reached a decision, against 518 persons the criminal report was dismissed, against 612 persons the investigation was termination, 998 persons were indicted, while against 3 person the case was concluded otherwise. This prosecutorial performance has resulted without specific results in the fight against corruption and was continuously criticized by the leaders of ACA<sup>34</sup>, who is enlisted as the second most influential applicant of submitting criminal reports on corruption.

SP in November 4, 2013 had in progress cases with a total of 1682 persons involved, while in December 31, 2015 have remain cases against 1640 persons.<sup>35</sup> During the time period November 4, 2013 until December 31, 2015 KP has submitted criminal reports against 854 persons, ACA against 276 persons, KPI against 72 persons, Customs against 17 persons, the prosecutors with self-initiative submitted cases against 21 persons, citizens against 186 persons, while the injured parties has submitted criminal reports against 276 person.

SP from November 4, 2013 until December 31, 2015 has managed to solve cases against 339 persons set forth by the ACA. Out of this total, against 67 persons the report was dismissed, against 139 persons the investigation was terminated and 133 persons were indicted. During this time period SP has solved cases against 1157 suspected persons for corruption set forth by the KP, where

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<sup>32</sup> This number includes the number of each registered person in the Tracking Mechanism on the Harmonization of Statistical Reports of the Kosovo Prosecutorial Council.

<sup>33</sup> Source: Tracking Mechanism on the Harmonization of Statistical Reports. Kosovo Prosecutorial Council.

<sup>34</sup> "Hasan's Indictments"; Gazetaexpress.com ( <http://www.gazetaexpress.com/arkiva/akuzat-e-hasanit-65321>). (Last access on February 24, 2016). KLI interview with Mr. Hasan Preteni, Director of the Anti-Corruption Agency. April 2016.

<sup>35</sup> Source: Tracking Mechanism on the Harmonization of Statistical Reports. Kosovo Prosecutorial Council.

against 159 persons the criminal report was dismissed, against 306 persons the investigation was terminated, 690 persons were indicted and against 2 persons the case was concluded otherwise. Regarding the cases set forth by the Customs, from a total of 5 persons involved, against 4 of them the investigation was terminated and only 1 person was indicted. Regarding the cases set forth by the KPI, SP has dismissed the criminal report against 6 persons, has terminated the investigation against 20 persons and indicted 34 persons in total. While, in the cases against 7 persons suspected of corruption set forth by the prosecutors on the basis of self-initiative, SP has dismissed the criminal report against 5 of them, while terminating the investigation against 2 persons. For more detailed information note the table below.

Applicants of criminal reports	Unsolved in the beginning (04.11.2014)	Received (04.11.2013 until 31.12.2015)	Solved	Manner of solving				Unsolved in the end (31.12.2015)
				Dismissal	Termination	Indictment	Other	
				Persons	Persons	Persons	Persons	
<b>Anti-Corruption Agency</b>	463	276	339	67	139	133		273
<b>Kosovo Property Agency</b>		5	15	5		10		
<b>Tax Administration of Kosovo</b>	2							2
<b>Kosovo Customs</b>	13	17	5		4	1		25
<b>EULEX</b>	39	4	13	1	1	11		26
<b>Kosovo Police Inspectorate</b>	30	72	60	6	20	34		56
<b>Kosovo Police</b>	855	854	1,157	159	306	690	2	634
<b>Citizens</b>	139	186	170	77	68	25		184
<b>The Injured Party</b>	134	276	247	155	47	45		219
<b>The Municipality Adm. Body</b>	9	5	10	3	3	4		3
<b>Holder of Property</b>	56	16	36	20	5	10	1	38
<b>Forestry Authority of Kosovo</b>	14	1	12		11	1		3
<b>Prosecutor with Self-initiative</b>	46	21	7	5	2			57
<b>Financial Intelligence Unit</b>	2		2		2			
<b>Unidentified</b>	2	7	12	9		3		1
<b>Received into competence</b>		116	46	11	4	31		119
<b>Total:</b>	1,682	1,856	2,131	518	612	998	3	1,640

Table 5 - Trends of corruption cases according to applicants from 04.11.2013 until 31.12.2015.

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

At the time when the Action Plan ( November 4, 2013) entered into force, SP had in process 516 old unresolved cases of corruption against 1632 persons involved. From the time when this plan entered into force until December 31, 2015, Prosecutor offices have solved old cases against 1117 persons, cases that were registered in the SP office until November 4, 2013. Out of the total of 1117 persons, against 258 persons the criminal report was dismissed (*or 23.09%*), against 369 the investigation was terminated (*or 33.03%*), 35 persons were indicted with punitive orders (*or 3.13%*), 44 persons were indicted directly (*or 3.93%*) and 411 persons were indicted after the investigation was conducted (*or 36.79%*).

Regarding the fulfillment of obligations deriving from the Action Plan, namely the resolution of corruption cases registered until November 4, 2013 up until now BP in Peja, Gjilan and Ferizaj have finalized old cases by completing the norm 100%. BP in Prizren has resolved 91.42% of the cases, BP in Gjakova 90.62% of cases and BP in Mitrovica 84.39% of cases. A weaker performance in corruption case resolution has been conducted by SPRK with only 60.34% of solved cases and BP in Pristina with 40.53% of solved cases.

Regarding the solving manner of corruption cases, SPRK has dismissed criminal reports or terminated the investigation against 99 suspects (*64.28%*), while indicting 41 persons (*35.72%*). BP in Pristina has indicted 121 persons in total (*33.13%*) and has terminated the investigation or dismissed the criminal report against 217 persons (*66.87%*). BP in Peja has indicted 22 persons (*23.91%*), has dismissed the criminal report against 6 persons and terminated the investigation against 65 persons (*76.09%*).

BP in Gjilan has lead an unsatisfying performance of filing indictments in comparison with the dismissal/termination of cases for persons involved in corruption cases. This prosecution office has indicted 36 persons (*45%*), while termination the investigation or dismissing the criminal report for 45 persons (*55%*). A similar performance is portrayed by BP in Prizren. This Prosecution offices has indicted 71 persons (*44.37%*), while terminating the investigation against 50 persons and dismissing the criminal reports against 39 persons (*total 55.63%*).

THE RESOLUTION AND MANNER OF SOLVING OF CASES REGISTERED ACCORDING TO THE ACTION PLAN IN 04.11.2013													
The resolution of old cases from 04.11.2013 until 30.09.2015	The total of persons involved in unsolved cases in November 4, 2013	The total of persons involved in solved cases from 04.11.2013 - 30.09..2015	The fulfillment of the Action Plan	Dismissal		Termination		Punitive order		Direct Indictment		Indictment after the conduction of investigation	
				Persons	Percentage	Persons	Percentage	Persons	Percentage	Persons	Percentage	Persons	Percentage
SPRK	232	140	60.34%	12	8.58%	87	62.14%					41	29.28%
Pristina	777	338	43.5%	115	34.02%	102	30.17%			9	2.6%	112	33.13%
Prizren	175	160	91.42%	39	24.37%	50	31.25%			3	1.8%	68	42.5%
Peja	86	93	100%	6	6.4%	65	69.89%					22	23.65%
Gjilan	81	81	100%	18	22.22%	27	33.33%			20	24.69%	16	19.75%
Mitrovica	141	119	84.39%	48	40.33%	7	5.88%			10	8.40%	54	45.37%
Ferizaj	126	128	100%	10	7.81%	23	17.96%	35	27%	2	0.71%	55	42.96%
Gjakova	64	58	90.62%	7	12.06%	8	13.79%					43	74.13%
<b>Total</b>	<b>1,632</b>	<b>1,117</b>	<b>68.44%</b>	<b>258</b>	<b>23.09%</b>	<b>369</b>	<b>33.03%</b>	<b>35</b>	<b>3.13%</b>	<b>44</b>	<b>3.93%</b>	<b>411</b>	<b>36.79%</b>

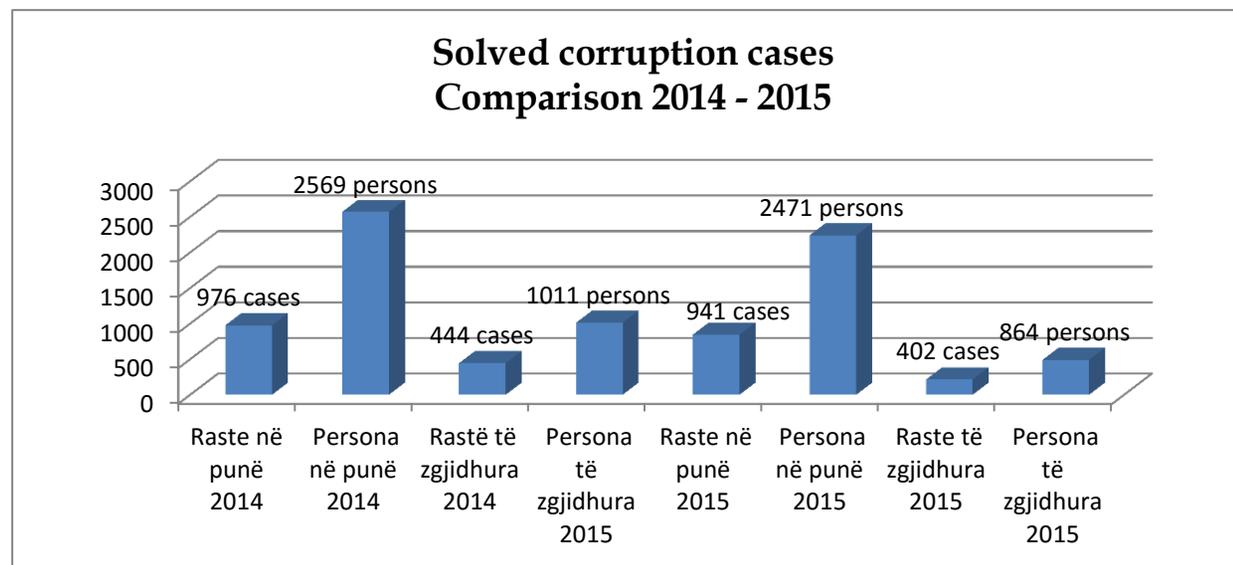
Table 6 - The resolution and manner of solving of cases registered according to the Action Plan in 04.11.2013

Table above proves that despite the shown will of prosecutorial system for corruption cases to be treated with priority through policies and strategies, their implementation in practice is lacking. As it's the lack of KPC will to exercise its mandate and competences, to require accountability and responsibility from prosecutors of these prosecution offices in handling these cases with

priority. KLI assesses as a serious concern the large number of old and unsolved corruption cases in SPRK and BP in Pristina. All corruption cases registered under the Action Plan are completed cases dating before November 4, 2013, and still remain the same in the drawers of prosecution offices.

### a) Comparison of solved corruption cases between 2014 and 2015

SP during 2014 has had in work 976 cases with 2569 persons involved in corruption cases. Of this number, SP during this year has solved 444 cases with 1011. According to the solving manner of criminal reports for these 1011 persons, in 2014 prosecutors have undertaken these actions: for 248 persons (or 24.53%) have dismissed the criminal report, for 297 persons (or 29.38%), have terminated the investigations and for 471 persons (or 53.92%) have filed indictments.<sup>36</sup>



**Chart 1 - Comparison of solved corruption cases for 2014 and 2015.**

Meanwhile during 2015, SP has had in work 941 cases with 2471 persons involved in corruption cases. Of this number SP has solved 402 cases with 864 persons (Chart1). From 864 persons against whom cases are solved, SP has undertaken these actions: for 213

<sup>36</sup> Tracking Mechanism on Harmonization of Statistical Reports for 2014. Kosovo Prosecutorial Council. (See link [http://www.psh-ks.net/repository/docs/RAPORTI\\_2014\\_MEKANIZMI\\_PERCJELLES.PDF](http://www.psh-ks.net/repository/docs/RAPORTI_2014_MEKANIZMI_PERCJELLES.PDF)). (Last accessed on March 10, 2016).

persons (or 24.65%) have dismissed the criminal report; for 217 persons (or 25.11%) have terminated the investigations and for 427 persons (or 49.42%) have filed indictments.

SP during 2015, based on data mentioned above by Tracking Mechanism on harmonization of statistical report and information provided by Basic Prosecution Offices and SPRK, it is noted that there is a lower efficiency compared with 2014. Meanwhile SP during 2014, had solved 444 cases, in 2015, had solved only 402 cases or in percentage 90.54% of 2014 rate. And regarding to solving cases with persons, SP during 2014, had solved cases against 1011 persons, while in the first nine months of 2015, only cases against 864 persons, or in percentage 85.45% of 2014 rate.

## **VI. UNSOLVED CORRUPTION CASES IN PROSECUTORIAL COUNCIL IN DECEMBER 2015**

Prosecutorial system continues to have in process unsolved corruption cases dating from 2004. SPRK and BP Offices have in process a total of 538 unsolved corruption cases with 1640 persons involved. At the end of this reporting period (December 31, 2015), out of this number, BP Office in Pristina continues to lead with the largest number of unsolved cases, by a total of 336 cases with 1,018 persons. SPRK has in process a total of 43 cases with 263 persons, BP Office in Mitrovica with a total of 71 cases with 163 persons, BP Office in Ferizaj with a total of 19 cases with 40 persons, BP Office in Prizren with a total of 23 unsolved cases with 64 persons, BP Office in Peja with a total of 22 cases with 45 persons, BP Office in Gjakova with a total of 14 cases with 30 persons and BP Office in Gjilan with 10 unsolved cases with 17 persons involved.

KLI considers that the large number of unsolved cases from the prosecution system remains to be a concern due to the fact that almost after 12 years from the committed corruption offenses, Prosecution Offices have not yet managed to handle these cases. The large number of old cases at BP Offices and SPRK, shows that Kosovo prosecutorial system, has not proved yet it's willing to treat corruption with priority. Omission of prosecution offices and KPC, in solving these cases directly affects to the violation of fundamental rights of defendants who are subjects of corruption criminal proceedings, violation of legal and constitutional deadlines for a fair trial in a reasonable term. This omission puts in question the independence, impartiality and effectiveness of the prosecutorial system in treating all citizens equally under the law. Further, see in the table below on the state of unsolved corruption cases, at each prosecution office, at the end of the reporting period (December 31, 2015).

Unsolved cases with persons according Prosecution Offices, over years (December 31 2015)	2004		2006		2007		2008		2009		2010		2011		2012		2013		2014		2015		Total		
	Cases	Persons																							
<b>SPRK</b>											5	20	4	26	2	24	7	26	13	124	12	43	43	263	
<b>Pristina</b>	1	1	2	7	3	9	12	36	2	2	9	25	15	88	25	87	47	227	119	267	101	269	336	1,018	
<b>Prizren</b>																	1	1				22	63	23	64
<b>Peja</b>																	1	3	5	11	16	31	22	45	
<b>Gjilan</b>																					10	17	10	17	
<b>Mitrovica</b>									1	2			3	3	6	14	6	17	19	42	36	85	71	163	
<b>Ferizaj</b>											1	1					1	1	4	7	13	31	19	40	
<b>Gjakova</b>															1	1	9	22	1	1	3	6	14	30	
<b>TOTAL</b>	1	1	2	7	3	9	12	36	3	4	15	46	22	117	34	126	72	297	161	452	213	545	538	1,640	

Table 7 -Unsolved corruption cases until December 31, 2015

In the table below are presented corruption cases with persons, according applicants of criminal reports, which have remained unsolved at December 31, 2015. Amongst unsolved cases to 1640 persons, the largest number belong to cases filed by KP with 634 persons, followed by ACA with 273 persons, the injured party with 219 persons and the citizens with 184 persons. Until December 31, 2015, Prosecution Offices have delegated in competence 119 persons involved in corruption cases.

Unsolved cases with persons according applicants over years (December 31, 2015)	2004	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	Total
ACA			5	16		5	15	66	64	76	26	273
TAK						2						2
Customs									9	1	15	25
EULEX						7	11	1	6		1	26
KPI								7	3	9	37	56
KP		7	3	14	3	19	20	34	158	155	221	634
The citizen						6	25	4	15	76	58	184
The injured party			1		1	3	5	1	39	61	108	219
Municipal Administration										2	1	3
Received by competence										45	74	119
Holder of property-OP	1			6		4		13		13	1	38
Forestry Authority									2		1	3
Prosecutor with Self-initiative							40		1	14	2	57
Unidentified							1					1
<b>Total</b>	<b>1</b>	<b>7</b>	<b>9</b>	<b>36</b>	<b>4</b>	<b>46</b>	<b>117</b>	<b>126</b>	<b>297</b>	<b>452</b>	<b>545</b>	<b>1,640</b>

Table 8 -Unsolved cases with persons according applicants over years (December 31, 2015).

## VII. PRELIMINARY INVESTIGATIONS IN CORRUPTION CASES – PPN (04.11.2013 - 31.12.2015)

The treatment of corruption cases in the institution of State Prosecutor, reflected in the Table 9, has continued to corruption cases categorized in the register as PPN, or cases which are in the stage of gathering information. While, on November 4, 2013 with the entry into force of the Action Plan, SP had 232 PPN cases with 543 persons, at the end of 2015, this number of this category has increased to 398 cases with 850 persons involved in corruption cases.

PPN CORRUPTION CASES IN PROSECUTORIAL SYSTEM (04.11.2013 - 31.12.2015)										
State Prosecutor - PPN	State Prosecutor									
	Unsolved in the beginning (04.11.2014)		Received (04.11.2013 until 31.12.2015)		Solved cases with persons	Solving manner			Unsolved at the end (31.12.2015)	
	Cases	Persons	Cases	Persons	Persona	Dismissal	Termination	Other manners	Cases	Persons
						Persons	Persons	Persons		
<b>SPRK</b>	12	46	63	207	160	160			53	158
<b>Pristina</b>	142	356	65	155	171	171			168	391
<b>Prizren</b>	9	18	76	131	96	91		5	25	47
<b>Peja</b>	21	43	79	125	101	101			39	79
<b>Gjilan</b>			38	54	31	31			11	18
<b>Mitrovica</b>	18	32	46	69	33	33			45	66
<b>Ferizaj</b>	22	33	52	89	50	50			43	73
<b>Gjakova</b>	8	15	20	22	15	14		1	14	16
<b>Total:</b>	232	543	439	852	657	651		6	398	850

**Table9 -The treatment of corruption cases on preliminary investigations from 04.11.2013 to 31.12.2015**

From the entry into force of the Action Plan until December 31, 2015, SP has received 439 new corruption cases in the PPN register, with 852 persons involved. During this reporting period, SP has solved corruption cases to 657 persons involved. From all treated

cases to 657 persons, SP has dismissed reports filed by the applicants, at cases to 651 persons, while has solved cases at other manners to 6 persons.

The largest number of dismissed reports belongs to BP Office in Pristina, which has dismissed cases to 171 persons, followed by SPRK to 160 persons, BP Office in Peja to 101 persons, BP in Prizren to 96 persons, BP in Ferizaj to 50 persons, BP in Mitrovica to 33 persons, BP in Gjilan to 31 persons and BP in Gjakova to 15 persons.

The largest number of unsolved PPN cases, remains to be in BP Office in Pristina with 168 cases and 391 persons, followed by SPRK with 53 cases and 158 persons, BP Office in Ferizaj with 43 cases and 73 persons, BP Office in Peja with 39 cases and 79 persons, BP Office in Mitrovica with 45 cases and 66 persons, BP Office in Prizren with 25 cases and 47 persons, BP Office in Gjakova with 14 cases and 16 persons and BP Office in Gjilan with 11 cases and 18 persons.

#### **a) Preliminary investigations at PPN corruption cases, for the reporting period (01.10.2015 - 31.12.2015)**

At the last quarter of 2015, according to the table no.10, results that BP Offices and SPRK have received 87 cases in total categorized as PPN, with 202 persons involved. BP Office in Pristina has received the largest number of these cases, with a total of 17 cases with 40 persons involved, followed by SPRK with 14 cases and 42 persons involved. While, BP Offices in Mitrovica and Gjakova have received 6 new cases, respectively by 7 and 6 cases. During this last quarter of 2015, SPRK has been more effective in treating these cases, which has solved cases to 76 persons, by dismissal of criminal charges, followed by BP Office in Ferizaj, which has solved cases to 32 persons, BP Office in Pristina to 28 persons, BP Office in Peja to 25 persons, BP Office in Prizren to 24 persons, BP Office in Gjilan to 7 persons, BP Office in Mitrovica and Gjakova to 4 persons.

PPN CORRUPTION CASES IN PROSECUTORIAL SYSTEM (01.10.2015 - 31.12.2015)										
State Prosecutor - PPN	State Prosecutor									
	Unsolved in the beginning (01.10.2015)		Received (01.10.2015 until 31.12.2015)		Solved cases with persons	Solving manner			Unsolved at the end (31.12.2015)	
	Cases	Persons	Cases	Persons		Persons	Dismissal	Termination		
					Persons		Persons	Persons	Cases	Persons
<b>SPRK</b>	45	144	14	42	76	76			53	158
<b>Pristina</b>	148	366	17	40	28	28			168	391
<b>Prizren</b>	32	50	9	22	24	19		5	25	47
<b>Peja</b>	44	80	12	40	25	25			39	79
<b>Gjilan</b>	9	12	9	16	7	7			11	18
<b>Mitrovica</b>	41	61	6	9	4	4			45	66
<b>Ferizaj</b>	46	77	14	27	32	32			43	73
<b>Gjakova</b>	10	13	6	6	4	3		1	14	16
<b>Total:</b>	375	803	87	202	200	194		6	398	850

Table 10 - PPN Corruption cases in the prosecutorial council (01.20.2015 until 31.12.2015).

### b) Corruption cases initiated by reports of media and civil society

During the last quarter of 2015 (October, November, December 2015), journalists from various media in Kosovo and representatives of civil society have initiated debates and reported on allegations of abuses by senior public officials and politicization of public enterprises. Institute for Development Policy (INDEP), through its public reaction has reported and raised suspicions for illegal appointments in public enterprises:

*"The government not only did not take measures to stop violation of the law, but allowed the board of POE 'Termokos' to elect Mr. Canolli as Chief Executive, at its meeting held on November 2, 2015. Choosing a board member of another enterprise, to be head of a completely different enterprise, marks the culmination of scandalous decisions and flagrant violations of the Law Nr. 03 / L-087 on Public Enterprises. We must remember that Mr. Canolli is simultaneously a member of the Board of the Democratic Party of Kosovo, a fact that made him legally excluded from the selection procedure as a member on the boards of public enterprises. What is concerning for us is the insistence on violating the law and also the fact that it is impossible to simultaneously carry out two such high functions on two such different companies. This will undoubtedly affect their performance and will hurt the ability of these enterprises to develop effective corporate governance."*<sup>37</sup>.

The reaction of November 11, 2015 by NGOs group as INDEP Institute, GAP Institute and GLPS, has preceded the reactions of the civil society regarding allegations for abuses and politicization of public boards on November 2015. These NGOs had have expressed their concerns about the political and illegal decisions on political appointments at public enterprises' boards by the Government of Kosovo, by urging the Government publicly to review and annul them. <sup>38</sup>

Through this reaction, the civil society has identified and listed 18 cases of political appointments in public enterprises, which were done in violation of law. *"We have consistently proved that the decisions taken are illegal and illegitimate. Indeed, they are not only contrary to the law but also violate the principle of equality at public vacancies by instilling political favoritism as the basic condition to become a member of the boards of public enterprises and affected their independence. INDEP, GAP Institute and GLPS have sent this to the Government and members of parliament in the hopes that these institutions will reflect and change course."*<sup>39</sup>

As a concerning matter regarding the political influences in appointments of public enterprises, were raised also in the Progress Report of the European Commission on Kosovo for 2015, where among others it stated: *"Merit-based recruitment and promotion are enshrined in law in line with the principles of public administration, but not systematically implemented. This is particularly so for senior civil servant positions and appointments to boards of public entities, where political influence over appointments is a matter of concern."*<sup>40</sup>

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<sup>37</sup> "Politicization in public enterprises released its roots", Institute for Development Policy (INDEP). November 20, 2015 (See link <http://www.indep.info/?id=5,0,0,1,a,275><http://www.indep.info/?id=5,1,1,1,e,289>) (Last accessed on February 15, 2016)

<sup>38</sup>See footnote 36.

<sup>39</sup> See footnote 36.

<sup>40</sup>Progress Report of the European Commission on Kosovo for 2015

Also the report of the Human Rights – US Department of State for 2015, it expressed its concern that the endemic government and private-sector corruption and the lack of punishment for corrupt acts remained an important human rights problem.<sup>41</sup>

Civil society organizations and journalists of various media in Kosovo daily report on various cases of law violations by certain public officials. Among those reports on law violations, there are cases of actions which belong to the incriminating sphere, by reporting on criminal elements from the chapter of corruption. The process of reporting from these representatives of civil society and the media probably ends with the publication of their reports, due to the negligence of prosecution authorities, which do not follow the traces to detect corruption. The lack of actions and initiation of criminal proceedings by the prosecution authorities in relation to reported cases by the civil society, the media and various local and international reports, confirm the state published by the report of the Human Rights – US Department.<sup>42</sup>

Law enforcement institutions and agencies in Kosovo proclaim constantly their declarative willingness to fight corruption offenses. This will is always translated to adopt of policies, cooperation memorandums, task force establishments, decisions or other acts. However, there is a lack of their practical implementation. This is confirmed also by the execution of the decision<sup>43</sup> issued by the Chief State Prosecutor, Aleksandër Lumezi, on June 17, 2015, has taken a decision for the establishment of the "Committee"<sup>44</sup> for daily monitoring and verification of claims in cases of alleged organized crime and corruption, published by electronic press kits, the complaints of citizens and public appearances of officials from state and public bodies and organizations also from non-governmental organizations".

After the verification of information, based on the decision, the Committee has a mandate to verify the allegations, and at cases when it considers that there is a reasonable suspicion of incriminating elements for criminal prosecution, the Committee immediately must take actions by addressing these cases at competent prosecutors, to whom it may also suggest procedural actions regarding these cases.

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<sup>41</sup> KOSOVO 2015 HUMAN RIGHTS REPORT, Executive Summary. Page 1. "Endemic government and private-sector corruption and the lack of punishment for corrupt acts remained an important human rights problem".

<sup>42</sup> See footnote 40.

<sup>43</sup> Chief State Prosecutor, Aleksandër Lumezi, has issued the decision no.208/2015 on June, 17 2015, in accordance with the Article 11, paragraph 7 dhe Article 12 paragraph 3 of the Law on State Prosecutor. State Prosecutor.

<sup>44</sup> The Committee consists by the Chairman, Lulëzim Sylejmani, prosecutor of Appellate Prosecution Office in Pristina, Kujtim Munishi, prosecutor in the Basic Prosecution Office in Gjilan and Ekrem Lutfiu, spokesman of KPC.

At cases when the Committee after verification of cases reported by the media, considers that there no reasonable suspicion of incriminating elements for criminal prosecution, then the Committee immediately should inform the publisher or the applicant of the case, and if needed also the public opinion through the media.

KLI has monitored the work of this Committee in terms of taken actions, by requesting access in accordance with the Law on Access to Public Documents.<sup>45</sup>In the response received from Mr. Kujtim Munishi,<sup>46</sup>member of the Committee, KLI was informed that from September 30, 2015 to December 31, 2015, SP has not registered any case, initiated by articles or reports in the media. KLI has issued a series of questions on the activities and functioning of the Committee, which have remained unanswered. The lack of transparency of this Committee is extremely concerning and raises suspicions about the functioning of the Committee, established by the Chief State Prosecutor. KLI considers that the purpose of this decision is precisely the increment of transparency and accountability of SP to public and citizens, while the access and lack of transparency of this Committee, impact to negative evaluations for SP regarding the failure to implement the decisions and authority of Chief of State Prosecutors by his subordinates etc.

KLI has made a survey with a number of civil society representatives and journalists who have reported on various law violations and have published scandals of involvement of senior officials in corrupt affairs. At all interviews conducted by KLI, civil society representatives and journalists said that SP has failed to investigate cases that were made public through daily publications and reports. The success in these cases reported by these representatives is minimal.<sup>47</sup>

While corruption scandals are made public everyday in the media, according to journalists, there are no adequate responses of SP institution. Media discovery of scandals of involvements in law violations and corrupt affairs has not produced anything more than just journalistic articles or stories, because they were not followed by investigations from prosecution bodies.<sup>48</sup>All interviewed

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<sup>45</sup>KLI has issued an "Official Request for access on public documents" to KPC, on March 4, 2016 , by addressing this request to all Committee's members, responsible persons for public communications and to appointed official by KPC for access on public documents.

<sup>46</sup>*The response of Mr. Kujtim Munishi, member of Committee for daily monitoring and verification of claims in cases of alleged organized crime and corruption - "I want to inform you that from September 30, 2015 until December 31, 2015, SP has not registered any case, while from January 1, 2016 to February 29, 2016, the Committee has identified 3 cases that have to do with organized crime and corruption, initiated by media articles and reports. These cases are in process in Prosecution Offices."*

<sup>47</sup>KLI interviews with the High Investigator of KIPRED Institute, Mrs. Ariana Qosaj Mustafa; The Director of Group for Legal and Political Studies, Mr. Fisnik Korenica, Legal Representative of "Çohu" Organization, Mr. Arton Demhasaj. November, December 2015.

<sup>48</sup>KLI interviews with Mr. Besnik Krasniqi from "Koha Ditore", Mr. Faton Ismajli from "Express", Mr. Naim Sadiku from "KTV", Mr. Beadin Sylja from "Kosovapress", Mrs. Ardita Sylejmani from "RTK" and Mr. Shkodran Bajraku from "KlanKosova". November, December 2015.

journalists have stated that they were never contacted by any of SP officials, in order to be informed about any case, for which the Committee has concluded that it has not found elements of corruption criminal offenses or organized crime. The work of this Committee is considered as a failure until it becomes transparent and accountable to public, in accordance of legal provisions in force.

The fact that the State Prosecutor and other agencies are obliged by the law to undertake actions for criminal prosecution to all of persons who violate the law, do not react and do not commit their constitutional and legal obligations and responsibilities, is proved also by the case of public reaction by civil society actors, regarding the unlawful appointments at public enterprises. *“Even though we believe that the Office of Chief State Prosecutor has been informed regarding our reactions, documents and materials, we never were invited at meetings to discuss with them on our public pretending and concerning. Until now, we were not informed by the Chief Prosecutor on the issue whether it has initiated any preliminary or criminal investigative proceedings regarding our pretending. We consider that due to the fact that a leader institution in fighting corruption as it is Anti-Corruption Agency has found law violations and has raised its concerns for a range of issues, it must ex officio put in motion the institution of State Prosecutor. Until now, we did not receive any information, request or meeting invitation by none of state prosecutor. Also, we were not informed about the type of communication between State Prosecutor and other institutions involved in the process as Anti-Corruption Agency or the Government of Kosovo. Based on our hitherto experience, even though we were the party that has publicly reacted to law violations, we were never contacted by State Prosecutor. In this sense, it is difficult for us to say that State Prosecutor takes into consideration our findings. However, since we have a conclusion of Anti-Corruption Agency in this current case, we are inclined to believe that the involvement of State Prosecutor is essential and we hope to be contacted by them in the future.”*<sup>49</sup>

The failure of State Prosecutor and other law enforcement agencies to take actions at cases when the Executive of Public Enterprises Boards act in violation with the law, proves about the level of political influence to justice institutions.

## VIII. THE FAILURES OF PROSECUTORS IN THE PROCESS OF DEALING WITH CORRUPTION CASES

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<sup>49</sup>KLI interview with Mr. Burim Ejupi, Executive Director of INDEP Institute. March 2016.

## STATUTORY LIMITATION OF CRIMINAL PROSECUTION CASES

KLI throughout the monitoring performance in compliance with the Law on Access to Public Documents and Law on Protection of Personal Data has requested prosecutorial acts from every prosecution office of the country related to the rulings on dismissing the criminal reports and on terminating the investigation. The main purpose of securing such acts consists on identifying whether the prescribed legal periods of time affiliated with corruption cases have been breached. While analyzing these acts, from the entry into force of the Action Plan on November 4, 2013 until December 31, 2015, KLI has identified 73 corruption cases of statutory limitation in prosecution offices. . The phenomenon of the statutory limitation remains a huge concern and is not addressed by the prosecution offices. The chart below depicts corruption cases where the statutory limitation has run out in every prosecution office, including SPRK, as the newest prosecution office in the prosecutorial system.

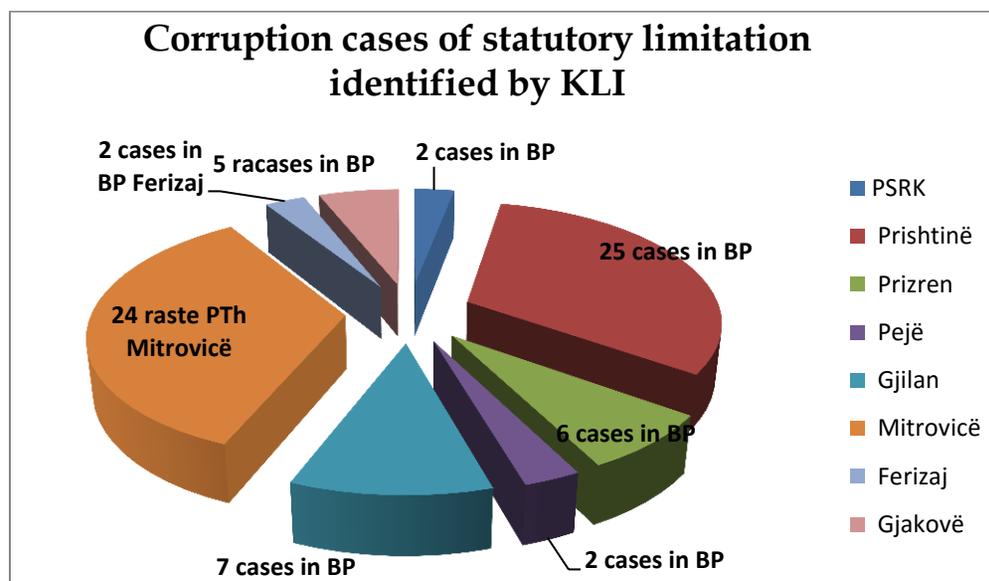


Chart 2 – Corruption cases of statutory limitation in prosecution offices identified by KLI including the period (04.11.2013 until 31.12.2015).

## FAILURES OF PROSECUTORS IN TREATING CORRUPTION CASES DURING THE REPORTING PERIOD (01.10.2015-31.12.2015)

Ongoing KLI presents all cases for which has provided the legal acts by all prosecution offices in accordance with the positive legislation<sup>50</sup> Here is excluded SPRK and BP in Ferizaj<sup>51</sup>, which for the first time after more than two years of cooperation with KLI, have not offered the legal acts. KLI assesses that the non offering of these acts is a proof of these Prosecution offices lack of will to be independently monitored by non-governmental organizations and specialized on monitoring of justice system. Obviously, this proved the lack of will to be transparent and accountable to civil society and citizens about the activities of prosecutors in fighting corruption criminal offences.

## a) STATUTORY LIMITATION OF CRIMINAL PROSECUTION

### BASIC PROSECUTION IN PRISTINA

1. Case number PP. 204-1/2006 determined on 05.10.2015. *Dismissal of criminal report ruling* set forth by N.N citizen. Criminal offence “Abusing official position or authority” pursuant Article 339 paragraph 3 of the CCRK.<sup>52</sup>
2. Case number PP.I. 175-3/2011 determined on 11.12.2015. *Dismissal of criminal report ruling* set forth by ACA. Criminal offence “Abusing official position or authority” pursuant Article 339 paragraph 2 of the CCRK.<sup>53</sup>
3. Case number PP/I. 233/2013 determined on 26.10.2015. *Dismissal of criminal report ruling* set forth by N.N citizen. Criminal offences: “Abusing official position or authority” pursuant Article 339 paragraph 2 of the CCRK.<sup>54</sup>

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<sup>50</sup> Ensuring prosecutorial legal acts by KLI was done through special requests for each prosecution office in accordance with the Law on Access of Public Documents and Law on Personal Data Protection. Acts are provided for the reporting period (October, November, December 2015). Here are excluded SPRK and BP in Ferizaj, which have cooperated with KLI on offering these legal acts, despite the fact that the request for ensuring these legal acts KLI has made on time and in full accordance with Law on Access of Public Documents and Law on Personal Data Protection.

<sup>51</sup>Chief Prosecutor of BP in Mr. Agron Qalaj on a response for KLI has said that he will answer regarding KLI’s request to ensure these legal acts after he will take an answer form KPC, to which he made a request if he should give these documents or not. March 2016. KLI’s COMMENT: It is paradoksal the response of the Chief Prosecutor Qalaj and his request addressed to KPC to require permission to offer these legal acts, which are required in full accordance with Law on Access of Public Documents and Law on Personal Data Protection.

<sup>52</sup>Note: Based on the ruling issued on 05.10.2015, BP in Pristina concordant with Article 82 paragraph 1.2 and 3, subparagraph 1.2. of the CPCRK, had decided to dismiss the criminal report for the criminal offence, in view of the fact that there is no reasonable doubt that a criminal offence has been committed and the period of statutory limitation for criminal prosecution has expired.

<sup>53</sup>Note: Based on the ruling issued on 11.12.2015, BP in Pristina concordant with Article 82 paragraph 1 and 2 subparagraph 1.2 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence in view of the fact that the period of absolute statutory of limitation for the criminal prosecution has expired.

4. Case number PP.658-6/2008 determined on 21.12.2015. *Termination of investigation ruling* for the criminal offences “Misusing official information” pursuant Article 423 paragraph 4 and “Abusing official position or authority” pursuant Article 422 paragraph 1 of the CCRK.<sup>55</sup>

#### **BASIC PROSECUTION IN GJAKOVA**

1. Case number PPN/I. 77/2015 determined on 03.08.2015. *Official note on terminating the informative report* set forth by the DRP in Gjakova. Unknown criminal offence.<sup>56</sup>

#### **BASIC PROSECUTION IN MITROVICA**

1. Case number PP.I. 10/2013 determined on 17.12.2015. *Dismissal of criminal report ruling* set forth by Kosovo Police. Criminal offence: “Abusing official position or authority” pursuant Article 339 paragraph 2 in conjunction with paragraph 1; “Falsifying official documents” pursuant with Article 332 paragraph 3 in conjunction 1 of the CPRK.<sup>57</sup>

#### **BASIC PROSECUTION IN PRIZREN**

1. Case number PP. 98/2015 determined on 13.10.2015. *Dismissal of criminal report ruling* set forth by the Investigation Unit for Economic and Corruption Crimes. Criminal offence: “Abusing official position or authority” pursuant Article 339 paragraph 1 of the CPRK.<sup>58</sup>

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<sup>54</sup>Note: Based on the ruling issued on 26.10.2015, BP in Pristina concordant with Article 82 paragraph 1 subparagraph 1.2 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that the period of absolute statutory of limitation for the criminal prosecution has expired.

<sup>55</sup>Note: Based on the ruling issued on 21.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. and 1.3 of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offences, in view of the fact that for the first criminal offence there is no reasonable doubt that the person has committed the offence and for the second criminal offence the statutory of limitation of the criminal prosecution has expired, respectively.

<sup>56</sup> Note: Based on the official note issued on 03.08.2015, BP in Gjakova has terminated the case in view of the fact that the period of absolute statutory of limitation for the criminal offence has expired.

<sup>57</sup> Note : Based on the ruling issued on 17.12.2015, BP in Mitrovica concordant with Article 82 paragraph 1 subparagraph 1.2 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offences in view of the fact that the period of absolute statutory of limitation for the criminal prosecution has expired.

## II – CASES OF BREACHING THE PRESCRIBED PERIODS OF TIME CONCERNING DECISION MAKING

In the following we have displayed cases of criminal reports dismissal that do not comply with the provisions of the new Criminal Procedural Code. In comparison with the antecedent criminal procedure that was applied until 1 January 2013, the new criminal procedure has emphasized strict prescribed periods of time of decision making concerning the criminal reports. KLI has analyzed all judicial acts received by every Prosecution Office in the country (time period September,30- December 31 2015) and has identified violations made by the prosecutors concerning on how much they have acted in accordance with the prescribed periods of time related to criminal reports. Breaching the provisions of the Criminal Procedural Code, results with violation of the fundamental human rights, retaining the citizens as subjects of criminal evidences of the prosecution in those cases when there is no legal basis for starting a criminal investigation against them. KLI while analyzing prosecutorial legal acts, from 97 analyzed cases, has identified 14 of them which have been issued before 2013, while 83 of them have been issued after the new criminal legislation was enforced. Following are the identified cases of prescribed periods of time that have been breached by the prosecutors in corruption cases in every Prosecution Office of the country.

### BASIC PROSECUTION IN PRISTINA

1. Case number PP. 359-3/2011 determined on 22.10.2015. *Dismissal of criminal report ruling* set forth by N.N citizen. Criminal offence “Abusing official position or authority” pursuant Article 339 paragraph 1 in conjunction with paragraph 3 of the CCRK.<sup>59</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 16.05.2011, meanwhile the Prosecution had decided to dismiss it on 22.10.2015. The treatment related to this criminal report had lasted for 1619 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 1025 days counted from January 1, 2013.*

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<sup>58</sup>Note: Based on the ruling issued on 13.10.2015, BP in Prizren concordant with Article 82 paragraph 1 subparagraph 1.2 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence in view of the fact that the period of absolute statutory of limitation for the criminal prosecution has expired.

<sup>59</sup>Note: Based on the ruling issued on 22.10.2015, BP in Pristina concordant with Article 82 paragraph 1, subparagraph 1.1. of the CPCRK, had decided to dismiss the criminal report for the criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

2. Case number PP. 204-1/2006 determined on 05.10.2015. **Dismissal of criminal report ruling** set forth by N.N citizen. Criminal offence “Abusing official position or authority” pursuant Article 339 paragraph 3 of the CCRK.<sup>60</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 04.05.2006, meanwhile the Prosecution had decided to dismiss it on 05.10.2015. The treatment related to this criminal report had lasted for 3439 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 978 days counted from January 1, 2013.*

3. Case number PP/I. 215-3/2011 determined on 04.11.2015. **Dismissal of criminal report ruling** set forth by ACA. Criminal offence “Abusing official position or authority” pursuant Article 339 paragraph 1 in conjunction with paragraph 3 of the CCRK.<sup>61</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 08.04.2011, meanwhile the Prosecution had decided to dismiss it on 04.11.2015. The treatment related to this criminal report had lasted for 1670 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 1038 days counted from January 1, 2013.*

4. Case number PP.I .93/2015 determined on 19.11.2015. **Dismissal of criminal report ruling** set forth by N.N citizen. Criminal offence “Abusing official position or authority” pursuant Article 422 paragraph 1 in conjunction with Article 31 of the CCRK.<sup>62</sup>

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<sup>60</sup>Note: Based on the ruling issued on 05.10.2015, BP in Pristina concordant with Article 82 paragraph 1.2 and 3, subparagraph 1.2. of the CPCRK, had decided to dismiss the criminal report for the criminal offence, in view of the fact that there is no reasonable doubt that a criminal offence has been committed and the period of statutory limitation for criminal prosecution has expired.

<sup>61</sup>Note: Based on the ruling issued on 04.11.2015, BP in Pristina concordant with Article 82 paragraph 1, subparagraph 1.1. of the CPCRK, had decided to dismiss the criminal report for the criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>62</sup>Note: Based on the ruling issued on 19.11.2015, BP in Pristina had decided to dismiss the criminal report for the criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 23.11.2012, meanwhile the Prosecution had decided to dismiss it on 19.11.2015. The treatment related to this criminal report had lasted for 1091 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 1053 days counted from January 1, 2013.*

5. Case number PP.I. 175-3/2011 determined on 11.12.2015. **Dismissal of criminal report ruling** set forth by ACA. Criminal offence “Abusing official position or authority” pursuant Article 339 paragraph 2 of the CCRK.<sup>63</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 04.03.2011, meanwhile the Prosecution had decided to dismiss it on 11.12.2015. The treatment related to this criminal report had lasted for 1743 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 1075 days counted from January 1, 2013.*

6. Case number PP.I. 692-7/2012 determined on 08.12.2015. **Dismissal of criminal report ruling** set forth by ACA. Criminal offence “Abusing official position or authority” pursuant Article 339 paragraph 3 in conjunction with Article 23 of the CCRK.<sup>64</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 12.09.2012, meanwhile the Prosecution had decided to dismiss it on 08.12.2015. The treatment related to this criminal report had lasted for 1182 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 1072 days counted from January 1, 2013.*

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<sup>63</sup>Note: Based on the ruling issued on 11.12.2015, BP in Pristina concordant with Article 82 paragraph 1 and 2 subparagraph 1.2 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence in view of the fact that the period of absolute statutory of limitation for the criminal prosecution has expired.

<sup>64</sup>Note: Based on the ruling issued on 08.12.2015, BP in Pristina concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

7. Case number PP.I. 23/2013 determined on 07.12.2015. **Dismissal of criminal report ruling** set forth by N.N citizen. Criminal offence “Fraud in office” pursuant Article 341 in conjunction with Article 23 of the CCRK.<sup>65</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 15.03.2011, meanwhile the Prosecution had decided to dismiss it on 07.12.2015. The treatment related to this criminal report had lasted for 1727 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 1081 days counted from January 1, 2013.*

8. Case number PP.I. 959/2013 determined on 03.11.2015. **Dismissal of criminal report ruling** set forth by N.N citizen. Criminal offence “Abusing official position or authority” pursuant Article 422 paragraph 2 in conjunction with Article 31 of the CCRK.<sup>66</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 20.09.2013, whereas on the other hand the Prosecution had decided to dismiss it on 03.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 774 days after its submission date.*

9. Case number PP.I. 92/2015 determined on 03.11.2015. **Dismissal of criminal report ruling** set forth by N.N citizen. Criminal offences “Abusing official position or authority” pursuant Article 422; “Accepting bribes” pursuant Article 428; “Giving bribes” pursuant Article 429; “Conflict of interest” pursuant Article 424, “Falsifying official document” pursuant Article 434; “Trading in influence” pursuant Article 431 etc of the CCRK.<sup>67</sup>

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<sup>65</sup>Note: Based on the ruling issued on 07.12.2015, BP in Pristina concordant with Article 82 paragraph 1 subparagraph 1.5 of the CPCRK in view of the fact that there are other circumstances that preclude prosecution and the offence is a misdemeanor.

<sup>66</sup>Note: Based on the ruling issued on 03.11.2015, BP in Pristina concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>67</sup>Note: Based on the ruling issued on 03.11.2015, BP in Pristina concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offences, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 15.12.2014, whereas on the other hand the Prosecution had decided to dismiss it on 03.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 323 days after its submission date.*

10. Case number PP.I. 168/15 determined on 17.11.2015. *Dismissal of criminal report* ruling set forth by N.N citizen. Criminal offences “Issuing unlawful judicial decisions” pursuant Article 432 of the CCRK.<sup>68</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 02.04.2015, whereas on the other hand the Prosecution had decided to dismiss it on 17.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 229 days after its submission date.*

11. Case number PP. 1203/2013 determined on 19.10.2015. *Dismissal of criminal report ruling* set forth by N.N citizen. Criminal offences: “Abusing official position or authority”; “Misappropriation in office”; “Trading in influence”; “Falsifying official documents”; “Violating equal status of citizens and residents of the Republic of Kosovo”; “Mistreatment during exercise of official duty or public authorization”; Obstructing official persons in performing official duties and “Conflict of interest”.<sup>69</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 20.10.2013, whereas on the other hand the Prosecution had decided to dismiss it on 19.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 729 days after its submission date.*

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<sup>68</sup>Note: Based on the ruling issued on 17.11.2015, BP in Pristina concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offences, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>69</sup>Note: Based on the ruling issued on 19.10.2015, BP in Pristina concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offences, in view of the fact that there is lack of evidence that sustains the reasonable doubt in order to initiate an investigation.

12. Case number PP/I. 233/2013 determined on 26.10.2015. **Dismissal of criminal report ruling** set forth by N.N citizen. Criminal offences: “Abusing official position or authority” pursuant Article 339 paragraph 2 of the CCRK.<sup>70</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 23.07.2010, meanwhile the Prosecution had decided to dismiss it on 26.10.2015. The treatment related to this criminal report had lasted for 1920 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 1029 days counted from January 1, 2013.*

13. Case number PPN/I. 951-12/2012 determined on 11.12.2015. **Official note on terminating the informative report** set forth by Kosovo Police. Criminal offences: “Abusing official position or authority” pursuant Article 339 paragraph 2 of the CCRK.<sup>71</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 12.03.2015, whereas on the other hand the Prosecution had decided to dismiss it on 11.12.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 274 days after its submission date.*

14. Case number PPN. 1581/2012 determined on 14.12.2015. **Official note on terminating the informative report** set forth by Kosovo Police. Criminal offences: “Abusing official position or authority” and “Accepting bribes”.<sup>72</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 25.01.2013, whereas on the other hand the Prosecution had decided to dismiss it on 14.12.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 1063 days after its submission date.*

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<sup>70</sup>Note: Based on the ruling issued on 26.10.2015, BP in Pristina concordant with Article 82 paragraph 1 subparagraph 1.2 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that the period of absolute statutory of limitation for the criminal prosecution has expired.

<sup>71</sup>Note: Based on the official note issued on 11.12.2015, BP in Pristina had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there are no elements that demonstrate that the criminal offence was committed.

<sup>72</sup>Note: Based on the official note issued on 14.12.2015, BP in Pristina had decided to dismiss the criminal report for the abovementioned criminal offences, in view of the fact that there are no elements that demonstrate that the criminal offence was committed.

15. Case number PPN.296/2015 determined on 30.10.2015. **Official note on terminating the informative report** set forth by the Investigation Unit for Economic and Corruption Crimes. Criminal offence: “Abusing official position or authority” pursuant Article 422 of the CCRK.<sup>73</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 10.06.2015, whereas on the other hand the Prosecution had decided to dismiss it on 30.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 142 days after its submission date.*

16. Case number PPN. I. 243/2015 determined on 03.11.2015. **Official note on terminating the informative report** set forth by the Investigation Unit for Economic and Corruption Crimes. Criminal offence: “Abusing official position or authority” pursuant Article 422 of the CCRK.<sup>74</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 04.05.2015, whereas on the other hand the Prosecution had decided to dismiss it on 03.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 183 days after its submission date.*

17. Case number PP.II. 4012/2014 determined on 19.11.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>75</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 28.04.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 11.09.2014 . Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 106 days after its submission date.*

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<sup>73</sup>Note: Based on the official note issued on 30.10.2015, BP in Pristina had decided to dismiss the criminal report for the abovementioned criminal offences, in view of the fact that there is lack of evidence that sustains the reasonable doubt in order to initiate an investigation.

<sup>74</sup>Note: Based on the official note issued on 03.11.2015, BP in Pristina had decided to dismiss the criminal report for the abovementioned criminal offences, in view of the fact that there is lack of evidence that sustains the reasonable doubt in order to initiate an investigation.

<sup>75</sup>Note: Based on the ruling issued on 19.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

18. Case number PP.II. 4607/2014 determined on 29.10.2015. *Termination of investigation ruling* for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>76</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 20.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 87 days after its submission date.*

19. Case number PP.II.1055/14 determined on 27.10.2015. *Termination of investigation ruling* for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 2 of the CCRK.<sup>77</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 03.02.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 224 days after its submission date.*

20. Case number PP.II .4342/14 determined on 23.11.2015. *Termination of investigation ruling* for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>78</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 12.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 14.09.2015. Even though the provisions of the Criminal Procedural*

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<sup>76</sup>Note: Based on the ruling issued on 29.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>77</sup>Note: Based on the ruling issued on 27.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>78</sup>Note: Based on the ruling issued on 23.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 449 days after its submission date.*

21. Case number PP.II .3935/14 determined on 16.10.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>79</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 22.05.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 116 days after its submission date.*

22. Case number PP.II .4584/14 determined on 16.10.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>80</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 19.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 88 days after its submission date.*

23. Case number PP.II .4370/14 determined on 15.10.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>81</sup>

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<sup>79</sup>Note: Based on the ruling issued on 16.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>80</sup>Note: Based on the ruling issued on 16.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>81</sup>Note: Based on the ruling issued on 15.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 12.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 95 days after its submission date.*

24. Case number PP.II .6251/15 determined on 07.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>82</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 25.08.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 28.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 64 days after its submission date.*

25. Case number PP.II .4370/14 determined on 15.10.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>83</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 12.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 95 days after its submission date.*

26. Case number PP.II .4240/15 determined on 11.11.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>84</sup>

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<sup>82</sup>Note: Based on the ruling issued on 07.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>83</sup>Note: Based on the ruling issued on 15.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*CLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 24.07.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 12.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 80 days after its submission date.*

27. Case number PP.II. 3980/15 determined on 09.11.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>85</sup>

*CLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 10.07.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 12.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 94 days after its submission date.*

28. Case number PP.II. 3992/15 determined on 11.11.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>86</sup>

*CLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 13.07.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 12.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 91 days after its submission date.*

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<sup>84</sup>Note: Based on the ruling issued on 11.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>85</sup>Note: Based on the ruling issued on 09.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>86</sup>Note: Based on the ruling issued on 11.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

29. Case number PP.II . 601/15 determined on 26.10.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>87</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 12.02.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 25.08.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 194 days after its submission date.*

30. Case number PP.II. 4053/15 determined on 15.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>88</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 10.07.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 09.09.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 61 days after its submission date.*

31. Case number PP.II. 3986/2015 determined on 02.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>89</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 08.07.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 23.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 503 days after its submission date.*

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<sup>87</sup>Note: Based on the ruling issued on 26.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>88</sup>Note: Based on the ruling issued on 15.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>89</sup>Note: Based on the ruling issued on 02.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

32. Case number PP.II. 3998/15 determined on 07.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>90</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 13.07.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 21.09.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 70 days after its submission date.*

33. Case number PP.II. 2881/2015 determined on 01.02.2016. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 2 of the CCRK.<sup>91</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 20.05.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 22.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 155 days after its submission date.*

34. Case number PP.II. 4335/15 determined on 26.10.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>92</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 30.07.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 07.10.2015. Even though the provisions of the Criminal Procedural*

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<sup>90</sup>Note: Based on the ruling issued on 07.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>91</sup>Note: Based on the ruling issued on 01.02.2016, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>92</sup>Note: Based on the ruling issued on 26.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence..

*Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 68 days after its submission date.*

35. Case number PP.II. 4460/2015 determined on 24.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>93</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 05.08.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 03.12.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 120 days after its submission date.*

36. Case number PP.II. 3943/2014 determined on 05.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>94</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 20.05.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 01.12.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 195 days after its submission date.*

37. Case number PP.II. 5168/2014 determined on 02.11.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>95</sup>

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<sup>93</sup>Note: Based on the ruling issued on 24.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>94</sup>Note: Based on the ruling issued on 05.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>95</sup>Note: Based on the ruling issued on 02.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence..

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 08.07.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 69 days after its submission date.*

38. Case number PP.658-6/2008 determined on 21.12.2015. **Termination of investigation ruling** for the criminal offences “Misusing official information” pursuant Article 423 paragraph 4 and “Abusing official position or authority” pursuant Article 422 paragraph 1 of the CCRK.<sup>96</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 05.06.2008, meanwhile the Prosecution had decided to initiate the investigation on 16.10.2014. The treatment related to this criminal report had lasted for 2323 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 654 days counted from January 1, 2013.*

39. Case number PP.290/2012 determined on 21.12.2015. **Termination of investigation ruling** for the criminal offences “Abusing official position or authority” pursuant Article 422 paragraph 3 and “Misappropriation in office” pursuant Article 340 paragraph 3 of the CCRK.<sup>97</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 17.04.2012, meanwhile the Prosecution had decided to initiate the investigation on 03.06.2014. The treatment related to this criminal report had lasted for 777 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 519 days counted from January 1, 2013.*

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<sup>96</sup>Note: Based on the ruling issued on 21.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. and 1.3 of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offences, in view of the fact that for the first criminal offence there is no reasonable doubt that the person has committed the offence and for the second criminal offence the statutory of limitation of the criminal prosecution has expired, respectively.

<sup>97</sup>Note: Based on the ruling issued on 21.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offences, in view of the fact that there is no reasonable doubt that the person has committed these criminal offences.

40. Case number PP.I. 787/2013 determined on 17.11.2015. **Termination of investigation ruling** for the criminal offences “Abusing official position or authority” pursuant Article 422 paragraph 1 and “Falsifying official document” pursuant Article 434 paragraph 1 in conjunction with Article 31 of the CCRK.<sup>98</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 06.08.2013, whereas on the other hand the Prosecution had decided to initiate the investigation on 10.10.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 430 days after its submission date.*

41. Case number PP.II. 4338/2014 determined on 30.10.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>99</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 12.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 95 days after its submission date.*

42. Case number PP.II. 4347/2014 determined on 08.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>100</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 12.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural*

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<sup>98</sup>Note: Based on the ruling issued on 17.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offences, in view of the fact that there is no reasonable doubt that the person has committed these criminal offences.

<sup>99</sup>Note: Based on the ruling issued on 30.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>100</sup>Note: Based on the ruling issued on 08.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 95 days after its submission date.*

43. Case number PP.II. 4369/2014 determined on 09.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>101</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 13.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 94 days after its submission date.*

44. Case number PP.II. 4609/2014 determined on 28.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>102</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 23.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 16.12.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 176 days after its submission date.*

45. Case number PP/II. 1031/14 determined on 27.10.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 2 of the CCRK.<sup>103</sup>

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<sup>101</sup>Note: Based on the ruling issued on 09.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>102</sup>Note: Based on the ruling issued on 28.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 31.01.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 19.12.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 322 days after its submission date.*

46. Case number PP/II. 1053/14 determined on 28.10.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 2 of the CCRK.<sup>104</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 03.02.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 17.12.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 317 days after its submission date.*

47. Case number PP/II. 4583/2014 determined on 09.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>105</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 19.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 88 days after its submission date.*

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<sup>103</sup>Note: Based on the ruling issued on 27.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>104</sup>Note: Based on the ruling issued on 28.10.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal.

<sup>105</sup>Note: Based on the ruling issued on 09.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

48. Case number PP/II. 4602/2014 determined on 24.11.2015. *Termination of investigation ruling* for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>106</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 19.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 88 days after its submission date.*

49. Case number PP.II. 6065/2014 determined on 10.12.2015. *Termination of investigation ruling* for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>107</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 20.08.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 05.11.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 46 days after its submission date.*

50. Case number PP/II. 4344/2014 determined on 24.11.2015. *Termination of investigation ruling* for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>108</sup>

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<sup>106</sup>Note: Based on the ruling issued on 24.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>107</sup>Note: Based on the ruling issued on 10.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>108</sup>Note: Based on the ruling issued on 24.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 10.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 97 days after its submission date.*

51. Case number PP/II. 4366/2014 determined on 23.11.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>109</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 10.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 15.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 97 days after its submission date.*

52. Case number PP/II. 4342/14 determined on 23.11.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>110</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 12.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 14.09.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 459 days after its submission date.*

53. Case number PP/II. 3972/2015 determined on 02.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>111</sup>

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<sup>109</sup>Note: Based on the ruling issued on 23.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>110</sup>Note: Based on the ruling issued on 23.11.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 10.07.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 23.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 470 days after its submission date.*

54. Case number PP.II. 4460/2015 determined on 24.12.2015. **Termination of investigation ruling** for the criminal offence “Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations” pursuant Article 437 paragraph 1 of the CCRK.<sup>112</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 05.08.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 03.12.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 120 days after its submission date.*

55. Case number PP. 810/2013 determined on 08.12.2015. **Termination of investigation ruling** for the criminal offence “Abusing official position or authority” pursuant Article 339 paragraph 2 in conjunction with paragraph 1 and “Falsifying official documents” pursuant Article 348 paragraph 1 of the CCRK.<sup>113</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 02.04.2012, meanwhile the Prosecution had decided to initiate the investigation on 06.05.2015. The treatment related to this criminal report had lasted for 1129 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Pristina has violated this legal prescribed period of time, because it has dismissed the criminal report after 764 days counted from January 1, 2013.*

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<sup>111</sup>Note: Based on the ruling issued on 02.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>112</sup>Note: Based on the ruling issued on 24.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>113</sup>Note: Based on the ruling issued on 08.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. and 1.3 of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offences, in view of the fact that there is no reasonable doubt that the person has committed these criminal offences.

56. Case number PP.II. 822/2013 determined on 02.12.2015. **Termination of investigation ruling** for the criminal offence “Abusing official position or authority” pursuant Article 422 in conjunction with Article 31 of the CCRK.<sup>114</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Pristina on 28.08.2013, whereas on the other hand the Prosecution had decided to initiate the investigation on 09.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Pristina had granted a decision almost 771 days after its submission date.*

### **BASIC PROSECUTION IN PRIZREN**

1. Case number PP. 213/2014 determined on 27.10.2015. **Dismissal of criminal report ruling** set forth by the Investigation Unit for Economic and Corruption Crimes. Criminal offence “Abusing official position or authority” pursuant Article 422 paragraph 1 of the CCRK.<sup>115</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 02.04.2015, whereas on the other hand the Prosecution had decided to dismiss it on 27.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 208 days after its submission date.*

2. Case number PP . 247/2015 determined on 12.10.2015. **Dismissal of criminal report ruling** set forth by the Investigation Unit for Economic and Corruption Crimes. Criminal offence “Abusing official position or authority” pursuant Article 422 paragraph 1 of the CCRK.<sup>116</sup>

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<sup>114</sup>Note: Based on the ruling issued on 02.12.2015, BP in Pristina concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>115</sup>Note: Based on the ruling reached on 27.10.2015, BP in Prizren concordant with Article 82 paragraph 1 subparagraph 1.5 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>116</sup>Note: Based on the ruling reached on 12.10.2015, BP in Prizren concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 07.09.2015, whereas on the other hand the Prosecution had decided to dismiss it on 12.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 35 days after its submission date.*

3. Case number PP/II . 55/13-I determined on 23.10.2015. **Dismissal of criminal report ruling** set forth by the Investigation Unit for Economic and Corruption Crimes. Criminal offence "Fraud" pursuant Article 335 paragraph 3 of the CCRK.<sup>117</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 19.03.2013, whereas on the other hand the Prosecution had decided to dismiss it on 23.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 948 days after its submission date.*

4. Case number PP. 98/2015 determined on 13.10.2015. **Dismissal of criminal report ruling** set forth by the Investigation Unit for Economic and Corruption Crimes. Criminal offence "Abusing official position or authority" pursuant Article 339 paragraph 1 of the CCRK.<sup>118</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 17.04.2015, whereas on the other hand the Prosecution had decided to dismiss it on 13.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 179 days after its submission date.*

5. Case number PP. 417/2014; 418/2014 determined on 16.06.2015. **Dismissal of criminal report ruling.** Criminal offence "Abusing official position or authority" pursuant Article 339 paragraph 1 of the CCRK. <sup>119</sup>

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<sup>117</sup>Note: Based on the ruling reached on 23.10.2015, BP in Prizren concordant with Article 82 paragraph 1 subparagraph 1.5 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>118</sup>Note: Based on the ruling reached on 13.10.2015, BP in Prizren concordant with Article 82 paragraph 1 subparagraph 1.2 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that the statutory of limitation has expired.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 29.10.2014, whereas on the other hand the Prosecution had decided to dismiss it on 16.06.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 230 days after its submission date.*

6. Case number PP . 90/15 determined on 22.10.2015. **Dismissal of criminal report ruling.** Criminal offence “Accepting bribes” pursuant Article 428 paragraph 1 of the CCRK.<sup>120</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 12.03.2015, whereas on the other hand the Prosecution had decided to dismiss it on 22.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 224 days after its submission date.*

7. Case number PP . 154/2014 determined on 21.10.2015. **Termination of investigation ruling.** Criminal offences “Unlawful construction work” pursuant Article 368 paragraph 1; “Abusing official position or authority” pursuant Article 422 paragraph 1 in conjunction with Article 31; “Misuse of economic authorizations” pursuant Article 290 paragraph 1 subparagraph 1.3 of the CCRK.<sup>121</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 28.05.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 11.11.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 167 days after its submission date.*

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<sup>119</sup>Note: Based on the ruling reached on 16.06.2015, BP in Prizren concordant with Article 82 paragraph 1 subparagraph 1.1 and 1.5 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>120</sup>Note: Based on the ruling reached on 22.10.2015, BP in Prizren concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>121</sup>Note: Based on the ruling reached on 21.10.2015, BP in Prizren concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

8. Case number PP . 1930/15 determined on 13.10.2015. **Termination of investigation ruling.** Criminal offence "Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations" pursuant Article 437 paragraph 1 of the CCRK.<sup>122</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 01.07.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 17.09.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 79 days after its submission date.*

9. Case number PP. 59/15 determined on 15.10.2015. **Termination of investigation ruling.** Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1 of the CCRK.<sup>123</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 24.03.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 08.05.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 45 days after its submission date.*

10. Case number PP. 46/2015 determined on 28.10.2015. **Dismissal of police report ruling.** Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1 in conjunction with Article 31 of the CCRK.<sup>124</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 19.11.2014, whereas on the other hand the Prosecution had decided to dismiss it on 28.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo*

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<sup>122</sup>Note: Based on the ruling reached on 13.10.2015, BP in Prizren concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>123</sup>Note: Based on the ruling reached on 15.10.2015, BP in Prizren concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>124</sup>Note: Based on the ruling reached on 28.10.2015, BP in Prizren concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 343 days after its submission date.*

11. Case number PP. 465/2014 determined on 20.10.2015. **Conclusion on case dismissal** . Criminal offence "Abusing official position or authority" pursuant Article 422 of the CCRK.<sup>125</sup>

***KLI:** Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 28.05.2014, whereas on the other hand the Prosecution had decided to dismiss it on 20.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 510 days after its submission date.*

12. Case number PP. 107/14 determined on 20.11.2015. **A/A related to case dismissal**. Criminal offence "Abusing official position or authority" pursuant Article 422 of the CCRK.<sup>126</sup>

***KLI:** Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 14.03.2015, whereas on the other hand the Prosecution had decided to dismiss it on 20.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 251 days after its submission date.*

13. Case number PP. 260/14 determined on 06.08.2015. **A/A related to case dismissal**. Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1 of the CCRK.<sup>127</sup>

***KLI:** Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 18.06.2015, whereas on the other hand the Prosecution had decided to dismiss it on 06.08.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 49 days after its submission date.*

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<sup>125</sup>Note: Based on the ruling reached on 20.10.2015, BP in Prizren dismissed the case for the abovementioned criminal offence in view of the fact that there is lack of evidence that the offence was committed.

<sup>126</sup>Note: Based on the ruling reached on 20.11.2015, BP in Prizren dismissed the case for the abovementioned criminal offence in view of the fact that there is lack of evidence that the offence was committed.

<sup>127</sup>Note: Based on the ruling reached on 06.08.2015, BP in Prizren dismissed the case for the abovementioned criminal offence in view of the fact that there is lack of evidence that the offence was committed.

14. Case number PP. 253/2014 determined on 29.10.2015. *A/A related to case dismissal*. Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1 of the CCRK.<sup>128</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Prizren on 19.06.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 31.07.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Prizren had granted a decision almost 42 days after its submission date.*

## **BASIC PROSECUTION IN PEJA**

1. Case number PP. I. 277/15 determined on 22.12.2015. *Dismissal of criminal report ruling* set forth by NN citizen. Criminal offence "Abusing official position or authority" pursuant Article 422 of the CCRK.<sup>129</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Peja on 07.09.2015, whereas on the other hand the Prosecution had decided to dismiss it on 22.12.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Peja had granted a decision almost 106 days after its submission date.*

2. Case number PPN. 137/15 determined on 17.11.2015. *Official note* for an unspecified criminal offence.<sup>130</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Peja on 13.05.2015, whereas on the other hand the Prosecution had decided to dismiss it on 17.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Peja had granted a decision almost 188 days after its submission date.*

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<sup>128</sup>Note: Based on the ruling reached on 29.10.2015, BP in Prizren dismissed the case for the abovementioned criminal offence in view of the fact that there is lack of evidence that the offence was committed.

<sup>129</sup>Note: Based on the ruling reached on 22.12.2015, BP in Peja concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>130</sup>Note: Based on the ruling reached on 17.11.2015, BP in Peja had decided to dismiss the criminal report in view of the fact that no person has been identified as the author of the criminal offence.

3. Case number PPN. I . 231-15 determined on 19.11.2015. **Dismissal of criminal report ruling** set forth by NN citizen. Criminal offence “Issuing unlawful judicial decisions” pursuant Article 432 of the CCRK.<sup>131</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Peja on 29.09.2015, whereas on the other hand the Prosecution had decided to dismiss it on 19.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Peja had granted a decision almost 51 days after its submission date.*

4. Case number PP/I . 231/14 determined on 30.11.2015. **Termination of investigation ruling.** Criminal offence “Abusing official position or authority” pursuant Article 422 paragraph 1 in conjunction with Article 31 and “Trading in influence” pursuant Article 431 paragraph 1 of the CCRK.<sup>132</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Peja on 18.07.2014, whereas on the other hand the Prosecution had decided to initiate the investigation on 30.09.2014. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Peja had granted a decision almost 64 days after its submission date.*

5. Case number PP/I . 308/14 determined on 14.12.2015. **Termination of investigation ruling.** Criminal offence “Abusing official position or authority” pursuant Article 422 paragraph 1 of the CCRK.<sup>133</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Peja on 13.09.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 03.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Peja had granted a decision almost 51 days after its submission date.*

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<sup>131</sup>Note: Based on the ruling reached on 19.11.2015, BP in Peja had decided to dismiss the criminal report for the abovementioned criminal offence in view of the fact that there hasn't been any procedural or material violation.

<sup>132</sup>Note: Based on the ruling reached on 30.11.2015, BP in Peja had decided to terminate the investigation in view of the fact that there is no reasonable doubt that the person has committed this criminal.

<sup>133</sup>Note: Based on the ruling reached on 14.12.2015, BP in Peja concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

6. Case number PP/I . 238/15 determined on 17.11.2015. **Dismissal of criminal report ruling** set forth by NN citizen. Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1 of the CCRK.<sup>134</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Peja on 19.05.2015, whereas on the other hand the Prosecution had decided to dismiss it on 17.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Peja had granted a decision almost 182 days after its submission date.*

7. Case number PP.I . 150/14 determined on 12.11.2015. **Dismissal of criminal report ruling** set forth by NN lawyer. Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1; " Conflict of interest" pursuant Article 424 and "Unlawful construction work" pursuant Article 368 of the CCRK.<sup>135</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Peja on 29.04.2014, whereas on the other hand the Prosecution had decided to dismiss it on 12.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Peja had granted a decision almost 562 days after its submission date.*

8. Case number PP.I . 193/15 determined on 21.12.2015. **Dismissal of criminal report ruling** set forth by NN citizens. Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1 in conjunction with Article 31 of the CCRK.<sup>136</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Peja on 15.07.2015, whereas on the other hand the Prosecution had decided to dismiss it on 21.12.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Peja had granted a decision almost 159 days after its submission date.*

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<sup>134</sup>Note: Based on the ruling reached on 17.11.2015, BP in Peja concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>135</sup>Note: Based on the ruling reached on 12.11.2015, BP in Peja concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offences, in view of the fact that there is no reasonable doubt that the person has committed these criminal offences.

<sup>136</sup>Note: Based on the ruling reached on 21.12.2015, BP in Peja concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that a civil proceeding is being held in relation to the same issue.

9. Case number PP/I. 134/2015 determined on 24.11.2015. **Dismissal of criminal report ruling** set forth by NN citizen. Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1 in conjunction with Article 31 of the CCRK.<sup>137</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Peja on 21.05.2015, whereas on the other hand the Prosecution had decided to dismiss it on 24.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Peja had granted a decision almost 187 days after its submission date.*

10. Case number PP.I. 224/2015 determined on 30.09.2015. **Dismissal of criminal report ruling** set forth by NN citizens. Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1 in conjunction with Article 31 of the CCRK.<sup>138</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Peja on 17.08.2015, whereas on the other hand the Prosecution had decided to dismiss it on 30.09.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Peja had granted a decision almost 44 days after its submission date.*

## **BASIC PROSECUTION IN MITROVICA**

1. Case number PP-I. 241/2015 determined on 12.10.2015. **Dismissal of criminal report ruling** set forth by NN citizen. Criminal offence "Abusing official position or authority" pursuant Article 422 of the CCRK.<sup>139</sup>

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<sup>137</sup>Note: Based on the ruling reached on 24.11.2015, BP in Peja concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>138</sup>Note: Based on the ruling reached on 30.09.2015, BP in Peja concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>139</sup>Note: Based on the ruling issued on 12.19.2015, BP in Mitrovica concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Mitrovica on 08.06.2015, whereas on the other hand the Prosecution had decided to dismiss it on 12.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Mitrovica had granted a decision almost 126 days after its submission date.*

2. Case number PP.II . 201/2012 determined on 20.10.2015. **Dismissal of criminal report ruling** set forth by Investigation Unit for Economic and Corruption Crimes- Mitrovica. Criminal offence “Legalization of false content” pursuant Article 334 of the CCRK.<sup>140</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Mitrovica on 21.12.2011, meanwhile the Prosecution had decided to dismiss it on 20.10.2015. The treatment related to this criminal report had lasted for 1398 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Mitrovica has violated this legal prescribed period of time, because it has dismissed the criminal report after 658 days counted from January 1, 2013.*

3. Case number PP-I . 10/2013 determined on 17.12.2015. **Dismissal of criminal report ruling** set forth by Kosovo Police. Criminal offences “Abusing official position or authority” pursuant Article 339 paragraph 2 in conjunction with paragraph 1 and “Falsifying official document” pursuant Article 332 paragraph 3 in conjunction with paragraph 1 of the CCRK.<sup>141</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Mitrovica on 27.04.2012, meanwhile the Prosecution had decided to dismiss it on 17.12.2015. The treatment related to this criminal report had lasted for 1329 days from its submission. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Mitrovica has violated this legal prescribed period of time, because it has dismissed the criminal report after 1081 days counted from January 1, 2013.*

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<sup>140</sup>Note: Based on the ruling issued on 20.10.2015, BP in Mitrovica concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>141</sup>Note: Based on the ruling issued on 17.12.2015, BP in Mitrovica concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offences, in view of the fact that the absolute statutory of limitation has expired.

4. Case number PPN. 81/2015 determined on 15.12.2015. **Official note** on the criminal offences “Abusing official position or authority” and “Falsifying official document”.<sup>142</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Mitrovica on 01.09.2015, whereas on the other hand the Prosecution had decided to dismiss it on 15.12.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Mitrovica had granted a decision almost 105 days after its submission date.*

## **BASIC PROSECUTION IN GJILAN**

1. Case number PPN/I . 16/2015 determined on 24.06.2015. **Official note** on the criminal offences “Abusing official position or authority” pursuant Article 422 paragraph 1 of the CCRK.<sup>143</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjilan on 14.11.2015, whereas on the other hand the Prosecution had decided to dismiss it on 19.12.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjilan had granted a decision almost 35 days after its submission date.*

2. Case number PPH.I . 115/2015 determined on 17.11.2015. **Termination of investigation ruling** for the criminal offences “Abusing official position or authority” pursuant Article 422 paragraph 1 in conjunction with Article 31 of the CCRK.<sup>144</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjilan on 03.04.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 22.07.2015. Even though the provisions of the Criminal Procedural Code of*

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<sup>142</sup>Note: Based on the ruling issued on 15.12.2015, BP in Mitrovica concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>143</sup>Note: Based on the ruling issued on 24.06.2015, BP in Mitrovica concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>144</sup>Note: Based on the ruling issued on 17.11.2015, BP in Gjilan concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence

*Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjilan had granted a decision almost 56 days after its submission date.*

3. Case number PPH.I . 121/2015 determined on 08.12.2015. **Termination of investigation ruling** for the criminal offences “Abusing official position or authority” pursuant Article 422 paragraph 1 of the CCRK.<sup>145</sup>

**KLI:** *Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjilan on 30.06.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 02.08.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjilan had granted a decision almost 33 days after its submission date.*

4. Case number PP.I . 208/2015 determined on 28.12.2015. **Termination of investigation ruling** set forth by NN citizen. Criminal offence “Abusing official position or authority” pursuant Article 422 paragraph 1 of the CCRK.<sup>146</sup>

**KLI:** *Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjilan on 04.11.2015, whereas on the other hand the Prosecution had decided to initiate the investigation on 28.12.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjilan had granted a decision almost 53 days after its submission date.*

## **BASIC PROSECUTION IN GJAKOVA**

1. Case number PP/I. 99/2013determined on 22.12.2015. **Termination of investigation ruling** for the criminal offence “Abusing official position or authority” pursuant Article 339 paragraph 3 of the CCRK.<sup>147</sup>

**KLI:** *Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjakova on 13.12.2012, meanwhile the Prosecution had decided to dismiss it on 27.01.2014. The treatment related to this criminal report had lasted for 775 days from its submission.*

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<sup>145</sup>Note: Based on the ruling issued on 08.12.2015, BP in Gjilan concordant with Article 158 paragraph 1 subparagraph 1.1. of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>146</sup>Note: Based on the ruling issued on 28.12.2015, BP in Gjilan concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>147</sup>Note: Based on the ruling issued on 22.12.2015, BP in Gjakova concordant with Article 158 paragraph 1 subparagraph 1.5 of the CPCRK, had decided to terminate the investigation for the abovementioned criminal offence, in view of the fact that there are circumstances that preclude the prosecution.

*Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, where the legal prescribed period of time of granting a decision concerning the criminal report has been limited to 30 days (Article 82), results that the BP in Gjakova has violated this legal prescribed period of time, because it has dismissed the criminal report after 392 days counted from January 1, 2013.*

2. Case number PP/I . 81/2015 determined on 15.10.2015 . **Dismissal of criminal report ruling** set forth by NN citizen. Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1 of the CCRK.<sup>148</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjakova on 03.04.2015, whereas on the other hand the Prosecution had decided to dismiss it on 15.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjakova had granted a decision almost 195 days after its submission date.*

3. Case number PP/I . 151/2015 determined on 02.10.2015. **Dismissal of criminal report ruling** set forth by NN citizen. Criminal offence "Irresponsible medical treatment" pursuant Article 219 paragraph 1 of the CCRK.<sup>149</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjakova on 04.07.2014, whereas on the other hand the Prosecution had decided to dismiss it on 02.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjakova had granted a decision almost 455 days after its submission date.*

4. Case number PP/I . 76/2015 determined on 15.10.2015 . **Dismissal of criminal report ruling** set forth by ACA. Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 2 subparagraph 2.2. of the CCRK.<sup>150</sup>

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<sup>148</sup>Note: Based on the ruling issued on 15.10.2015, BP in Gjakova concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>149</sup>Note: Based on the ruling issued on 02.10.2015, BP in Gjakova concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>150</sup>Note: Based on the ruling issued on 15.10.2015, BP in Gjakova concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjakova on 26.12.2014, whereas on the other hand the Prosecution had decided to dismiss it on 15.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjakova had granted a decision almost 293 days after its submission date.*

5. Case number PP/I . 160/15 determined on 04.11.2015. **Dismissal of criminal report ruling** set forth by NN citizen. Criminal offence "Abusing official position or authority" pursuant Article 422 of the CCRK.<sup>151</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjakova on 30.09.2015, whereas on the other hand the Prosecution had decided to dismiss it on 04.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjakova had granted a decision almost 35 days after its submission date.*

6. Case number PP/I . 173/15 determined on 12.11.2015 . **Dismissal of criminal report ruling** set forth by NN citizen. Criminal offence "Abusing official position or authority" pursuant Article 422 paragraph 1 in conjunction with Article 31 of the CCRK.<sup>152</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjakova on 09.10.2015, whereas on the other hand the Prosecution had decided to dismiss it on 12.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjakova had granted a decision almost 34 days after its submission date.*

7. Case number PPN/I . 194/2014 determined on 02.11.2015. **Official note on informative report dismissal.** Criminal offence unspecified.<sup>153</sup>

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<sup>151</sup>Note: Based on the ruling issued on 04.11.2015, BP in Gjakova concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>152</sup>Note: Based on the ruling issued on 12.11.2015, BP in Gjakova concordant with Article 82 paragraph 1 subparagraph 1.1 of the CPCRK, had decided to dismiss the criminal report for the abovementioned criminal offence, in view of the fact that there is no reasonable doubt that the person has committed this criminal offence.

<sup>153</sup>Note: Based on the official note issued on 02.11.2015, BP in Gjakova had dismissed the case in view of the fact that there is lack of evidence that prove that the criminal offence was committed by the suspected person.

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjakova on 13.10.2014,, whereas on the other hand the Prosecution had decided to dismiss it on 02.11.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjakova had granted a decision almost 252 days after its submission date.*

8. Case number PPN/I . 214/2014 determined on 27.10.2015. **Official note on informative report dismissal.** Criminal offence unspecified.<sup>154</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjakova on 09.12.2014,, whereas on the other hand the Prosecution had decided to dismiss it on 27.10.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjakova had granted a decision almost 321 days after its submission date.*

9. Case number PPN/I . 77/2015 determined on 03.08. 2015. **Official note on informative report dismissal.** Criminal offence unspecified.<sup>155</sup>

*KLI: Based on the ruling, it is confirmed that the criminal report was submitted in the Basic Prosecution in Gjakova on 03.06.2015, whereas on the other hand the Prosecution had decided to dismiss it on 03.08.2015. Even though the provisions of the Criminal Procedural Code of Kosovo have emphasized for such cases, that the decision should be granted 30 days from the submission of the criminal report, BP in Gjakova had granted a decision almost 61 days after its submission date.*

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<sup>154</sup>Note: Based on the official note issued on 27.10.2015, BP in Gjakova had dismissed the case in view of the fact that there is lack of evidence that prove that the criminal offence was committed by the suspected person.

<sup>155</sup>Note: Based on the official note issued on 03.08.2015, BP in Gjakova had dismissed the case in view of the fact that the statutory of limitation for the criminal offence has expired.

## IX. PROSECUTORS' ACCOUNTABILITY

### a) Failures on the Tracking Mechanism at corruption cases

During this reporting period (*October, November, December 2015*) KLI has identified cases registered on delay in the Tracking Mechanism and cases that do not appear in the data register of the Tracking Mechanism, although the same cases existed at prior register, which are presented in the table below:

Prosecution Offices' Failures in the Tracking Mechanism (01.10.2015 - 31.12.2015)	Registered on delay		Do not exist in the register		TOTAL	
	Cases	Persons	Cases	Persons	Cases	Persons
SPRK	9	73	4	21	13	94
BP in Pristina	13	22	9	12	22	34
BP in Prizren			2	2	2	2
BP in Gjilan	3	3	1	1	4	4
BP in Ferizaj	1	1	2	4	3	5
BP in Peja	15	29			15	29
BP in Gjakova	1	3	1	1	2	4
BP in Mitrovica			1	1	1	1
<b>TOTAL</b>	<b>42</b>	<b>131</b>	<b>20</b>	<b>42</b>	<b>62</b>	<b>173</b>

**Table 11 - Failures of Prosecution Offices in the Tracking Mechanism (01.10.2015 - 31.12.2015).**

Table 11, confirms the failures of prosecution offices in registering cases to the Tracking Mechanism, from October 1, until December 31, 2015. In this Table is noticed that Prosecution Offices have registered on delay 42 cases with 131 persons involved. SPRK leads this figure, with 9 cases and 79 persons, followed by BP Office in Peja with 15 cases and 29 persons, BP Office in Pristina with 13 cases and 22 persons, BP Office in Ferizaj with 1 case and 1 person, while BP Offices in Prizren and Mitrovica had not registered on delay any case.

The register of corruption cases on delay in the Tracking Mechanism by prosecutors represents a matter of concern, due to the fact that this mechanism aims to harmonize statistical reports between SP and other law enforcement agencies in Kosovo. Also, this mechanism serves as an important mean for Prosecution Offices to have information regarding the number of corruption cases at every Prosecution Office. Through this information, KPC is able to make adequate policies for the implementation of constitutional and legal obligations regarding the prosecution of criminal offences perpetrators. The case of SPRK which has registered on delay 9 cases with 73 persons proves about the seriousness of this Prosecution in its management and administration.

During the monitoring process of corruption cases, in the last quarter of 2015, KLI has also found that there are cases which were not registered at all or do exist in the Tracking Mechanism. Only during this reporting period, KLI has identified 20 such cases with 42 persons involved. SPRK leads these cases too, with 4 of them and 21 persons, followed by BP Office in Pristina with 9 cases and 12 persons, while the number of these cases at other BP Offices is 1 or 2, except BP Office in Peja which had no case that was not registered at all in the Tracking Mechanism.

In the table below, KLI has presented the failures of Prosecution Offices in registering cases in the Tracking Mechanism, from the entry into force of the Action Plan, from November 4, 2013 until December 31, 2015. During this period of two years, KLI has identified that Prosecution Offices has registered on delay or has not registered at all, a total of 132 cases with 355 persons. Also, it has found that the number of cases which do not exist in the register is 63 of them with 144 persons, while 13 cases with 32 persons were registered in the Tracking Mechanism only after those cases were solved. The total number is 208 cases with 537 persons, for which SP has failed to report corruption cases in the Tracking Mechanism.

These failures lead to big consequences for prosecutorial and justice systems, by disabling the identification of the real state of corruption cases in prosecutorial system and by disabling the draft of adequate policies in fighting criminal corruption cases. The lack of accountability is a key factor which disables the efficient implementations of obligations to respect the rules of the Tracking Mechanism. KPC has made decisions to hold accountable all of them who failed in respecting the Tracking Mechanism, but those decisions have remained unimplemented, because none of Chief Prosecutors or National Coordinator, have not reported for impositions of measures against responsible persons. For more, please follow the table below, where are presented the failures of Prosecution Offices, in respecting the Tracking Mechanism from the entry into force of the Action Plan on November 4, 2013 until the end of this reporting period on December 31, 2015.

Failures of Prosecution Offices regarding the Tracking Mechanism (04.11.2013 - 31.12.2015)	Registered on delay		Do not exist in the register		Registered at solved cases		TOTAL	
	Cases	Persons	Cases	Persons	Cases	Persons	Cases	Persons
SPRK	18	132	12	45			17	83
BP in Pristina	76	159	27	58	4	18	85	201
BP in Prizren	1	1	9	14			8	13
BP in Peja	4	4	4	4			4	4
BP in Gjilan	7	12	4	6	1	1	9	14
BP in Mitrovica	16	30	3	11	2	6	6	18
BP in Ferizaj	5	8	1	1			4	5
BP in Gjakova	5	9	3	5	6	7	13	20
<b>TOTAL</b>	<b>132</b>	<b>355</b>	<b>63</b>	<b>144</b>	<b>13</b>	<b>32</b>	<b>208</b>	<b>537</b>

**Table12 – Cases when the Tracking Mechanism was not respected**

## b) Disciplinary investigations to prosecutors as a result of the findings by KLI's monitoring

From the entry into force of the Action Plan until December 31, 2015, KLI has published seven (7)<sup>156</sup>periodic monitoring reports and an analytic thorough report <sup>157</sup>on the failures and challenges of prosecution offices in treating corruption cases. After the publication

<sup>156</sup> From the Entry into force of the Action Plan, KLI has published six (6) periodic monitoring reports, which can be uploaded through this link: (<http://kli-ks.org/publikime/>)

1) Musliu B. and Gashi A. "Corruption in Kosovo: Evaluation Report on Efficiency of the Prosecutorial System in Implementing the Action Plan on Corruption Cases" published on March 28, 2014, Pristina.

2) Musliu B. "Corruption in Kosovo 2: Comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases" published on September 5, 2014, Pristina.

3) Musliu B. and Nimoni G. "Corruption in Kosovo 3: Comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases", published on December 26, 2014, Pristina.

of periodic reports, KLI findings on corruption cases treated by prosecutors, have served to ODC, which ex officio has initiated preliminary investigations to all of these cases.

As a result of KLI's published reports, ODC has treated a total of 149 corruption cases at preliminary investigations, 42 cases or corruption cases were involved in disciplinary investigations, 9 reports were addressed by ODC to the Disciplinary Committee of Prosecutorial Council for disciplinary proceedings. Based on these published reports by KLI, also the disciplinary proceedings were closed with findings to 4 cases treated by ODC, to 4 cases the disciplinary investigations are still in the investigation proceeding, 39 of them were refused, 4 cases were refused after the preliminary investigations, and 29 cases are at the stage of deciding by ODC. During 2014 and 2015, ODC has addressed to the Disciplinary Committee of KPC, 25 reports on alleged violations by prosecutors. Among these 25 cases, 9 of them are as a result of KLI's findings in the published reports.<sup>158</sup>If we convert it in percentage, it results that 36% of submitted reports by ODC in the Disciplinary Committee of KPC, are as a result of KLI's findings.<sup>159</sup>

From the last report of KLI, which was published on December 10, 2015, ODC has involved 56 cases in preliminary investigations, from which 12 of them are involved due to the expire of the statutory limitation, while 44 other cases due to violations of legal terms.

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4) Musliu B. and Nimoni G. "Corruption in Kosovo 4: *Comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases*", published on April 8, 2015, Pristina.

5) Musliu B. and Nimoni G. "Corruption in Kosovo 5: *Comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases*", published on June 25, 2015, Pristina. 6) Musliu B. and Nimoni G. "Corruption in Kosovo 6: *Comprehensive assessment report on the effectiveness of the prosecutorial system in implementing the Action Plan on corruption cases*", published on November 20, 2015, Pristina.

7) Musliu B and Miftaraj E. "Fighting Corruption in Kosovo: Priority in Paper" published on December 10, 2015, Pristina.

<sup>157</sup> Musliu B. "SEEKING A WAY TO FIGHT CORRUPTION: Between two fires, persecution and failure", published on August 18, 2015, Pristina.

<sup>158</sup>Note: During 2014 were received a total of 140 complaints for prosecutors who after a preliminary investigation were taken actions as: 84 of them were refused and were open 30 disciplinary investigations for prosecutors, from which it resulted with 6 report to the Disciplinary Committee of KPC and were closed 9 investigations without findings of alleged impropriety behaviours for prosecutors, while among them were taken 3 disciplinary decisions by the Committee. During 2015 (January – November) were received 97 complaints for prosecutors for which were taken action after the preliminary investigation as: 62 of them dedicated to prosecutions were refused, were open 27 disciplinary investigations for prosecutors, which has resulted with 19 reports to Disciplinary Committee of KPC, and were closed without findings of the alleged behaviour 5 investigations for prosecutors, while were taken decisions for 9 of them by the Committee. Official data from the Office of Disciplinary Council. November 2015.

<sup>159</sup>"KLI reports with findings have served to ODC to identify the improper alleged behaviour. The cooperation with KLI has continuously been good. We consider that the findings from KLI reports, the investigatibe proceeding and disciplinary proceedign in the Prosecutorial Disciplinary Committee, have affected to hold accountbale prosecutors and to improve their work as a resuld of these findings", quotation of the Director of the Office of Disciplinary Counsel, Mr. Zef Prendrecaj. November 2015.

<b>CASES OF INVESTIGATIONS FROM THE OFFICE OF THE DISCIPLINARY COUNSEL, INITIATED BY KLI REPORTS</b>									
<b>KLI published reports</b>	Subjects involved in preliminary investigations	Subjects involved in disciplinary investigations	Cases involved in disciplinary	Disciplinary investigations addressed in the Disciplinary Committee	Disciplinary Investigations completed by findings	Disciplinary investigations in the phase of investigations	Refused cases	Refused cases at the preliminary investigations	Cases in the deciding stage
<b>Corruption in Kosovo - I -</b>	26	21	14	6	4	4	5	1	
<b>Corruption in Kosovo - II -</b>	16	1	1	1			15	1	
<b>Corruption in Kosovo - II -</b>	29								29
<b>Corruption in Kosovo -IV -</b>	22	3	2	2			19	2	
<b>Fighting corruption in Kosovo- Priority in paper</b>	56	0	0	0	0	0	0	0	0
<b>Total:</b>	149	25	17	9	4	4	39	4	29

Table 13 - Cases of ODC investigations after the publications of KLI reports

## X. MONITORING OF COURT HEARINGS ON CORRUPTION CASES

On December 25, 2015, KJC has adopted the Action Plan for solving corruption cases.<sup>160</sup> Through this Action Plan, KJC has expressed its will to treat corruption cases at Kosovo Courts, with an absolute priority. This plan has foreseen the identification of corruption cases at courts, and the categorization of corruption cases according perpetrators of criminal offences.

Based on this plan, KJC has obliged all of Chairman of Courts to prepare monthly reports to KJC, regarding the results of every court in treatment of corruption cases. The Plan has foreseen that KJC should do the evaluation at various stages for the implementation of the Action Plan. Also, it was established the Committee for monitoring of the implementation of the Action Plan, with limited competences only regarding the fulfillment of Action Plan's obligations.<sup>161</sup>

The expressed will by KPC through the adoption of the Action Plan to treat corruption cases, has lacked in its strictly implementation in practice. The Action Plan has foreseen the legal terms for the evaluation of this plans' implementation. The first stage of the evaluation it must have ended in November 2015, while the second stage in January 2016. Meanwhile, during 2015, KJC did not manage to meet this obligation. In January 2016, the monitoring Committee of KJC, has went out on field and has made the first evaluation of this plan.

Even though the Chairmen of the Basic Courts were obliged to submit reports on monthly basis regarding the results on the treatment of corruption cases, they did not conduct this obligation based on the legal terms.<sup>162</sup> Also, the obligation to report in a detailed manner for each case, which includes the data from the alleged time when the criminal offense was committed until the stage of the case in courts, was not respected <sup>163</sup>by the Basic Court in Pristina.<sup>164</sup>

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<sup>160</sup>Note: By a request of KJC, KLI has drafted the Action Plan for solving corruption cases at courts, which plan were adopted by KPC on September 25, 2015 with some amendments. .

<sup>161</sup>Committee on Monitoring of the implementation of the Action Plan is consisted by Mr. Enver Peci, Chairman of KJC, and two members Mr. Agim Maliqi and Mrs. Valdete Daka.

<sup>162</sup>KLI interviews with the Chairman of BC in Pristina, Mr. Hamdi Ibrahim; Chairman of BC in Prizren, Mr. Ymer Hoxha; Chairman of BC in Ferizaj, Mr. Bashkim Hyseni; Chariman of BP in Peja Mrs. Elmaze Syka; Chairman of BP in Gjilan, Mr. Zyhdi Haziri, Chairman of BP in Gjakova, Mr. Vaton Durguti. November, December 2015.

<sup>163</sup>KLI interview with Mr. Enver Peci, Chariman of KJC. January 2016.

<sup>164</sup>Kryetari The Chairman of the Basic Court in Pristina, Mr. Hamdi Ibrahim said that among the requires on data on the Action Plan, there are data which are not recognised by the Court according to the law, therefore the they were not reported. It is about the data of the date of filing the indictments at Prosecution Offices

KJC's Action Plan on handling corruption cases, has set deadlines when Presidents of BC's must report to KJC. Some of the BC's have not committed this obligation on time. KJC has done the same, by going delayed in the field to do the assessment of the implementation of Action Plan regarding the solution of corruption cases in Courts. The report prepared and presented by the Committee<sup>165</sup> to KJC, is a generalized and formal report, by not highlighting the problems, challenges or other issues faced by judges while handling corruption cases.

Based on this report results that at the beginning of 2016, BC's have had 368 corruption cases at work. Indictments that are being treated in Courts mainly belong to 2013, 2014 and 2015, while there are older cases that were retrial. According to the identification of KJC's Committee, on corruption cases that are in process, results that amount of damage caused or material gain through the offense of corruption passes millions of Euros. These data regarding these corruption cases for each court are identified in the table below:

<b>KJC'S REPORTING ON CORRUPTION CASES</b>			
<b>Kosovo Judicial Council</b>	<b>Cases</b>	<b>Year of indictments filing</b>	<b>The amount of damage or benefit</b>
<b>BC in Pristina</b>	193	2014/2015	50-1.779.795€
<b>BC in Gjilan</b>	43	2013-2015	20-120.000€
<b>BC in Peja</b>	18	2013-2015	300-1.000.000€
<b>BC in Mitrovica</b>	48	2014/2015	10-24.000.000€
<b>BC in Prizren</b>	21	2014/2015	700-900.000€
<b>BC in Ferizaj</b>	22	2014/2015	50-67.000€
<b>BC in Gjakova</b>	23	2014/2015	150-200.000€

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and data on the date of receiving of those indictments in the courts. Particularly regarding this part, KLI has identified cases when prosecutors have filed indictments in Prosecution Offices and they filed them at Courts after several months or years at Courts. KLI interview with Mr. Hamdi Ibrahim. February 2016.

<sup>165</sup>Source: KJC's Committee on monitoring of the implementation of Action Plan regarding the solution of corruption cases. Kosovo Judicial Council. April 2016.

**Table 14 - Corruption cases in BC's.**

From 368 corruption cases at work in all BC's of Kosovo, in BC of Pristina, there are 193 cases at work or 52.44% of all corruption cases. BC in Mitrovica has 48 cases at work, BC in Gjilan 43 cases, BC in Gjakova 23 cases, BC in Ferizaj 22 cases, BC in Prizren 21 cases and BC in Peja with 18 cases at work.

### **KLI'S MONITORING OF CORRUPTION CASES**

KLI starting from June 2015, has been monitoring corruption case in every Basic Court of the Republic of Kosovo. KLI's team of monitors starting from June 2015 have continuously visited on daily basis the Basic Courts and their Chairmen<sup>166</sup> in order to closely monitor every judicial proceeding related to the criminal offences of the corruption domain. The process of monitoring has incorporated the identification of the ongoing corruption cases, the appointment and delegation of cases, the information regarding the current procedural stage of the cases and this process is concluded with the compilation of a daily report that is published in the official website of the organization.<sup>167</sup>The issue of identifying corruption cases and the exact hour of their hearing remains a continuous challenge for KLI's monitors.<sup>168</sup> However, from now on KLI looks forward to diminishing this challenge due to the fact that it has formalized a Memorandum of Cooperation with KJC<sup>169</sup>, a document which will facilitate the Institute's access in communication, cooperation and coordination with the courts.

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<sup>166</sup> Interviews conducted by KLI with the President of BC in Pristina, Mr. Hamdi Ibrahim; the President of BC in Prizren, Mr. Ymer Hoxha; the President of BC in Ferizaj Mr. Bashkim Hyseni; the President of BC in Peja, Mrs. Elmaze Syka; the President of BC in Gjilan, Mr. Zyhd Haziri; the President of BC in Gjakova, Mr. Vatun Durguti. November, December 2015.

<sup>167</sup>KLI in cooperation the Public Broadcaster of the country co-produce a programme "Oath for Justice" focused on the rule of law, a programme apart from displaying research, analysis and debates, publishes the daily reports of the Institute's monitors for every followed corruption case. The reporting is conducted in a special section of the portal, which can be found at the following link: <http://betimiperdrejtesi.com/lajme/>

<sup>168</sup>The Basic Courts in general are still lacking an efficient and effective system that will update the database regarding the exact hour of the court hearings, and specifically for corruption cases. Firstly, KLI had established communication through Court Presidents and afterwards through the Spokespersons of the court who informed the monitors regarding the court hearings from the corruption domain. The aforementioned practice did not function optimally, due to the fact that sometime the Spokespersons were sending out incomplete and inaccurate information regarding the hour and date of the hearings and this produced various problems in their monitoring process. This sort of communication has improved over time, although is still facing difficulties. Bearing in mind these challenges, KLI by using the applicable legislation in order to access the necessary information from these cases, has signed a Memorandum of Cooperation with the KJC, through which has enabled a better access, communication, cooperation and coordination between the Institute's monitors and KJC, namely with every level of Courts and their Presidents.

<sup>169</sup>The Memorandum of Cooperation between KJC and KLI was approved unanimously by all of the members of the KJC in the meeting held in April 6, 2016. The document was signed in April 7, 2016. Pristina. April 7, 2016.

KLI's monitors, during the time period July 1, 2015 until March 31, 2016 have monitored 729 judicial hearings that include 47 corruption cases with 1085 persons involved. For a more detailed approach see the table below.

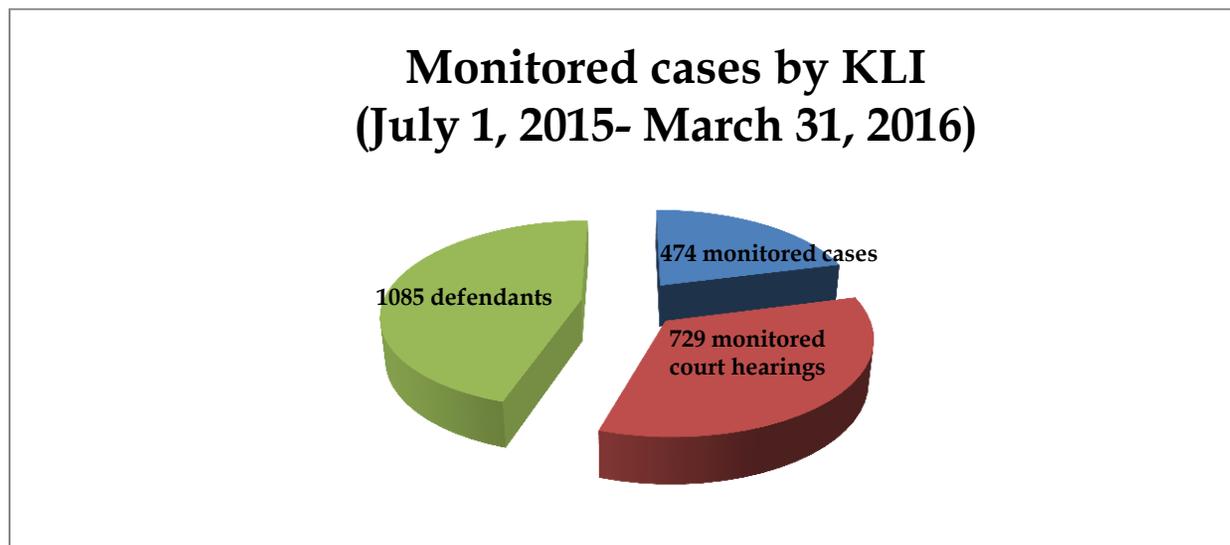
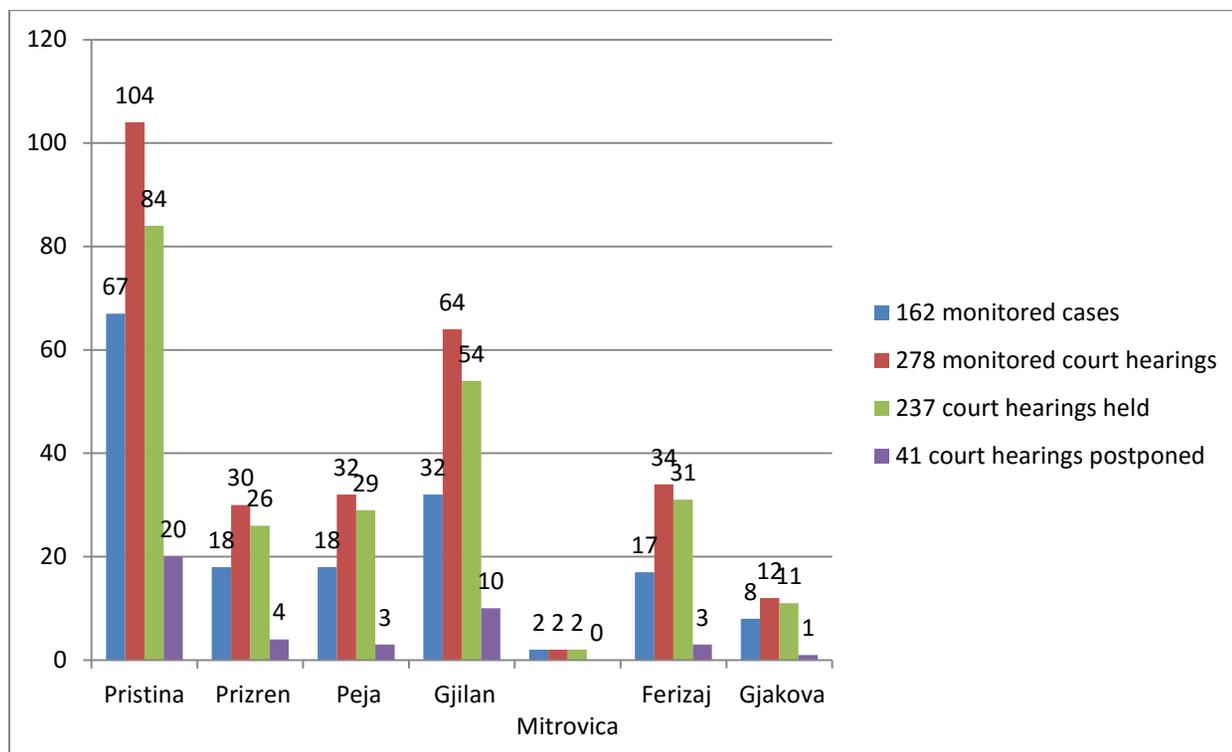


Chart 3 - The state of unsolved corruption cases for each court on 31.03.2016.

#### a) The analysis of monitored cases during quarterly period (01.10.2015 - 31.12.2015)

In this report, the subject of research and analysis are the monitored corruption cases during the last three months of 2015 (October, November, December 2015), while other cases will be addressed in the next report. Regarding this quarter (October, November, December 2015), KLI has monitored 278 court hearings, including 162 corruption cases with 379 persons. In the chart below is presented the number of hearings and corruption cases monitored by KLI. Also, there is presented the number of hearings that have been held and hearings that have been postponed due to various reasons.



**Chart 4 - Monitored court cases during the period 01.10.2015 until 31.12.2015.**

The largest number of monitored court hearings involve BC in Pristina, with 104 monitored court hearings, when are included 67 cases of corruption, where 84 of those hearings were held, while 20 hearings were postponed. Following is BC in Gjilan with 64 monitored court hearings including 32 cases of corruption, where 54 of those hearings were held, 10 hearings were postponed. The smallest number of corruption cases appointed refers to BC in Gjakova with 12 monitored court hearings including 8 corruption cases, and BC in Mitrovica with only 2 monitored court hearings including 2 cases of corruption.

Throughout the process of monitoring court hearings by KLI, during this reporting period (*October, November, December 2015*), were identified various irregularities. From 278 monitored hearings, 237 of them were held, while as a result of the failure to meet the legal conditions for holding the hearings, 41 of them were postponed. The reasons for the postponement of 41 hearings are:

- The absence of the defendant (19)
- Failure of prosecutor in delivering case files (1)
- The absence of the prosecutor(3)
- The absence of the Trial Panel(3)
- The absence of the lawyers(8)
- The absence of the injured party and witness(1)
- The absence of the defendant and prosecutor (1)
- Demand of the parties in proceeding (5)<sup>170</sup>

KLI has identified various irregularities also in the proceeded hearings. From 237 sessions held, 62 of them have started with over 15 minutes late, including:

- 16 cases in BC of Pristina
- 5 cases in BC of Prizren
- 5 cases in BC of Peja
- 20 cases in BC of Gjilan
- 2 cases in BC of Mitrovica
- 13 cases in BC of Ferizaj
- 1 cases in BC of Gjakova.

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<sup>170</sup>Note:Ongoing are explained the reasons of five (5) corruption cases, in which hearings were postponed due to the demand of the parties in proceeding:

1. Judge Shala approved the demand of the lawyer Vërtopi and gave the prosecution office a deadline of 60 days to undertake investigation actions in order to have a sustained indictment.
2. Prosecutor Islami demanded to postpone the hearing since he had another case of detention and since the prosecutor of this case would return from annual leave after some days. The Trial Panel saw the prosecutor's demand as reasonable and approved the same one.
3. Demand by the defend party to postpone the hearing for a period of two months as a result of the bad health condition of the defendant.
4. Demand by lawyer with the justification that the prosecutor should make clear the provision of the indictment, since there is a technical error, and some words were no printed.
5. Demand by he defendant to postpone the hearing because he had no defense.

As the most frequent reason of delay are identified the delays of: Judge/Trial Panel, Prosecutor, in some cases of Lawyer/Defender and Witnesses.

Throughout the process of monitoring were also noted other irregularities that have impeded the proceedings of court hearings. From 237 sessions held, in 101 of them KLI monitors have find the following violations:

- Failure to notify the parties and witnesses with their rights (2 cases)
- Failure to notify the parties and witnesses with their responsibilities (1 case)
- Prosecutor's failure to read the indictment (2 cases)
- Violation of the defendant's right to ask whether he understood the indictment (2 cases)
- Usage of mobile phone during the session by the members of Trial Panel (9 cases)
- Usage of mobile phone during the session by prosecutors (13 cases)
- Usage of mobile phone during the session by defenders (4 cases)
- Disuse of court dress by judges (9 cases)
- Disuse of court dress by prosecutors (21 cases)
- Disuse of court dress by defenders (31 cases)
- Mistakes in translation (3 cases)
- Lawyer's exit from the court room without further notice (1 case)
- Commencement of the main trial without the full composition of the trial panel (1 case)
- Violation of Article 322 paragraph 1, which states that after it is proved the identity of the defendant, the single trial judge or the presiding judge shall send the witnesses and experts to the designated place for them and they wait there until are called to testify (2 cases)

From 237 sessions monitored by KLI monitors, 163 of the were not held on regular basis, that turns out to be more than half of the sessions held.

## b) Delays of prosecution offices in proceeding indictments in courts

KLI while monitoring corruption cases in prosecution offices and courts has noticed in practice the delay phenomenon of the delivery of indictments by prosecutors in courts. KLI has identified seven (7) such cases in all courts of Kosovo. KLI presents at the table below cases in which prosecutors have sent with delay the indictments in court.

In the case of BP in Pristina with the number of indictment PP.no.677-3/2012, is confirmed a delay of 354 days from the date when the prosecutor compiled the indictment until the date when the same one was sent to court, when it is considered by law to be filed.

In the case of BP in Pristina( Branch in Podujeva) , with the number of indictment PP. no. 600-14/2006, is confirmed a delay of 436 days from the date when the prosecutor compiled the indictment until the date when the same one was sent to court.

In the case of BP in Pristina with the number of indictment PP.I.no. 375-14/2013, is confirmed a delay of 23 days from the date when the prosecutor compiled the indictment until the date when the same one was sent to court.

Delays of prosecutors in proceeding indictments in courts					
	Basic Courts and Branches of Basic Courts	No. of Indictment	Date of Indictment compilation by Prosecution office	Date of Indictment filing in Court	Delays
1	Pristina	PP.no.677-3/2012	11/30/2012	11/19/2013	354 days
2	Gjilan	P. no. 280/2012	12/31/2013	6/3/2014	154 days
3	Pristina (Branch Podujeva)	PP. no. 600-14/2006	4/15/2011	6/25/2012	436 days
4	Pristina	PP.no.5710-1/2010	5/26/2011	6/22/2011	27 days
5	Ferizaj	PP. 82/14	12/15/2014	2/16/2015	63 days
6	Gjakova	PP/I. no. 191/2013	1/27/2014	3/6/2014	38 days
7	Pristina	PP/I. no. 375/2013	11/29/2013	12/22/2013	23 days

**Table 15: Delays of prosecutors in proceeding indictments in courts**

In the case of BP in Gjilan with the number of indictment P. no. 280/2012, is confirmed a delay of 154 days from the date when the prosecutor compiled the indictment until the date when the same one was sent to court.

In the case of BP in Ferizaj with the number of indictment PP. 82/2014, is confirmed a delay of 27 days from the date when the prosecutor compiled the indictment until the date when the same one was sent to court.

In the case of BP in Gjakova with the number of indictment PP.I.no. 191/2014, is confirmed a delay of 38 days from the date when the prosecutor compiled the indictment until the date when the same one was sent to court.

### **c) The duration of court proceedings**

Failures to respect legal deadlines in handling corruption cases appear at all levels of justice system, including delays in police, prosecution offices and courts.<sup>171</sup>Delays in solving cases have a direct effect in violating the rights of citizens of the Republic of Kosovo,<sup>172</sup>which are guaranteed by the Constitution of the Republic of Kosovo.<sup>173</sup>

KLI even in this reporting period has identified the violations of justice institutions in handling corruption cases. Through monitoring of the handling of corruption cases in prosecution offices and courts, including all stages of criminal proceeding, KLI presents the real state on how long it takes the institutions responsible for handling a case of corruption, from the submission of the criminal report until the announcement of the verdict.

From 278 court hearings monitored in all seven BCs, including 162 cases of corruption, KLI has identified violations in all criminal proceedings. KLI has set several indicators to measure the time for treating a case, at each stage of criminal proceedings, including: 1) *The time period from the submission of the criminal report until the initiation of investigations*; 2) *the time period from the initial of investigations until the completion of investigations*; 3) *the time period from the initiation of investigations until filing the indictment*; 4) *the time period from the completion of investigations until filing the indictment*; 5) *the time period from the submission of the criminal report until filing the*

<sup>171</sup>Miftaraj E. and Musliu B. "Fighting Corruption in Kosovo, priority in paper". Kosovo Law Institute. Pristina, December 10, 2015.

<sup>172</sup>Annual Work Report 2014, No.14. Pg. 137. Ombudsperson Pristina 2015. (See link [http://www.ombudspersonkosovo.org/repository/docs/RAPORTI\\_2014\\_-\\_SHQIP\\_932837.pdf](http://www.ombudspersonkosovo.org/repository/docs/RAPORTI_2014_-_SHQIP_932837.pdf)) (Last accessed on March 20, 2016)

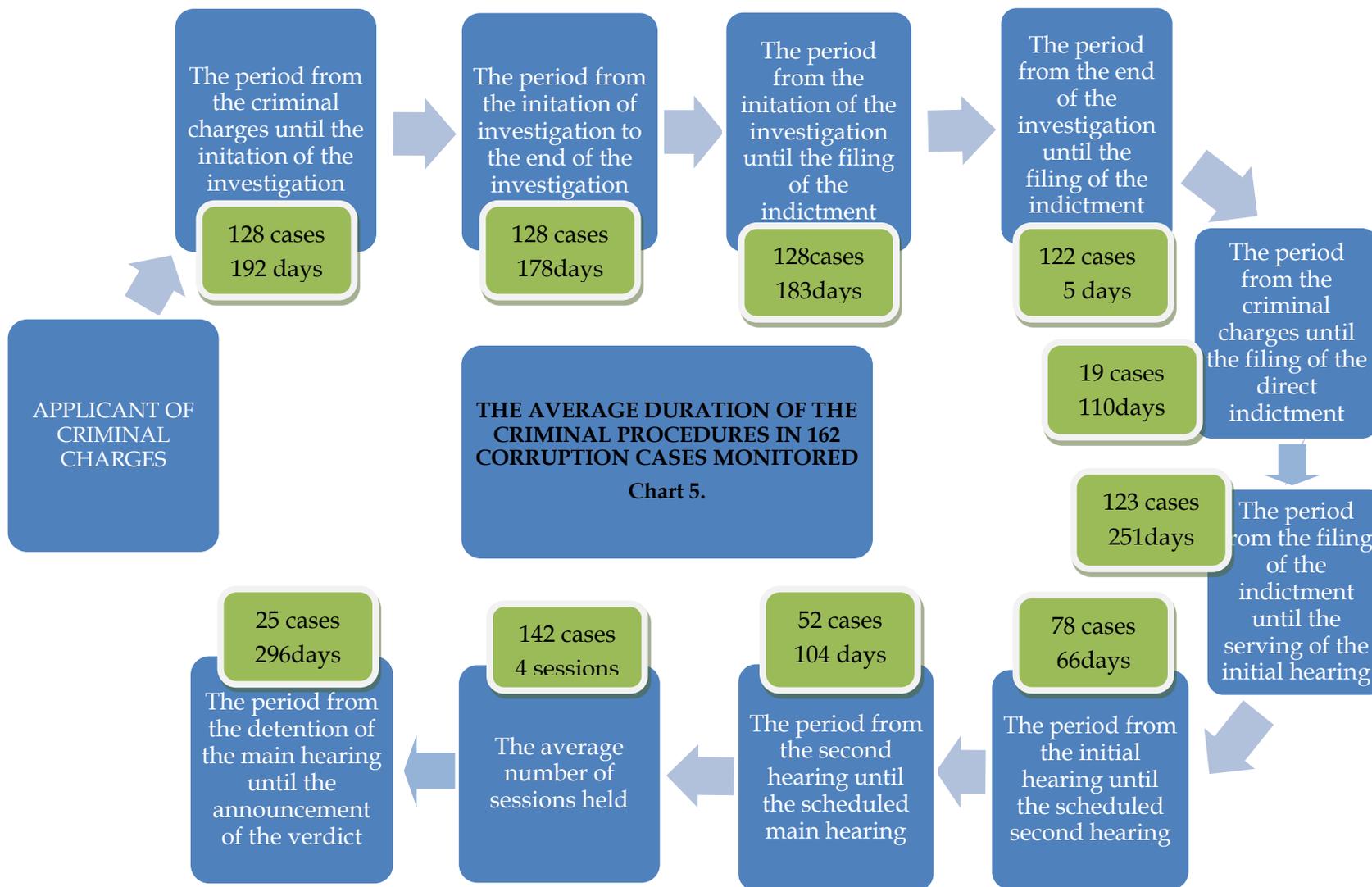
<sup>173</sup>Article 31 "Right to fair and impartial trial". Constitution of the Republic of Kosovo. June 15, 2008.

*indictment; 6) the time period from filing the indictment until the scheduling of the initial hearing; 7) the time period from the initial hearing until the appointment of the second hearing; 8) the time period from the second hearing until the appointment of the main trial; 9) the number of hearings that were held and 10) the time period from the main trial until the announcement of the verdict of the first instance.*

Based on these indicators, KLI has measured 162 corruption cases monitored during this reporting period (October, November, December 2015). Even during this reporting period, KLI findings showed that prosecutors and judges have constantly violated the legal deadlines foreseen by the Criminal Procedure Code. In the table below, KLI has presented all indicators of certain criminal proceedings stages and the average of the spend time at each stage<sup>174</sup>.

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<sup>174</sup>Note: The measures for each indicator in each stage differ in terms of the number of cases. KLI has measured and analyzed only to those cases for which monitors have managed to provide the completed data about the each stage of the criminal procedure set in indicators.



As noted in the table, the average duration of criminal proceedings in 162<sup>175</sup> corruption cases monitored by KLI, shows that prosecutors and courts at different stages of criminal law commit violation<sup>176</sup> of legal deadlines provided in Criminal Procedure Code.

- In 128 cases of corruption monitored by KLI, results that the average of the treatment of the criminal charges by prosecutors is 192 days.
- In 128 cases of corruption monitored by KLI, results that the average of the treatment from initiation of investigation until the completion of the investigation in 178 days.
- In 128 cases of corruption monitored by KLI, results that the average of the treatment from the initiation of investigation until the filing of the indictment is 183 days.
- In 122 cases of corruption monitored by KLI, results that the of the treatment from the completion of the investigations until the filing of the indictment 5 days.
- In 19 cases of corruption monitored by KLI, results that the average of the treatment from criminal charges until the filing of the direct indictment is 110 days.
- In 123 cases of corruption monitored by KLI, results that the average of the treatment from the filing of the indictment until the scheduled initial hearing is 251 days.
- In 78 cases of corruption monitored by KLI, results that the average of the treatment from the initial hearing until the scheduled second hearing 66 days.
- In 52 cases of corruption monitored by KLI, results that the average of the treatment from the second hearing until the scheduled main hearing is 104 days.

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<sup>175</sup> Clarification: KLI clarifies that each indicator for which is averaged, is based on cases in which the data are completed and the number of cases for each indicator changes. So, as you may see in the table, calculations are made only for the number of cases for which there are all the data.

<sup>176</sup>Note: Based on the new criminal procedure code, from the time of the submission of criminal report, prosecutor has to initiate investigations within 30 days or to dismiss the criminal report. This limitation of the deadlina was not defined in the old criminal procedure code which fact made it possible to prosecutors to conduct violations, by not taking any legal actions with decades in order to treat those criminal reports. From the initiation of investigations until the completion of them can take 24 months, eventually if the case is complicated the investigation can last six (6) more months, which decision must come from the Court. 2. State prosecutor should immediately send a copy of this decision according to paragraph 1. to the police. 3. State Prosecutor within eight (8) days from the dismissal of the criminal report must notify the injured party regardin the dismissal and the reasons of such decision. Criminal Procedure Code of the Republic of Kosovo. Assembly of the Republic of Kosovo. December 13, 2012. Miftaraj E. and Musliu B. "Fighting Corruption in Kosovo, Priority in Paper". Kosovo Law Institute. Page 89, 90. December 2015.

- In 142 cases of corruption monitored by KLI, results that the average of the scheduled sessions for each case is 4.
- In 25 cases of corruption monitored by KLI, results that the average of the treatment from the scheduling of the main hearing until the announcement of the verdict is 296 days.

Ongoing, it is also analyzed the average time spent at each stage of criminal proceedings, for all cases monitored for each prosecutor and court.

Prosecution offices who have spent most of the time in dealing with criminal charges are BP in Ferizaj , BP in Prishtina and BP in Peja. The average of the treatment of the criminal charges until the decision from the initiation of the investigation in the prosecution offices it has taken the following time:

- BP in Ferizaj for 16 cases monitored it took time 324 days.
- BP in Prishtina për 57 cases monitored it took time 260 days.
- BP in Peja for 11 cases monitored it took time 108 days.
- BP in Prizren for 14 cases monitored it took time 88 days.
- BP in Gjilan for 23 cases monitored it took time 74 days.
- BP in Gjakova for 7 cases monitored it took time 57 days.

Prosecution offices who have spent most of the time in criminal investigations are BP in Ferizaj, BP in Prizren and BP in Peja. The average of the treatment from the initiation of the investigations until the completion of the investigations in the prosecution offices it has taken the following time:

- BP in Ferizaj for 16 cases monitored it took time 292 days.
- BP in Prizren for 14 cases monitored it took time 203 days.
- BP in Peja for 11 cases monitored it took time 174 days.
- BP in Prishtina for 57 cases monitored it took time 171 days.
- BP in Gjilan for 23 cases monitored it took time 123 days.
- BP in Gjakova for 7 cases monitored it took time 117 days.

Prosecution offices who have spent most of the time from the initiation of the investigation until the filing of the indictment are BP in Ferizaj, BP in Prizren and BP in Peja. The average of the treatment from the initiation of the investigation until the filing of the indictment in the prosecution offices it has taken the following time:

- BP in Ferizaj for 16 cases monitored it took time 324 days.
- BP in Prizren for 14 cases monitored it took time 203 days.
- BP in Peja for 11 cases monitored it took time 183 days.
- BP in Prishtina for 57 cases monitored it took time 171 days.
- BP in Gjilan for 23 cases monitored it took time 123 days.
- BP in Gjakova for 7 cases monitored it took time 117 days.

Prosecution offices who have spent most of the time from the completion of the investigation until the filing of the indictment are BP in Ferizaj, BP in Peja and BP in Gjakova. The average of the treatment from the completion of the investigation until the filing of the indictment in the prosecution offices it has taken the following time:

- BP in Ferizaj for 16 cases monitored it took time 32 days.
- BP in Peja for 11 cases monitored it took time 9 days.
- BP in Gjakova for 1 case monitored it took time 2 days.
- Others BP's in monitored cases filed the indictment through provided legal deadlines for conducting the investigations.

Courts who have spent most of the time from the filing of the indictment until the scheduled initial hearing are BC in Mitrovica, BC in Prishtina and BC in Gjilan. The average time period from the filing of the indictment until the scheduled of the initial hearing in courts it has taken the following time:

- BC in Mitrovica for 2 cases monitored it took time 328 days.
- BC in Prishtina for 46 cases monitored it took time 295 days.
- BC in Gjilan for 26 cases monitored it took time 284 days. .
- BC in Peja for 12 cases monitored it took time 259 days.
- BC in Ferizaj for 16 cases monitored it took time 224 days.
- BC in Gjakova for 8 cases monitored it took time 132 days.
- BC in Prizren for 13 cases monitored it took time 120 days.

Courts who have spent most of the time from the initial hearing until the scheduled second hearing are BC in Ferizaj, BC in Peja and BC in Prizren. The average time period from the initial hearing until the scheduled of the second hearing in courts it has taken the following time:

- BC in Ferizaj for 7 cases monitored it took time 106 days.
- BC in Peja for 4 cases monitored it took time 102 days.
- BC in Prizren for 11 cases monitored it took time 78 days.
- BC in Gjilan for 16 cases monitored it took time 62 days.
- BC in Prishtina for 34 cases monitored it took time 57 days.
- BC in Gjakova for 6 cases monitored it took time 35 days.

Courts who have spent most of the time from the second hearing until the scheduled basic hearing are BC in Gjilan, BC in Peja and BC in Gjakova. The average period time from the second hearing until the scheduled main hearing in courts it has taken the following time:

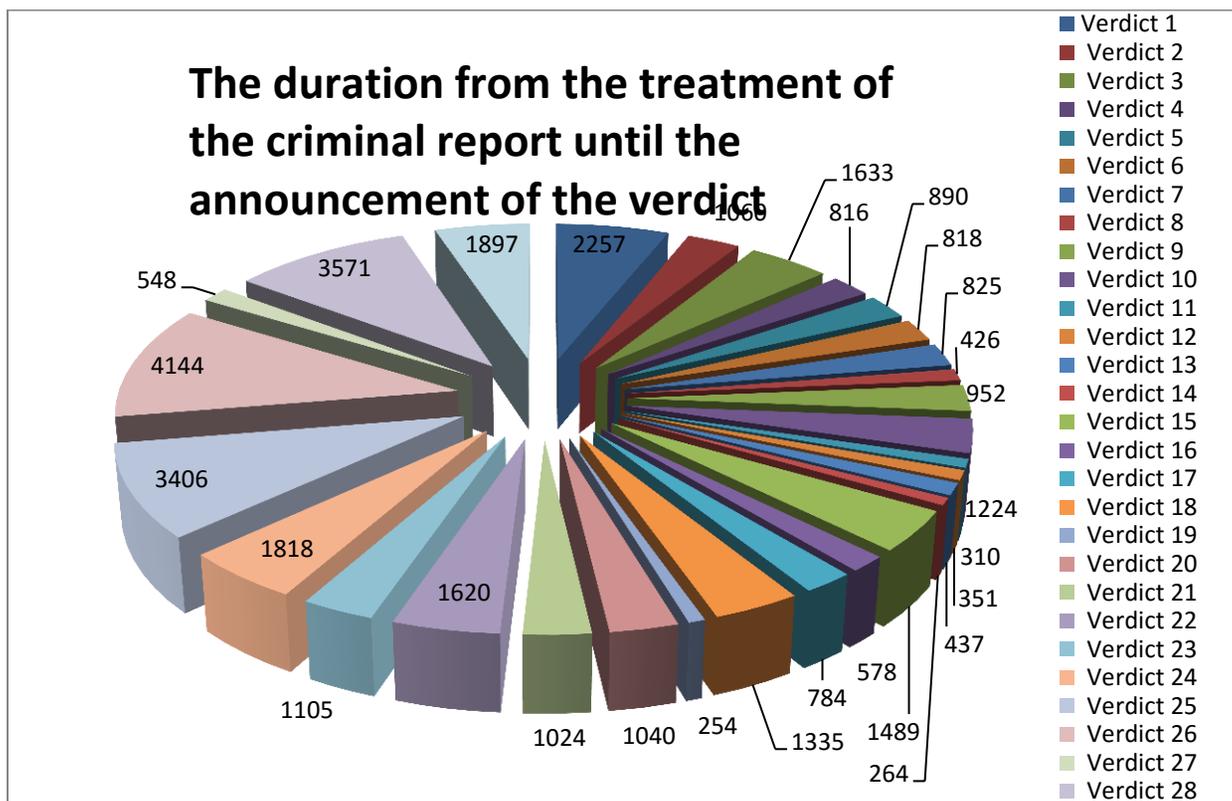
- BC in Gjilan for 10 cases monitored it took time 175 days.
- BC in Peja for 3 cases monitored it took time 172 days.
- BC in Gjakova for 4 cases monitored it took time 118 days.
- BC in Prishtina for 19 cases monitored it took time 90 days.
- BC in Prizren for 9 cases monitored it took time 72 days.
- BC in Ferizaj for 7 cases monitored it took time 49 days.

Courts who have spent most of the time from the scheduling of the main hearing until the announcement of the verdict are BC in Prishtina, BC in Prizren and BC in Gjakova. The average time period from the scheduling of the main hearing until the announcement of the verdict in courts has taken the following time:

- BC in Prishtina for 7 cases monitored it took time 513 days.
- BC in Prizren for 4 cases monitored it took time 386 days.
- BC in Gjakova for 1 case monitored it took time 252 days.
- BC in Gjilan for 5 cases monitored it took time 213 days.
- BC in Peja for 3 cases monitored it took time 128 days.
- BC in Ferizaj for 5 cases monitored it took time 113 days.

**d) The duration of the corruption cases until the announcement of the verdict (29 cases monitored by KLI)**

During KLI’s monitoring process of 128 cases of corruption, the courts have declared 29 verdicts for corruption cases. In all these cases in which verdicts were announced, KLI has analyzed the duration of each stage of the criminal proceedings and the respect of legal deadlines provided by Criminal Procedure Code. The following charts present two important phases to measure the duration of solving corruption cases, from the initial of criminal report and from the filing of the indictment until the announcement of the verdict in the first instance. See the following charts.



**Chart 6 - The duration from the treatment of the criminal report until the announcement of the verdict in 29 cases monitored by KLI.**

The graphic above shows that the shortest time of handling a corruption case from the submission of the criminal report until the announcement of the verdict is 264 days, while the one that lasted longer until the announcement of the verdict is 4144 days or over 11 years.

The graphic below presents the duration from the filing of the indictment until the announcement of the verdict. According to corruption cases monitored by KLI, results that the shortest time has been 146 days, while the case that lasted longer has taken 1878 days or over 5 years.

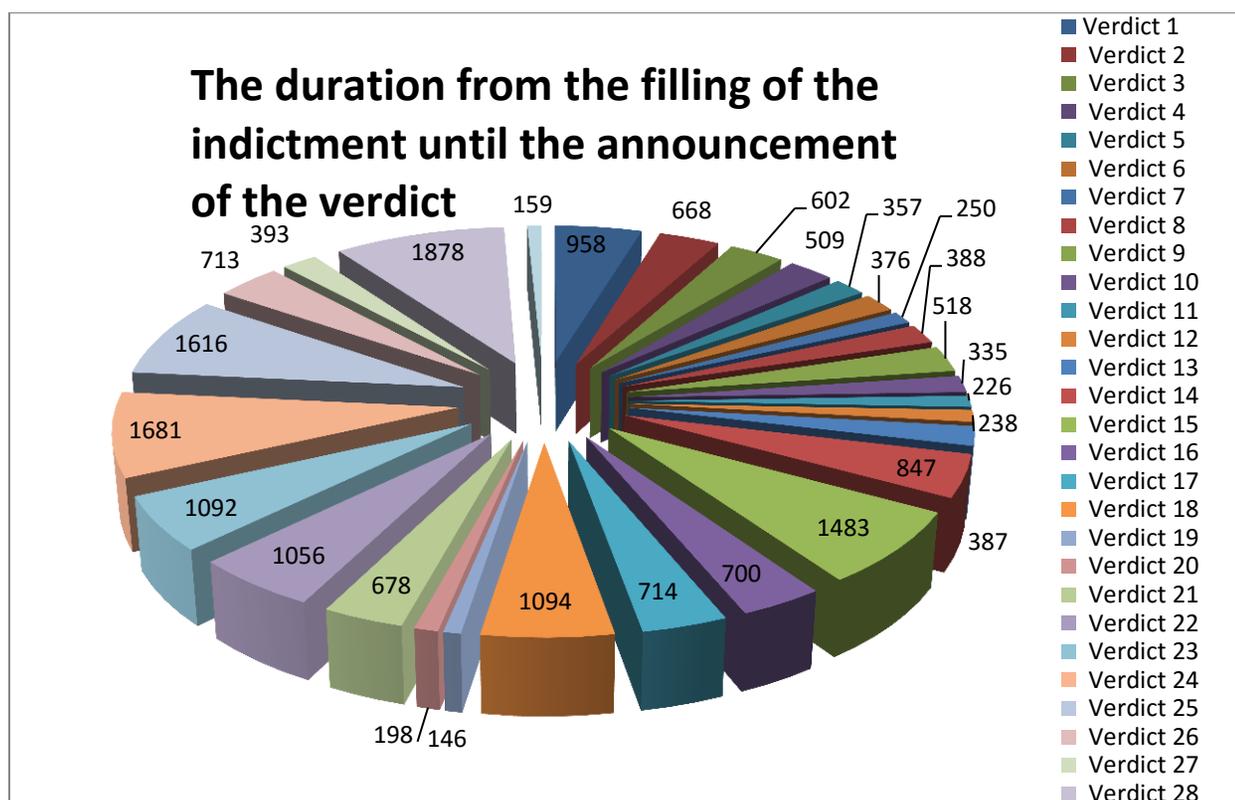


Chart 7 - The duration from the filing of the indictment until the announcement of the verdict in 29 cases monitored by KLI.

### e) Monitoring of corruption cases returned in retrial

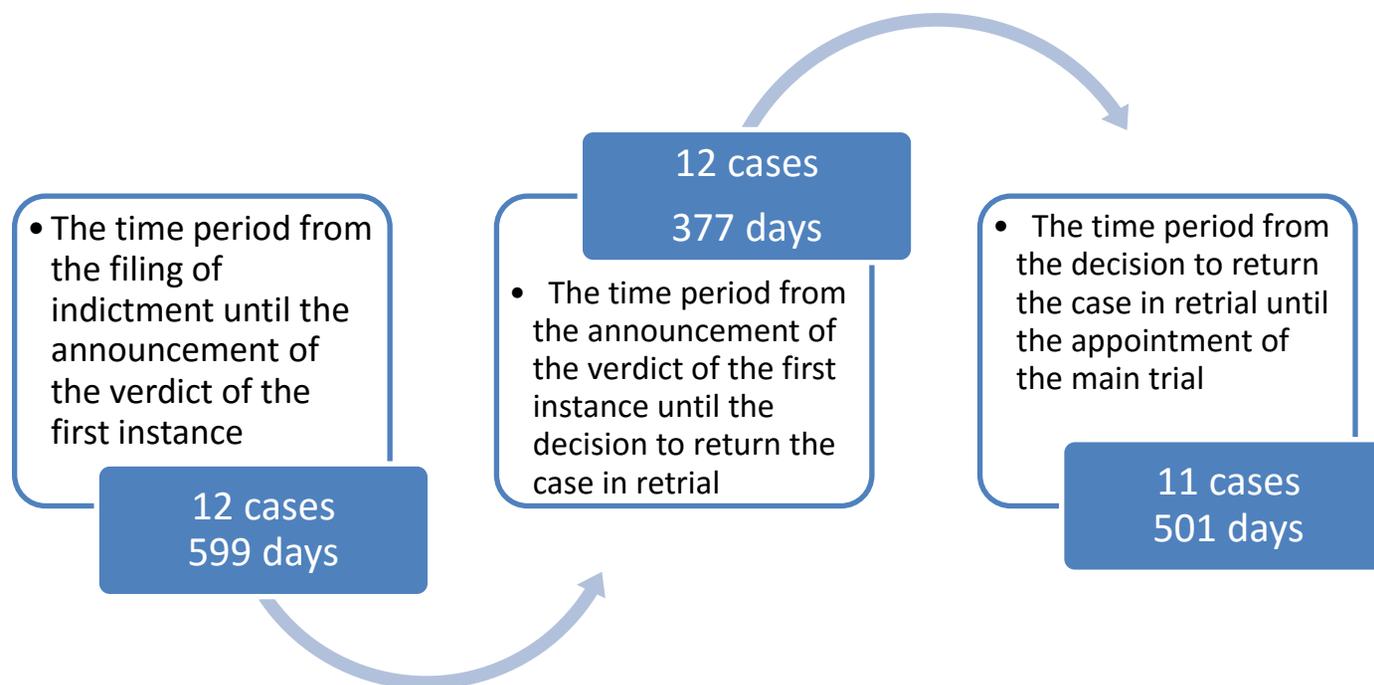
During the monitoring of 162 corruption cases during the quarter (*October, November, December 2015*), KLI monitors have identified 12 cases returned in retrial. Out of these 12 cases, 3 cases belong to BC of Pristina, 1 case in BC of Ferizaj, 3 cases in BC of Prizren, 4 cases in BC of Gjilan and 1 case in BC of Peja.

Profile of defendants in these 12 cases belongs mainly to medium profile. Among 18 defendants are involved: 3 businessman, 1 official of ministry, 1 bank director, 4 bank officials, 3 police officials, 1 acting director in highschool, 1 director in NGO, 1 municipal lawyer, 1 doctor, 1 driving instructor and 1 driving examiner.

Kosovo Police results to be the biggest applicant of cases returned in retrial with 7 cases, followed by the injured party with 3 cases, Kosovo Police Inspectorate with 1 case and the citizen with 1 case.

Despite this, also in these cases KLI has set several indicators to measure the time for treating a case, at each stage of criminal proceedings, but the main focus has been in these three stages: 1) *the time period from the filing of indictment until the announcement of the verdict of the first instance*; 2) *the time period from the announcement of the verdict of the first instance until the decision to return the case in retrial* and 3) *the time period from the decision to return the case in retrial until the appointment of the main trial*. KLI findings show that judges and prosecutors need years to initiate or complete a case.

On the chart below, IKLI has presented the indicators of three stages mentioned above with the average of the spend time at each stage.



**Chart 1- Average of the spend time of three stages of criminal proceeding in 12 corruption cases returned in retrial**

As noted in the chart above, the average duration of criminal proceedings in 12 corruption cases returned in retrial, which are monitored by KLI, shows that it has to pass at least 1 year for one stage to be processed.

- In 12 cases returned in retrial, results that the average of the treatment from filing the indictment until the announcement of the verdict of the first instance is 599 days.
- In 12 cases returned in retrial, results that the average of the treatment the announcement of the verdict of the first instance until the decision to return the case in retrial is 377 days.

- In 11<sup>177</sup> cases returned in retrial, results that the average of the treatment the decision to return the case in retrial until the appointment of the main trial is 501 days.

From the analysis conducted in these 12 cases, turns out that for 11 of them the decision to return the case in retrial is taken by the Appeal Court, while for 1 case this decision is taken by the Supreme Court. Based on the calculations from the time of the announcement of the verdict of the first instance until the decision to return the case in retrial, results that the Appeal Court needed 370 days or 1 year and 5 days to take such decision, while Supreme Court needed 455 days or 1 year and 90 days to return a case in retrial.

In 12 cases returned in retrial, for 6 of them is announced the second verdict. The average of the spend time from the appointment of the main trial until the announcement of the verdict for these 6 cases is 127 days. Out of them, 1 case is returned in retrial for the second time. After the announcement of the second verdict, the Appeal Court needed 451 days to return that case back in retrial, while the Basic Court in Prizren needed 359 days to appoint the main trial from the decision to return the case in retrial.

#### **f) High-profile level of corruption monitored in court hearings by KLI (01.10.2015 - 31.12.2015)**

The profile of defendants in these 162 corruption cases, where are included 379 persons, and which cases are monitored by KLI during this reporting period, is mainly low and medium and a limited number of defendants belong to the high-profile.

Among 379 defendants in these 162 monitored corruption cases, according to the table below, are included: Three former Ministers, one Prosecutor, one Judge, Head of the Procurement Review Body (two indictments in two cases), Director of Kosovo Accreditation Agency, one Director of Procurement in Ministry, Head of PTK, Director in KEDS, four Mayors, four Bank Directors and one Chairman of the Board of Directors at the Bank.

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<sup>177</sup> Clarification: KLI clarifies that for this stage are calculated the data for only 11 cases, due to the fact that the main trial for one case has not started yet, despite the fact that the decision to return that case in retrial was taken on 28.12.2015, resulting to be more than 3 months.

The profile of defendants of corruption offenses during October-December 2015	Pristina	Prizren	Peja	Gjilan	Mitrovica	Ferizaj	Gjakova	Total:
Director of Kosovo Accreditation Agency	1	0	0	0	0	0	0	1
Director of Procurement in Ministry	1	0	0	0	0	0	0	1
Head of the PRB	2	0	0	0	0	0	0	2
Prosecutor	1	0	0	1	0	0	0	2
Judge	1	0	1	0	0	1	0	3
Head of PTK	1	0	0	0	0	0	0	1
Director in KEDS	1	0	0	0	0	0	0	1
Minister	3	0	0	0	0	0	0	3
Mayor	4	0	0	4	0	1	0	9
Head of the Municipal Assembly	0	0	0	0	0	1	0	1
Commander of the Police Station	0	0	0	1	0	0	0	1
Chairman of the Board of Directors at the Bank	1	0	0	0	0	0	0	1
Bank Director	4	1	0	0	0	0	0	5

**Table 16 - The profile of defendants of corruption offenses during October-December 2015**

## **XI. SENTENCES POLICY ON CORRUPTION CASES**

### **a) Penalties on corruption cases (01.10.2015 - 31.12.2015)**

KLI assesses that the policy of sentences on corruption cases is soft. In 29 verdicts announced in the first instance on corruption cases monitored by KLI, results that judges mainly implement a soft policy of sentence against perpetrators of corruption offenses. On the following table are presented the verdicts announced by judges in these 29 judgments on corruption cases. See the table.

Imprisonment		Suspended sentence		Fine		Acquittal Verdict	Dismissal of Indictment-Statutory limitation
Person	Month	Person	Month	Person	Sum in euro	Person	Person
13	290	12	160	6	10,850	30	6

**Table 17 –Cases of judgment monitored by KLI.**

The findings of KLI, from the monitoring of corruption cases process, shows that against 67 persons to whom the verdict was announced in the first instance, against 13 persons the court has announced imprisonment verdict, in total from twenty four (24) years for all convicted persons.

From 13 convicted persons one person is sentenced with 8 months imprisonment, three persons are sentenced with 12 months imprisonment each, three persons are sentenced with 18 months imprisonment each, one person is sentenced with 24 months imprisonment, two persons are sentenced with 30 months imprisonment each and three persons are sentenced with 36 months imprisonment each.

Judges against 12 persons have announced suspended sentences of 160 months. Against two persons they have announced verdict with suspended sentence for 6 months each, against two persons suspended sentence for 8 months each, against five persons suspended sentence for 12 months each and against three persons suspended sentence for 24 months each.

Regarding the imprisonment sentences that have been replaced with fine, results that the fines reach the high from 10,850 euro, where one person is sentenced with 300 euro, one person with 400 euro, one person with 1,200 euro, one person with 1,350 euro, one person with 3,600 euro and one person with 4,000 euro.

Against 30 person judges have announced acquittal verdict, while against 6 persons they dismissed the indictments due to the reach of statutory limitation.<sup>178</sup>From 67 defendants, results that Courts have sentenced 13 persons with effective imprisonment or 19.40% of

<sup>178</sup>Note: While monitoring corruption cases in Basic Courts, KLI has identified two cases, in which was reached the statutory limitation of prescription. The first case was identified in the Basic Court of Ferizaj (case with the no. PKR. no.68/15) in which case were accused 5 persons, while against 4 persons the Court takes a

defendants. Also, from these 67 defendants, against 12 persons judges have announced suspended sentences or against 17.91% of defendants, while 30 persons were released or 44.77% of defendants.

Without prejudging the merits of the judicial decision in corruption cases, KLI expresses its concern that sentences policy implemented by judges on corruption cases, is no sending a clear message to the perpetrators of these criminal offenses. Such practice, by imposing soft sentences with prison or suspended sentence and fine, transmits negative message to the citizens and the public. Also, these soft measures imposed cannot reach its goal of which is punished, if the character punitive to those who are found guilty of having committed the offense of the corruption, or preventive character, which is intended to send a clear message to those who may be the subject to the commission of offenses of corruption.

#### **b) Penalties for corruption cases according to the Tracking Mechanism –Comparison 2014 - 2015**

The judicial system in 2015, recorded a soft decrease of handling corruption cases compared with 2014.<sup>179</sup>The table below shows that the courts at the end of 2014 has had at work 389 unsolved cases with 820 persons involved, while this number at the end of 2015 increased to 391 cases with 932 persons. While during 2014 the courts received 266 new cases with 486 persons involved, in 2015 the courts have received 238 new cases with 436 persons involved. While during 2014, the courts have treated a total of 229 cases with 307 persons, during 2015 they have treated a smaller number of cases, a total of 200 cases, but the number of persons is higher than that of 2014, a total of 326 people. While at the end of 2014, the number of cases remained at work to courts was 426 cases with 999 persons, in 2015 this number has increased to 429 cases with 1042 persons. See table below:

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decision on November 17, 2015 which is to release the defendants due to the reach of the statutory limitation of prescription. Meanwhile, the second case was identified in the Basic Court of Peja (case with the no. P.no.239/15). This case had been at work to EULEX judges, and after the delivery to local judges, they have concluded that against two persons was reached the absolute statutory limitation of prescription and due to this they released the defendants for which they have given a notice on the session held on November 13, 2015.

<sup>179</sup>Note: Data provided by Kosovo Judicial Council. Tracking Mechanism on Harmonization of Statistical Reports.

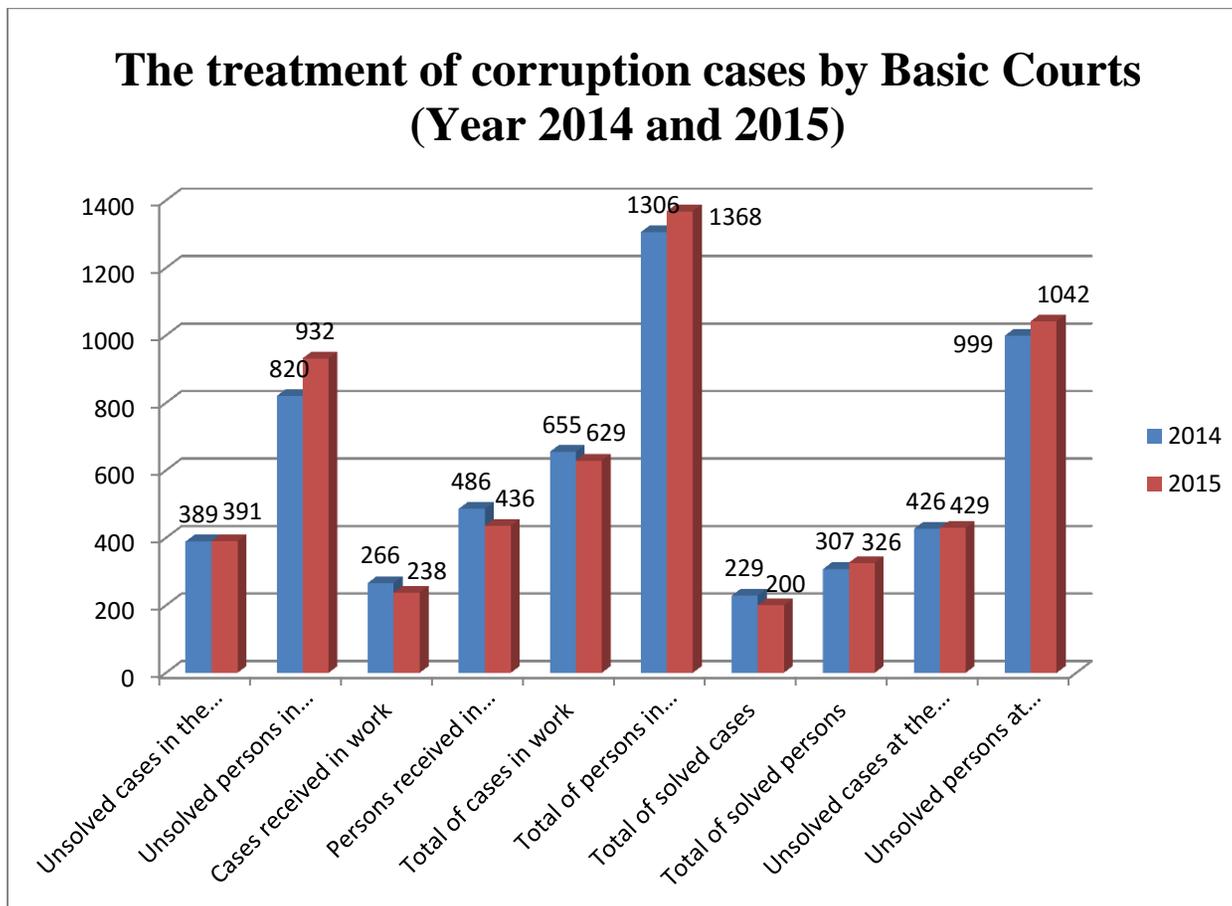


Chart 8 - The treatment of corruption cases by Basic Courts, 2014- 2015.

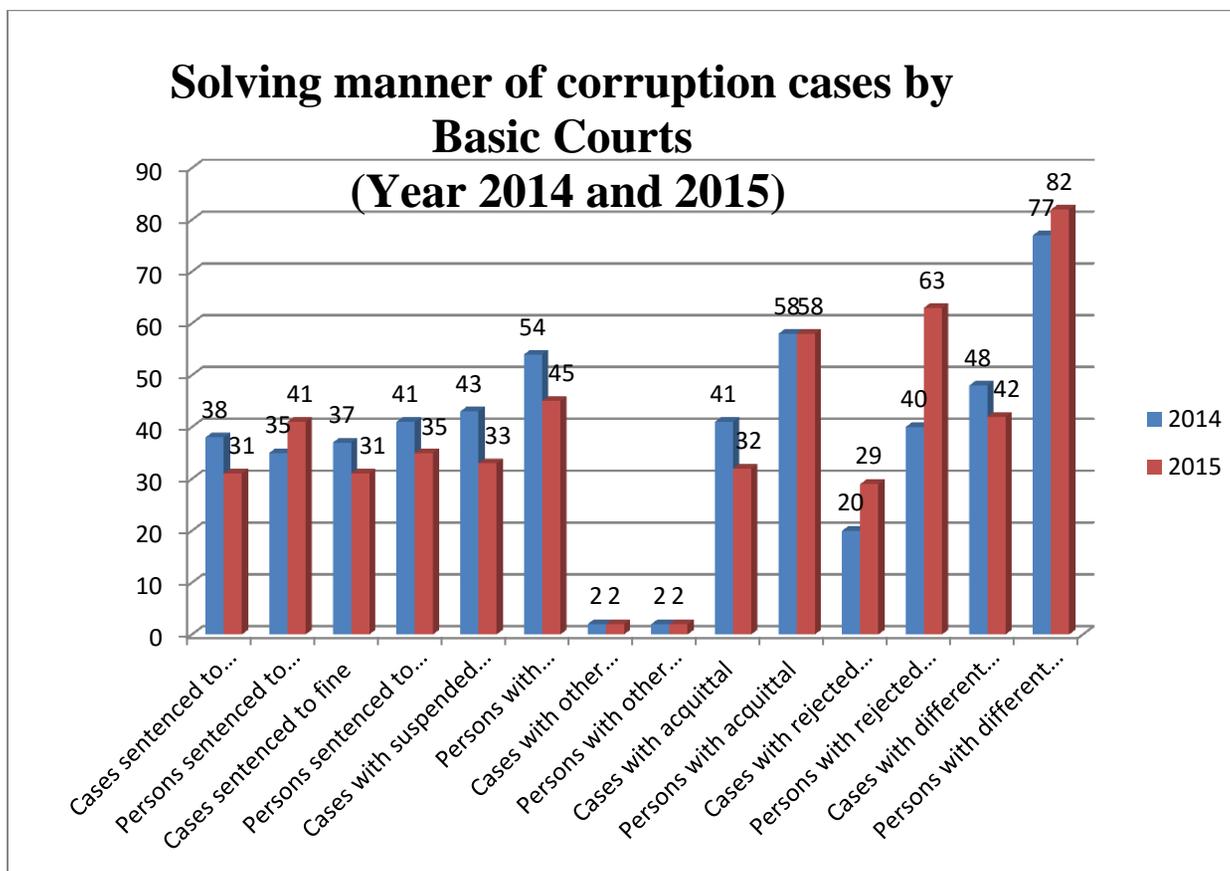


Chart 9 - Solving manner of corruption cases by Basic Courts, 2014- 2015.

The table above presents the report regarding the solving manner of corruption cases during 2014 and 2015, by Basic Courts in Kosovo. Based on this table it is noted the efficiency trend of judicial system in handling these cases during 2014 and 2015. Meanwhile, during 2014 the courts in 38 cases have announced imprisonment sentenced against 35 persons, in

2015 this number has decreased in 31 cases in which is announced the imprisonment sentenced but the number of persons sentenced with imprisonment for corruption offenses has increased in 41 persons.

During 2014 courts have announced sentence with fine in 37 cases against 41 persons, while in 2015 they have announced sentence with fine in 31 cases against 35 persons. Regarding the suspended sentence, in 2014 courts have announced suspended sentence in 43 cases against 54 persons, while in 2015 they have announced suspended sentence in 33 cases against 45 persons.

In 2014, courts have announced acquittal verdict in 41 cases against 58 persons, while in 2015, courts have taken the same decision in 32 cases against 58 persons. While regarding the cases with rejection judgment, courts in 2014 have decided in 20 cases with 40 persons, while in 2015 have decided in 29 cases with 63 persons.

## **XII. CONFISCATION OF THE ASSETS BENEFITED THROUGH CRIMINAL OFFENCE OF CORRUPTION**

KLI during the reporting period monitored prosecutors and judges activities with regard to the implementation of the legal provisions on freezing, sequestration and confiscation of the assets benefited through criminal offence of corruption. Out of 162 corruption cases monitored in all Basic Courts, KLI found that prosecutors in very rare cases implement in practice legal provisions with regard to the requests for sequestration and confiscation of the assets benefited through criminal offence of corruption.

Chief State Prosecutor on 14 January 2014, issued Instruction<sup>180</sup>, regarding the actions of the prosecution on implementation of the provisions in relation to the sequestration and confiscation of the assets benefited through criminal offence. KLI monitors during the monitoring process of the corruption cases found that in very limited cases, prosecutors submitted requests for sequestration and confiscation of assets benefited through criminal offence of corruption. Only in the following indictments submitted to the court for corruption cases, prosecutors submitted such requests:

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<sup>180</sup> Instruction No. 26/2014, dated 14 2014, regarding the actions of the prosecutors on implementation of the legal provisions on freezing, sequestration and confiscation of assets, (See link: [http://www.psh-ks.net/repository/docs/Nr.26.2014-Udhezim\\_lidhur\\_me\\_veprimet\\_e\\_prokuroreve\\_lidhur\\_me\\_sendet\\_e\\_sekuestruara.pdf](http://www.psh-ks.net/repository/docs/Nr.26.2014-Udhezim_lidhur_me_veprimet_e_prokuroreve_lidhur_me_sendet_e_sekuestruara.pdf)). ( Last accessed on 15 March 2016).

**Basic Court in GJILAN:**

KLI during the reporting period monitored 32 corruption cases at the Basic Court in Gjilan. Out of 32 cases, KLI monitors identified only four cases, where prosecutors submitted requests for sequestration and confiscation. Below concrete cases:

- PKR. no. 114/2015: Sequestration of the Samsung phone PSC5.
- PKR. no. 27/15: Decision on the confiscation of the material proves-confiscated money and the photo documents of the money;
- PKR. 496/13: Supplementary decision to confiscate assets; and
- PKR. 7/15: Request for sequestration of the 50 Euro.

**Basic Court in MITROVICA:**

KLI during the reporting period monitored 2 corruption cases at the Basic Court in Mitrovica. Out of 2 cases, KLI monitors identified only one case, where prosecutors submitted request for sequestration and confiscation. Below concrete case:

- P. no. 94/15: banknote of the 50 Euro value;

**Basic Court in PRISTINA:**

KLI during the reporting period monitored 67 corruption cases at the Basic Court in Pristina. Out of 67 cases, KLI monitors identified only four cases, where prosecutors submitted requests for sequestration and confiscation. Below concrete cases:

- PKR. no. 538/14: Decision on the sequestration of assets;
- PKR. no. 341/15: Confiscation of the apartment and vehicle;
- PKR. no. 1134/14:

- Blogs cash, bills, monthly payroll register and account statements; and
- PKR. no.. 214/13: Banknote on the amount of 100 Euro.

### **Basic Court in PRIZREN:**

KLI during the reporting period monitored 18 corruption cases at the Basic Court in Prizren. Out of 18 cases, KLI monitors identified only one case, where prosecutors submitted request for sequestration and confiscation. Below concrete case:

- P.no.189/13: Temporary sequestration of assets. 14.06.2010

KLI requested official data from NCFEC with regard to the sequestered and confiscated assets benefited through criminal offence of corruption. The NCFEC was not in position to provide any data or information on the assets that has been send back to the state budget as a result of the sequestration and confiscation of assets benefited from the corruption criminal offences.<sup>181</sup> Response from the NCFEC, Mr. Shqipdon Fazliu, was referring to the approved report by KPC in January 2016, in relation to the activities and recommendations of the NCFEC, which report provides data on the amount of the assets sequestered and confiscated by the criminal offences in general. The said report is general repost which mainly provides general statistics of the sequestration and confiscation of assets for all kind of criminal offences. Even though the KLI insisted, to understand from NCFEC on the amount of the sequestered and confiscated assets benefited through the corruption criminal offences, such response was never received.

The last quarter report approved by KPC, in relation to the activities and recommendations of the NCFEC provides information for all criminal cases submitted to the courts in last quarter of 2015, which results that only 6000 Euro were confiscated as a assets benefited through criminal offence, while is not specified for which kind of criminal offences.

With regard to the year 2015, based on the NCFEC report, it results that during 2015 20.568,934.00 Euro value of assets have been frizzed or sequestered, while confiscation of assets is only 70,487.00 euro.

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<sup>181</sup>Communication through email with the NCFEC, Mr. Shqipdon Fazliu, dated 4 March 2016.

However, in public the reports on sequestration and confiscation of the assets benefited through criminal offences are not missing, presented by NCFEC millions of Euro sequestration, but not specifying from which criminal activities.

Such form of reporting from the civil society activists are assessed more a pressure of the justice institution to confirm results for the visa liberalization process, than actually it is in reality, which should be confirmed through concrete results. The success on the confiscation of assets should be measured through final court verdicts and not through general statistical reports, through which the public opinion receives impression that millions of Euro are confiscated, while reality is different.<sup>182</sup>

### **XIII. IMPLEMENTED RECOMMENDATIONS**

#### **RECOMMENDATIONS IMPLEMENTED BY MINISTRY OF JUSTICE AND KOSOVO ASSEMBLY**

- Ministry of Justice and Kosovo Assembly implemented the KLI recommendation, regarding the election of the majority of the KJC members by the peers in judiciary, in order to increase the independence of the judicial system by the political interference by executive and legislative branch. Such recommendation was implemented through the 25<sup>th</sup> amendment of the Kosovo Constitution, approved during February 2016.

#### **RECOMMENDATIONS IMPLEMENTED BY JUDICIAL SYSTEM:**

- KJC implemented the KLI recommendation, regarding the approval of the action plan to solve corruption cases in courts with priority.
- KJC implemented partially the KLI recommendation regarding the monitoring of the basic courts in the process of the implementation of the obligations deriving by the action plan.

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<sup>182</sup> KLI Interview with Senior Legal Researcher, KIPRED, Ariana Qosaj Mustafa. December 2015.

- Basic courts partially implemented KLI recommendation regarding the increase of the transparency with public, media and civil society during the monitoring process of corruption cases.
- Basic Court in Pristina implemented the KLI recommendation to treat corruption cases with top priority.

#### **RECOMMENDATIONS IMPLEMENTED BY THE PROSECUTORIAL SYSTEM:**

- KPC implemented the KLI recommendation regarding the announcement of the advertisement for the position of the Chief Prosecutor of the Special Prosecution Office of the Republic of Kosovo.
- KPC implemented partially the KLI recommendation regarding the amendment of the Action Plan to increase the efficiency of the prosecutorial system in fighting corruption. Strategic Plan and Action Plan approved by KPC in end of 2015, it is in violation of the applicable law, international practices and standards, and the same need urgently to be reviewed.
- Basic Prosecution Office in Pristina, implemented the KLI recommendation to draft action plan to increase the efficiency of the prosecution office in treating corruption cases. KLI in cooperation with the Chief Prosecutor of the Basic Prosecution Office in Pristina drafted the action plan which was approved by the Pristina prosecution office collegiums. As a result of the action plan and its implementation in practice, in last quarter of 2015, the performance of the prosecution office in treatment of the corruption cases produced concrete results and increase of the efficiency.

## **XIV. RECOMMENDATIONS**

#### **RECOMMENDATIONS FOR THE MINISTRY OF JUSTICE:**

- Ministry of Justice is recommended to establish working group composed out of the representatives of the Ministry of Justice, KJC, KPC, judges and prosecutors with experience, external experts with expertise and experience from the criminal justice and experts from the civil society to review the criminal justice.

**RECOMMENDATION FOR THE KOSOVO JUDICIAL COUNCIL:**

- KLI recommends to the KJC, to advertise allowed positions for judges for all Kosovo courts. KJC during the advertisement of the positions for judges to pay attention the fulfillment of the positions for the Basic Court in Pristina, as a court with the major number of the criminal cases and corruption Kosovo wide.
- KLI recommends to the KJC and courts to fulfill all their obligations during the treatment of the corruption cases as stipulated by the deadlines and obligations set out in the Action Plan.
- KLI recommends to the KJC to establish and strengthen its internal mechanisms to monitor and supervise courts regarding the implementation of the obligations stipulated by law and the internal documents approved by KJC, focusing in corruption cases.
- KLI recommends to the Court of Appeal to establish the adequate and uniformed punishment policies with regard to the corruption criminal offences.
- KLI recommends to the Basic Court in Pristina to continue to assign corruption with priority, including cases submitted by SPRK to be considered as top priority.

**RECOMMENDATIONS FOR THE KOSOVO PROSECUTORIAL COUNCIL:**

- KLI recommends to the KPC to review the Strategic Plan and Action Plan to increase the efficiency of the prosecutorial system in fighting corruption, economic crimes, sequestration and confiscation of assets benefited through criminal offence. Review of such Plan shall dismiss provisions that are in violation with the applicable law and best international practices and standards.

- KLI recommends to the KPC that during the review of the Strategic Plan and Action Plan to provide obligations for SPRK in fighting high level corruption.
- KLI recommends to the KPC to fulfill the allowed positions for prosecutors at the SPRK.
- KLI recommends to the KPC that in cooperation with SRK, international partners that are supporting prosecutorial system in drafting internal rules of organization of the SPRK. The actual division that exists within SPRK, through specialized departments to be regulated through internal rules approved by KPC.
- KLI recommends to the SPRK that prosecutors assigned in respective departments to treat only cases that are under the competence of the respective department. To avoid the current practice where SPRK prosecutors in meantime to treat corruption cases and other cases that fall under organized crime, war crimes, money laundering and fighting terrorism. The SPRK prosecutors shall be specialized in corruption cases and crimes of the public procurement.
- KLI recommends to the KPC to have special focus on the Basic Prosecution Office in Pristina with regard to the fulfillment of the positions for prosecutors and supporting personnel.