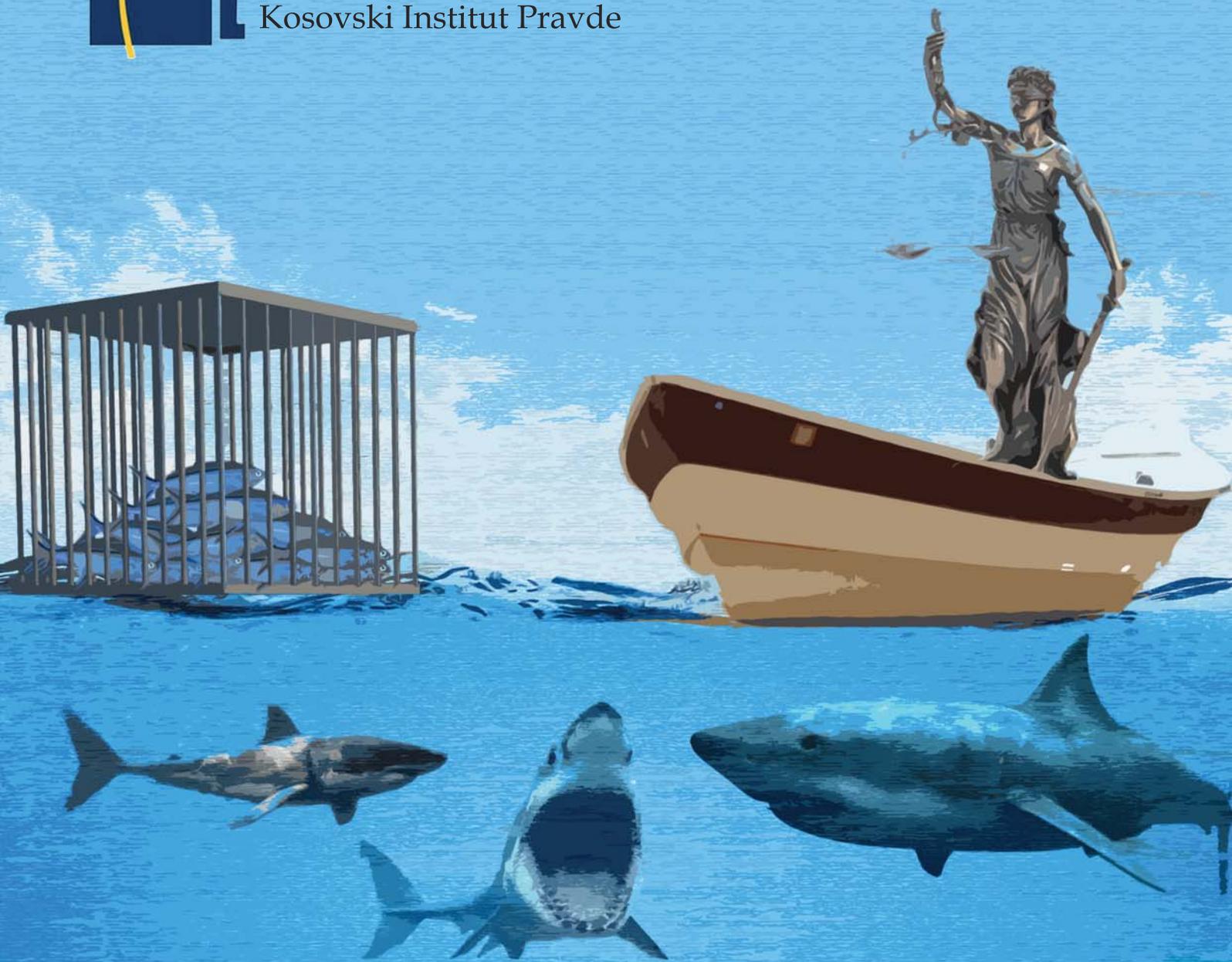




Instituti i Kosovës për Drejtësi  
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## CORRUPTION “SEA” IN KOSOVO: Catching small “fish”, while big fish go free (Annual monitoring report of corruption cases treatment in the justice system in Kosovo - 2016)

Pristina, march 2017

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**ACRONYMS:**

ACA	Anti-Corruption Agency
TAK	Tax Administration of Kosovo
KPA	Kosovo Property Agency
Customs	Kosovo Customs
EULEX	EU Rule of Law Mission
EU	European Union
BC	Basic Court
ECHR	European Court of Human Rights
KLI	Kosovo Law Institute
PIK	Police Inspectorate of Kosovo
KPC	Kosovo Prosecutorial Council
KJC	Kosovo Judicial Council
NCFEC	National Coordinator in charge of Fighting Economic Crimes
CCRK	Criminal Code of the Republic of Kosovo
CPCRK	Criminal Procedure Code of the Republic of Kosovo
ECHR	European Convention on Human Rights
MJ	Ministry of Justice
KBA	Kosovo Bar Association
PRB	Procurement Review Body
BP	Basic Prosecution
SPRK	Special Prosecution of the Republic of Kosovo
AP	Appellate Prosecution
KP	Kosovo Police
PTK	Post and Telecom of Kosovo
PP	Prosecution cases with criminal reports
PPN	Prosecution cases at the stage of gathering information
AI	Administrative Instructions
ODC	Office of the Disciplinary Counsel
OCHSP	Office of the Chief State Prosecutor

## 1. EXECUTIVE SUMMARY

Despite the adopted policies and expression of declarative will of the judicial and prosecutorial system in the fight against corruption, concrete results, particularly in fight of high-profile corruption are still missing.

2016 has continued with spectacles, announcements and statistical fight against corruption. During this year, State Prosecutor has dismissed the criminal reports or terminated investigation for over 60% of corruption cases.

During last year, KLI has monitored 1,505 court hearings, of 383 corruption cases with 989 individuals involved, in all Basic Courts of Kosovo.

KLI findings match with the conclusions arising from the Progress Report for 2016, that there is an increase in the number of high-level corruption cases which are being investigated and prosecuted, but final results still missing. Even the US State Department on its Report on Kosovo has concluded that endemic governmental corruption is related to the lack of sentences in corruption cases.

The largest number of indictments are related to low level corruption offenses, and in those cases when they belong to high-level, sentencing judgments are missing. In over 60% of corruption cases, indictments fail in courts, by not being proved and defendet by prosecutors.

Statistical analysis show that in comparison with the beginning of 201, by the end of same year, prosecution offices have reduced the number of unresolved corruption cases. On January 1, 2016, prosecution offices have had at work 538 unresolved corruption cases with 1640 individuals. During 2016, 409 new cases were received with 748 individuals, while have been resolved 409 cases with 1037 individuals. On December 31, 2016 have remained 462 unresolved cases with 1227 individuals. Worrying is the fact that 62.87% of the resolved cases are closed in prosecution offices.

The efforts to fight corruption through indictments, are being proved as a justification to the public and international factor that corruption is being fought in Kosovo. KLI's research has found that in many high-profile cases, prosecutors have filed indictments that were dismissed or rejected by the court in certain cases even at the initial hearing or at a later stage of the proceedings, as cases against Enver Hasani, Lutfi Haziri, Agim Bahtiri, Shpresa Bakija, etc.

When there is no fight against corruption, then there is promotion. The Office of the Chief State Prosecutor, has continued to give recognitions to prosecutors identified as lawbreakers, for merit in promoting prosecutorial system.

There are almost no requests for seizure and confiscation of assets benefited through criminal offenses of corruption, even when it is concluded that through corruptive actions are caused damages to tens of millions of euros. This approach is noticed to local prosecutors as well as to EULEX prosecutors.

KLI findings are alarming in regard to the violation of legal deadlines and procedures in handling corruption cases in prosecution offices and courts. Violation of legal deadlines set by the Criminal Procedure Code regarding the handling of criminal cases at the stage of investigation, prosecution and main trial, are noticed in almost every case of corruption, as by local prosecutors and judges, as well as by the ones of EULEX. KLI findings from monitoring process indicate that out of 383 cases monitored, in only three cases where the indictment for corruption offenses is filed, judges have respected the terms of the criminal proceedings. This is a serious concern for the rights of defendants in criminal proceedings and therefore it directly affects the loss of public confidence in the judicial system.

Even four years after the entry into force of the Criminal Procedure Code, local and international prosecutors and judges find it hard to adopt with the new role and responsibilities under the changes incorporated in the Codes. Certain courts have already transformed in practice the overcoming of the second hearing, passing from the initial hearing to the main trial. Legal deadlines, regarding the appointment of the initial hearing within thirty days from the day when the indictment was filed are rarely enforced. The practice of violation of the legal deadline for scheduling the initial hearing, it is evident in almost most of the cases handled by EULEX judges.

The case of Uke Rugova, Astrit Haraçija and others is still in the stage of the initial hearing, even 10 months after the filing of indictment. In the case against Naser Osmani, a MP at the Kosovo Assembly, the indictment was filed on February 16, 2016, while the case has not yet passed the second hearing, even after one year after from the filing of the indictment.

Courts at the beginning of 2016 have had 407 unresolved corruption cases with 956 individuals involved. During this year, courts have received at work 232 new cases with 502 individuals, which means that during 2016 courts have had at work 639 corruption cases with 1458 individuals. During 2016 courts have resolved 284 cases with 594 individuals, while on December 31, 2016 have remained 355 unresolved corruption cases with 864 individuals. The monitoring findings show that the sentencing policy in cases of corruption is low and it is not reaching the goal of punishment.

Established mechanisms by both councils to monitor the implementation of the action plans have not taken seriously these plans and their obligations. These mechanisms have not fulfilled their obligations to report to the Council periodically. It is worth

mentioning the report of Supervising Committee on the monitoring of corruption cases adopted in KPC, which is public

KJC and KPC continuously proclaim the increasing of transparency and accountability in relation to the public and media. Both Councils during 2016, have proven that transparency and accountability remain a proclaimed policy only on paper. While the courts have made progress in this direction, prosecution offices are closed as never before. In the second half of 2016, Basic Prosecution offices and SPRK did not provide prosecutorial acts (decisions on dismissal of criminal reports or decisions on termination of investigations) to be monitored by the legal experts of the Institute. This proves unwillingness to increase prosecutor's transparency and accountability. KLI since 2013 has provided prosecutorial acts in accordance with the law. As a result of KLI's findings, the Office of Disciplinary Counsel has treated over 400 cases of preliminary investigations for violations of the law by prosecutors.

From 195 requests for access to public documents, to judicial system were addressed 84 requests, of which KLI has received 48 positive answer, while for 36 requests has not received any respond. Within the judicial system, it is worth noting the readiness and effectiveness of the Basic Courts, especially BC in Pristina in handling the requests for access to public documents in accordance with the terms and legal obligations.

From 195 requests for access to public documents, to prosecutorial system were addressed 111 requests, of which the prosecution system has responded positively to 46 requests, for 63 requests they did not respond, while in 2 requests they have refused to provide the required data.

## 2. 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 system 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 has been the activities of the Supervising

Committee of the Council on cases of corruption, 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 analysed 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 analysed 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 the second six month period of 2016 (July 1 – December 31, 2016) most of prosecution offices did not provide the prosecutorial acts except for BP in Mitrovica, BP in Prizren and BP in Peja, which have provided the acts required for the three-month period July, August, September 2016. Since 2013, KLI has built a practice of cooperation with all the prosecution offices, which have offered prosecutorial acts (decisions on the dismissal of the criminal reports and decisions on the termination of investigation, which are constantly required in accordance with the Law on Access to Public Documents and the Law on Protection of Personal Data. Refusal to provide these prosecutorial acts, of which a number of cases of prosecutor's violation were sent to the Disciplinary Committee, indicates the maximum efforts of these prosecution offices, to avoid monitoring, transparency and public accountability regarding the handling of corruption cases. Rights guaranteed by the applicable legislation in order to ensure prosecutorial legal acts, KLI will realize through legal channels.

KLI monitors, from January 1 until December 31, 2016 have monitored 1,505 court hearings, including 383 corruption cases with 989 individuals. 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. Analyses include all handling trends of these cases and the time spend in the proceedings of corruption cases.

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 Supervising Committees for corruption cases of KPC and KJC, Basic Prosecution Offices, Special Prosecution Office of the Republic of Kosovo, Basic Courts, Kosovo Prosecutorial and 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. Except the Chief Prosecutor of the SPRK, Reshat Millaku and the Chief Prosecutor of the BP office in Gjilan, Jetish Maloku, who despite repeated requests in writing to conduct interviews about the handling of corruption cases, they did not respond.

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 analysed the legal basis, and also analysed in detail the relevant national and international documents, which are related to the fight against corruption in Kosovo.

### 3. MONITORING POLICY IMPLEMENTATION OF PROSECUTORIAL AND JUDICIAL SYSTEM IN FIGHTING CORRUPTION

KLI has estimated continuously as positive formal policies of the prosecutorial and judicial system in fighting of corruption except in certain cases when they are drawn against the law.<sup>1</sup> Kosovo Prosecutorial Council (KPC)<sup>2</sup> and Kosovo Judicial Council (KJC)<sup>3</sup> have approved the Action Plans for treating with absolute priority corruption cases. Concerning problem remains no implementation of this policies in practice. Despite some positive movements, concrete results in fighting of corruption still missing. Corruption in Kosovo continue to be regarded as endemic.<sup>4</sup>

#### a) Monitoring policy implementation of Kosovo Prosecutorial Council in fighting corruption

KPC on 1<sup>st</sup> of December 2015, has approved Strategic Plan (2016-2018) and Action Plan for Raising of efficiency of the Prosecutorial System in fighting of corruption and Economic Crimes, including Seizure and Confiscation of illegal wealth (following: Action Plan). This Strategic Plan has set several goals as: reduction of pending cases, increasing efficiency in solving new cases, increasing the level of cooperation with institutions, increasing capacity through specialized training, accountability and transparency.<sup>5</sup> This plan continues to be accessible to the public, oppositely to the previous plan, which was found on the site.<sup>6</sup> However, KLI has reached to ensure copy of this Strategic Plan and Action Plan.

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<sup>1</sup> Note: KLI has reacted against some unlawful provisions of Strategic Plan (2016-2018) and Action Plan for increasing efficiency of the Prosecutorial System in Fighting of Corruption, including Sequestration and Confiscation of illegal wealth approve by KPC on 1<sup>st</sup> of December 2015. Kosovo Prosecutorial Council. 1<sup>st</sup> of December 2015.

<sup>2</sup> Note: KPC on 1<sup>st</sup> of December 2015, has approved Strategic Plan (2016-2018) and Action Plan for increasing efficiency of Prosecutorial System in fighting of Corruption and Economic Crimes, including Sequestration and Confiscation of illegal wealth. Kosovo Prosecutorial Council 1<sup>st</sup> of December 2015.

<sup>3</sup> Note: On the initiative of KLI for the implementation of the recommendations published in the analytical reports related to the efficient and effective handling of corruption cases by judicial and prosecutorial system, KLI has held meetings with the Chairman of KJC, Mr. Enver Peci, who expressed willingness to cooperate for the drafting of the Action Plan for resolving the cases of corruption. KLI has compiled the draft of this plan, which, with the amendments and supplements of KJC was adopted on September 25, 2015. "Action Plan for resolving corruption cases". Kosovo Judicial Council. September 25, 2015

<sup>4</sup> Report of progress of the European Commission for year 2015 and Report of State Department regarding the human rights in Kosovo, for the 2015.

<sup>5</sup> This Strategic Plan contains almost all obligations and responsibilities arising from the Action Plan for Increasing the Effectiveness of the Prosecutorial System in the fight against Corruption adopted on November 4, 2013 by KPC. KPC for the first time has adopted the Action Plan for Increasing the Effectiveness of the Prosecutorial System in the fight against Corruption on November 4, 2013.

<sup>6</sup> KLI has requested from the KPC and State Prosecutors Office access to the Strategic Plan approved by the KPC, but received a negative response regarding to the request submitted in accordance with the Law on Access to Public Documents. Response of the official for access to public documents assigned by the KPC. "Prosecutorial Council on 1<sup>st</sup>

### ***Failure of KPC on implementing the obligations arising from the Action Plan***

The findings of KLI show that KPC has continued with the expression of the will to fight corruption through policies, while in practice it is proved that the same policies are not applied. Established mechanism to meet obligations or monitor implementations of plans have not taken seriously these plans and their obligations. There are still serious problems in respecting of tracking mechanism, where continuously reported data cases from prosecutors.<sup>7</sup> KPC so far has taken no action against anyone to be held responsible or accountable regarding to failures in implementing policies for fighting of corruption. For not treating efficient and effective of corruption cases, Chief prosecutors complain about the insufficient number of prosecutors and other objective factors, which according to them, are affecting on insolubility of these cases on time.<sup>8</sup> KLI estimates that this proves cultivating the culture of impunity installed since the old Action Plan for treating with cases of corruption approved on 4<sup>th</sup> November 2013.

***Solving cases of corruption according to the Action Plan deadlines*** - Article 3 of the Action Plan has foreseen that unsolved cases of corruption, economic crimes, including seizure and confiscation of illegal wealth received from 2001 until 2010, to be completed until 30<sup>th</sup> of June 2016. KPC has failed to implement this obligation in practice. This failure by the Supervisory Commission for the implementation of the Strategic and Action Plan on fighting of corruption and Economic Crimes is reported as success in the KPC. According to the Commission, all corruption cases have been solved up to 2010 with the exception of three cases.<sup>9</sup> KLI has found that this is not true because until 31<sup>st</sup> of December, SP has yet to work 17 unsolved cases of corruption with 51 included persons belonging to the period from 2002 to 2010 and not three cases as reported in the KPC. SPRK are remained 3 unsolved cases with 7 persons, BP in Mitrovica have

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*of December 2015, has approved the Strategic Plan (2016-2018) and Action Plan for increasing efficiency of the prosecutorial system in fighting of corruption and economic crimes, including sequestration and confiscation of illegal wealth, but this plan will be completed with recommendations received from Council members and international representatives that support the work of the Council. After the completion and change with these recommendations Plan will be published on the websites of the State Prosecutor and the Prosecutorial Council"*

<sup>7</sup> Note: KLI while monitoring continuously has identified cases recorded in late in the Tracking Mechanism and cases which do not appear in the data register in the Tracking Mechanism, even though the same have existed in previous registers.

<sup>8</sup> KLI interview with the Head of Kosovo Prosecutorial Council, Mr. Blerim Isufaj and with all the Chief Prosecutors at all levels in the Republic of Kosovo. 2016,2017.

<sup>9</sup> Supervisory Commission while reporting to the KPC for the 2016 report has presented only three pending cases belonging to the cases before 2010. The prosecutor Laura Pula, during the presentation of the report, said that from these three cases, two of them are not solved due to international arrest warrants in the absence of the defendants, while a case is still ongoing in the process of gathering information. Report of the Supervisory Commission of KPC. February 1 2017.

remained 2 unsolved cases with 4 persons, BP in Ferizaj has remained 1 unsolved case with 1 person and BP in Pristina have remained 13 unsolved cases with 39 persons before 2010.

**Reporting every three months to KPC-** Article 4 of the Action Plan had foreseen establishing of the Supervisory Commission regarding the treating of corruption cases by the prosecution, monitoring of strategy implementation and reporting in the KPC on a quarterly basis. During 2016, the same Commission has reported only once before KPC, on September 16, 2016.<sup>10</sup> The same Commission has been obliged to report to the Council every three-months regarding the monitoring of corruption cases treated by the Prosecutions.<sup>11</sup> For the second time this Commission has reported on February 2017.<sup>12</sup> Such an approach of the Commission and Council prove in practice the lack of will to meet their obligations approved by the KPC.

**Reporting to the seized property and confiscated for the criminal offences against corruption** -The Action Plan has determined that National Coordinator in charge of Fighting Economic Crimes (NCFEC) will monitor cases related with economic crimes, including seizure and confiscation of illegal wealth. NCFEC has meet its obligations to report to the KPC regarding its activities regarding seizure and confiscation of illegal wealth. However, NCFEC has failed to provide information to KPC regarding requests for seizure and confiscation of property acquired through criminal offences against corruption. There is still no information, on whether from the seized or confiscated property, there are those that belong to the criminal offences against corruption.

**Review of Plans and their harmonization with the law** – KLI in the report published on April 27 2016, “Corruption in Kosovo: Fighting or Promoting of corruption”, has found that provisions of Strategic Plan and Action Plan were contrary to basic laws that regulates the prosecutorial system in Kosovo. KLI has recommended KPC to change urgently these plans by the KPC to harmonize them in accordance with applicable laws and best international practices. KLI has recommended that special attention should be given to individual independence of the prosecutors and Chief prosecutors. KPC has

<sup>10</sup> Supervisory Commission for the first time has reported to the KPC during month of September 2016.

<sup>11</sup> Note: KLI addressed with requests for access to the public documents KPC and Supervisory Commission regarding the treatment of corruption cases, regarding the undertaken activities regarding cases of corruption. KPC and Supervisory Commission did not respond positively to any request of KLI.

<sup>12</sup> Note: Supervisory Commission regarding the treatment of corruption cases of KPC, for the second time has reported to the members of KPC on February 1 2017. Reporting was made by the President of this Commission, Ms. Laura Pula. The report was made public on the website. (see link file:///C:/Users/Betimi/Downloads/Raporti%20Vjetor%202016%20Nr.188.2017%20-%20i%20Komisionit%20Mbikëqyrës%20për%20zbatimin%20e%20planit%20strategjik.pdf ). (Reporting of this meeting can also be found on the portal oathforjustice.com link <https://ëëë.youtube.com/ëatch?v=btvTa4RK20M&feature=youtu.be> )

informed KLI that KPC will make changes and amendments to these plans with recommendations received by the members of Council and international representatives that support the work of Council and then they will be published on the website. KPC has not yet taken any action to avoid the unlawful provisions of these plans and also did not publish them.

*Illegal instruction of the Chief State Prosecutor for treating of criminal reports* – Chief State Prosecutor on April 29 2016, has issued Instruction with number A.nr.258/2016, through which has obliged all state prosecutors that within a period of three (3) months from the day of receipt of the criminal report, to issue Decision to initiate investigations if the same criminal report is not dismissed.<sup>13</sup> This Instruction was issued by the Chief prosecutor from the meeting of the collegium of all Chief prosecutors of all prosecutions. The above-mentioned Instruction contradicts to the principles and standards set by the KPCCRK. The latter, nowhere defines time limit of three months, but clearly states in Article 82 limit within thirty (30) days for treating of criminal report. This instruction is unlawful and as such the KLI has recommended to be rejected.<sup>14</sup>

## **b) Monitoring policy implementation of Kosovo Judicial Council in fighting corruption**

KJC in cooperation with KLI, have drafted the Action Plan for the KJC for serious treatment of corruption cases. This plan was approved on September 25, 2015 by the KJC.<sup>15</sup> Implementation of this plan continues to be challenged in practice as a result of the case load of judges, but also as a result of the lack of will to treat them with absolute priority, as defined in the Action Plan.

### *Failure of KJC on implementing the obligations arising from the Action Plan*

KLI has monitored implementation of the obligations arising from the above mentioned plans by the Courts, Commissions and KJC. Findings show that KJC has continued with the expression of the will to fight corruption through policies, while in practice proved that the same policies do not implement. KLI estimates that the mechanism

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<sup>13</sup> Instruction No. 258/2016, issued by the State Chief Prosecutor, Aleksander Lumezi on April 29 2016. (see link <http://ëëë.psh-ks.net/repository/docs/Nr.578.2016- Udhezim - ZKPSH.pdf> (Last accessed on October 5, 2016).

<sup>14</sup> Miftaraj E. dhe Musliu B. "RHETORIC IN FIGHTING CORRUPTION: *Monitoring report of the treatment of corruption cases in justice system in Kosovo*" (Kosovo Law Institute: Pristina). October 27, 2016. Page 15, 16 and 17.

<sup>15</sup> KLI has supported KJC in drafting of the Action Plan for increasing efficiency of the Judicial Sytem in treating of corruption cases. KLI had prepared the draft of the Action Plan for KJC, which plan with some amendments was approved by the KJC on September 25, 2015.

established to meet obligations or monitor the implementation of the plans have not been taken seriously these plans and their obligations. KJC so far has not taken any action against anyone to be held responsible or accountable regarding failures in the implementation of policies for fighting of corruption. For not treating efficiency and effectively of corruption cases, Chiefs of Courts complain about the insufficient number of judges and other objective factors, which according to them, are affecting in unsolving of these cases on time.<sup>16</sup>

***Resolving cases of corruption according to legal deadlines*** – The findings of the monitoring of KLI show that out of 383 cases monitored, only in three cases<sup>17</sup> when indictment is filed for criminal offence of corruption, judges have respected the deadlines of the criminal procedures, but in all other cases legal deadlines were violated by the judges. This is a serious concern for the rights of defendants in criminal procedure and therefore it directly affects the loss of citizen confidence in the judicial system.

***Reporting according to the deadlines set in the Action Plan*** – Through the Action Plan, KJC has defined concrete activities and practical deadlines for increasing treatment activity of corruption cases. Foreseen deadlines during 2015 and 2016 are not respected by the Commission and KJC. Reports of the Supervisory Commission, even though are sent every three months to the KJC, for the same during 2016, Commission has reported only once to the KJC on April 6, 2016<sup>18</sup>.

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<sup>16</sup> KLI interview with Head of Kosovo Judicial Council, Mr. Nehat Idrizi and with all Chiefs of Courts of all levels in the Republic of Kosovo. 2016, 2017.

<sup>17</sup> Note: The only monitored case by KLI, in which the judges have respected set deadlines in the KPCRK is case against the defendant Hajdar Mejzini, accused for the criminal offence of “acquisition while on duty” by the BP in Mitrovica. In this case the criminal report was submitted on 19.06.2015 by KPS “Union”, investigations have begun on 23.06.2016, indictments was filed on 26.08.2016, the initial hearing was held on 26.09.2016, second court hearing has not been held, while in the main hearing session was declared the verdict.

<http://oathforjustice.com/agent-trader-accused-for-misappropriation-of-4-950-euro-pleads-not-guilty/>  
<http://oathforjustice.com/4-months-prison-effective-against-the-defendant-for-misappropriation-while-on-official-duty--sentence-converted-to-sentence-with-fine>

<sup>18</sup> Interview with Mr. Agim Maliqi, Head of the Committee for Supervising Corruption Cases in Courts. March 2017.

### **c) Public transparency and accountability of prosecutorial and judicial system**

KJC and KPC continuously proclaim the increasing of transparency and accountability in relation to the public and media. Both Councils have approved regulations and strategies to increase transparency and accountability and to facilitate cooperation with the public and the media.

KLI while monitoring the judicial and prosecutorial system in 2016, has addressed 195 requests for access to the public documents, regarding the fulfillment of legal obligations, providing of information's, statistics and other available data and permissible according to the Law on Access to Public Documents.

From 195 requests for access to the public documents, to judicial system were addressed 84 requests, of which KLI has received 48 positive answers or in percentage it results 57%, while for 36 has not received any respond, or for 43%. Within the judicial system, it is worth noting the readiness and effectiveness of the Basic Courts, especially BC in Pristina in handling the requests for access to public documents in accordance with the terms and legal obligations.

From 195 requests for access to the public documents, to prosecutorial system were addressed 111 requests, of which the prosecution system has responded positively to 46 requests or percentage turns out to be 41%, to 63 requests are not answered, or 57%, while in 2 requests have refused to provide the requested information's, or 2%.

Non-implementation of the legal obligations and policies approved by the two Councils, strengthens the findings of KLI and estimates derived from the international and local reports about the unwillingness of judicial and prosecutorial system to be transparent and accountable to the public. Non-fulfillment of obligations proves that law in Kosovo does not apply the same to everyone. In cases when senior officials did not fulfill their obligations and responsibilities, culture of impunity continues to be cultivated.

#### 4. THE INVESTIGATION OF CORRUPTION CASES IN THE PROSECUTORIAL SYSTEM DURING 2016

State prosecutor (SP), at the beginning of 2016, had at work 538 cases with 1640 individuals' subject to criminal proceedings of corruption, unsolved in previous years, where the largest number of cases and individuals was in the Basic Prosecution in Pristina with 336 cases and 1018 individuals.

CORRUPTION CASES IN THE PROSECUTORIAL SYSTEM IN THE REPORTING PERIOD (01.07.2016 - 30.09.2016)												
State Prosecutor												
State Prosecutor	Unsolved at the beginning (01.01.2016)		Received (01.01.2016 until 31.12.2016)		Resolved (01.01.2016 until 31.12.2016)		Solving manner				Unsolved at the end (31.12.2016)	
	Cases	Persons	Cases	Persons	Cases	Persons	Dismissal	Termination	Indictment	Other manner	Cases	Persons
SPRK	43	263	10	30	25	156	10	50	96		40	162
Pristina	336	1,018	153	291	167	470	264	81	125		230	673
Prizren	23	64	35	53	33	62	9	22	31		24	51
Peja	22	45	58	98	55	103	39	32	32		26	48
Gjilan	10	17	89	172	70	135	64	19	52		25	53
Mitrovica	71	163	30	48	25	61	20	11	29	1	80	156
Ferizaj	19	40	17	30	20	28	10	3	15		17	47
Gjakova	14	30	17	26	14	22	9	9	4		20	37
<b>Total:</b>	<b>538</b>	<b>1,640</b>	<b>409</b>	<b>748</b>	<b>409</b>	<b>1,037</b>	<b>425</b>	<b>227</b>	<b>384</b>		<b>462</b>	<b>1,227</b>

Table 1 - Corruption cases in prosecutorial system

SP during 2016, has received 409 new cases of corruption with 748 persons. While, in the same period of time prosecutors have solved 409 cases of corruption with 1037 persons. In cases against 1037 persons, against 425 persons were dismissed the criminal reports, against 227 persons investigations were suspended and against 384 persons have raised charges for criminal offence of corruption. In the end of 2016, in the SP have remained 462 unsolved cases of corruption with 1227 persons. For the first time, it is noticed that number of pending cases is decreased and the number of persons involved in these cases. The largest number of unsolved cases remains to be in the BP in Pristina with 230 cases and 637 persons, followed by the BP in Mitrovica, with 80 cases and 156 persons and SPRK with 40 cases with 162 persons. KLI estimates that this trend of

increased of solving corruption cases, was attributed to old cases, which greatly until 2010 were solved and where a large part of them has reached the statutory limitation on criminal prosecution. In these statutory cases, prosecutors have had easy work because they had only to conclude and issue a decision on the prescription of criminal offences. Also, during 2015 and 2016 number of prosecutors is increased in the prosecutorial system and also within BP in Pristina have created special units, which are exclusively dealt with these cases.<sup>19</sup>

KLI<sup>20</sup> as result of monitoring of the work of SP in treating of corruption cases has found that despite the approved policies by the KPC regarding the treatment of corruption in the prosecutor's office, SPRK and BP in Pristina continue to face a large number of corruption cases and delays in treating these cases.

Concerning remains to be the way of solving of corruption cases. Over 60% of corruption cases are closed by the prosecutors. See the chart below:



**Chart 1 - Comparison of closed cases and filing indictments**

<sup>19</sup> Note: Prosecutorial system continuously has noted increase of the number of prosecutors. During 2014, prosecutorial system had at work 139 prosecutors, in 2015 had at work 149, while in 2016 have been added 25 new prosecutors, whereas there was resignation of a prosecutor and few retired prosecutors, but during 2016 have been about 170 prosecutors.

<sup>20</sup> Note: Kosovo Law Institute through its 12 monitors in the field, monitors in the systematic way all cases of corruption in all courts and prosecutions of Kosovo. For every monitored corruption case is reported in real time in [www.oathforjustice.com](http://www.oathforjustice.com)

According to the above-mentioned graph, against 1037 person's cases have been solved, results that against 652 persons or 62.87% are closed corruption cases, respectively were dismissed criminal reports or criminal investigations were dismissed, while against 384 persons or 37.13% indictments were filed.

### Caseload of unsolved corruption cases in prosecution offices

Prosecutorial system has transformed in practice non-implementation and violation of policies and decisions approved by the KPC. KLI finds that the will of prosecutorial system in treating of corruption cases continue to remain in policy drafting, which are not implemented in practice. KPC has drafted Action Plan, Strategic Plan, has established Commission for Supervising of implementation of the Action Plan, has established Units within the BP Departments in Pristina to fight corruption. Implementation of the obligations in practice, remains incomplete.

This is proved with the fact that still in the prosecutorial system has unsolved corruption cases dating since 2002 respectively old cases and unsolved for 15 years. SP has yet to work 17 unsolved cases of corruption with 51 persons involved that belong to the period from 2002 to 2010. SPRK have remained with 3 unsolved cases with 7 persons, BP in Mitrovica have remained with 2 unsolved cases with 4 persons, BP in Ferizaj has remained with 1 unsolved case with 1 person and BP in Pristina have remained with 13 unsolved cases with 39 persons before 2010.

Unsolved Cases with Persons According to Prosecution Offices (31.12.2016)	2002		2008		2009		2010		2011		2012		2013		2014		2015		2016		Total	
	Cases	Persons																				
SPRK							3	7	2	10	1	20	3	17	7	27	12	41	12	40	40	162
Pristina	1	2	5	25	2	2	4	10	7	66	8	23	15	58	49	133	53	188	86	166	230	673
Prizren																	7	26	17	25	24	51
Peja															3	4	5	14	18	30	26	48
Gjilan															1	1			24	52	25	53
Mitrovica					1	2	1	2	1	1	4	6	4	8	16	37	25	48	28	52	80	156
Ferizaj							1	1					1	4	1	1	5	20	9	21	17	47
Gjakova													4	12			2	3	14	22	20	37
TOTALI	1	2	5	25	3	4	9	20	10	77	13	49	27	99	77	203	109	340	208	408	462	1,227

Table 2 - Unsolved corruption cases on 31.12.2016

### Caseload of unsolved cases of corruption according to the applicant

SP on December 31 2016, ended with 462 unsolved cases of corruption with 1227 persons' subject to criminal proceedings of corruption. The biggest submitter of criminal reports to the SP remains Kosovo Police, which has filed criminal reports against 450 persons or 36.67%, followed by the Agency Anti-Corruption with filed criminal reports against 185 persons or 15%. Characteristic for 2015 and 2016, represents the number of corruption cases reported by citizens and the injured party of criminal offence of corruption. These two categories have submitted criminal reports against 302 persons suspicious for corruption, respectively 24.61%. Cases of corruption initiated on its own initiative by the prosecutors, at the end of 2016 have remained unsolved 55 persons or 4.4%.

PP - applicant at the end of the reporting period (31.12.2016)	2002	2008	2009	2010	2011	2012	2013	2014	2015	2016	Total
ACA		16			7	28	36	35	25	38	185
TAK				2			1	7	1	4	15
Customs							9	1	11		21
EULEX				2	6	1			1		10
KPI						2	1	5	29	15	52
KP	2	8	3	13	6	10	25	110	95	178	450
Citizens				3	15		14	8	34	65	139
The injured party			1		2		13	20	77	50	163
Holder of Property-OP		1				8		4	1	4	18
Prosecutor with self-initiative					40			4		11	55
Received by competence								8	66	42	116
Municipality Administration								1		1	2
Unidentified					1						1
<b>Total</b>	<b>2</b>	<b>25</b>	<b>4</b>	<b>20</b>	<b>77</b>	<b>49</b>	<b>99</b>	<b>203</b>	<b>340</b>	<b>408</b>	<b>1,227</b>

Table 3 - Unsolved corruption cases according to applicants

## 5. PRELIMINARY INVESTIGATION IN CORRUPTION CASES DURING 2016

At the beginning of 2016, SP has had 398 unresolved cases of corruption categorized at PPN register<sup>21</sup>, including 850 individuals. Meanwhile during 2016, SP has received new cases from this category against 557 individuals. During 2016, SP has resolved

<sup>21</sup> PPN registër includes information recorded in Prosecution office concerning the suspicion of committing criminal offenses.

corruption cases of this category against 396 individuals, which results that SP during 2016, has resolved a smaller number of individuals who are subject of criminal procedures of corruption in relation to the number received. If we compare the number of individuals received with the number of those resolved during 2016, in percentage results that SP was 71% efficient in handling of cases of PPN register.

Meanwhile, the number of individuals which are subject of criminal offenses of corruption of this category at the end of 2015 has been 850 individuals, this number at the end of 2016, is increased to 1221.

From January 1, 2016 until December 31, 2016, according to the table below, results that BPs and SPRK have received a total of 384 categorized cases in PPN register, with 557 individuals involved. The largest number of these cases have been received at BP in Pristina, a total of 217 cases with 311 individuals involved, while SPRK with 21 cases with 50 individuals involved.

PPN CASES OF CORRUPTION IN PROSECUTORIAL SYSTEM (01.01.2016 - 31.12.2016)									
STATE PROSECUTOR PPN	State Prosecutor								
	Unsolved at the beginning (01.01.2016)		Received (01.01.2016 until 31.12.2016)		Solved cases with persons (01.01.2016 until 31.12.2016)	Solving manner		Unsolved at the end (31.12.2016)	
	Cases	Persons	Cases	Persons	Persons	Dismissal	Other manner	Cases	Persons
						Persons	Persons		
SPRK	53	158	21	50	63	63		57	140
Prisatina	168	391	217	311	181	175	6	397	698
Prizren	25	47	42	50	56	35	21	43	64
Peja	39	79	45	63	36	36		70	111
Gjilan	11	18	2	2	18	18		4	4
Mitrovica	45	66	7	8	2	2		54	77
Ferizaj	43	73	35	54	27	27		57	98
Gjakova	14	16	15	19	13	13		22	29
<b>Total:</b>	<b>398</b>	<b>850</b>	<b>384</b>	<b>557</b>	<b>396</b>	<b>369</b>	<b>27</b>	<b>704</b>	<b>1221</b>

Table 4<sup>22</sup> - Corruption cases at the stage of gathering information

<sup>22</sup> Note: Information from this table are generated from the Tracking Mechanism on Harmonisation of Statistical Reports. Kosovo Prosecutorial Council.

SPRK during 2016 has managed to solve cases against 63 individuals involved in PPN register, while has received new corruption cases with 50 individuals. During this reporting period, this prosecution office has solved more cases with individuals than received at work during 2016. BP in Pristina during 2016 has received 217 cases with 311 individuals, meanwhile has solved cases against 181 individuals or 58% of them.

KPC during 2015, has established the Unit for Anticorruption, Economic Crimes, Sequestration and Confiscation of Illegal Assets in the BP in Pristina, in the Department of Serious Crimes and General Department. KLI has assessed "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".<sup>23</sup>

Despite the fact that this Unit was established and assignment of prosecutors by KPC with a special duty in handling corruption cases and economic crimes, we still do not have the expected results. Despite the fact that this Unit was established in 2015 with the aim of reducing the corruption cases, in fact, it has not yet managed to solve even the old cases up to 2010.

Of solved cases against 396 individuals, SP has dismissed the information received against 369 individuals in relation to allegations for corruption in these cases, respectively results that SP has closed 93% of these cases.

The table below presents the corruption cases with individuals according to applicants of criminal reports, which have remained unsolved on December 31, 2016. Out of unsolved cases against 1221 individuals, the largest number of them belong to the cases filed by KP with 385 individuals, followed by the injured party with 258 individuals and citizens with 180 individuals. Until June 30, 2016, Prosecution offices have delegated in competence corruption cases with a total of 132 individuals involved. KLI has found as a characteristic the number of 288 individuals subject to corruption criminal proceedings, in which cases it is not known the applicant of the criminal offense reporting.

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<sup>23</sup> Miftaraj E. dhe Musliu B. "Corruption in Kosovo: Combating or Promotion of Corruption". Kosovo Law Institute. April 2016. Page 12. (See link <http://kli-ks.org/wp-content/uploads/2016/04/01.-Corruption-in-Kosovo-Combating-or-promotion-of-corruption-27.04.2016.pdf>)

CORRUPTION CASES IN PROSECUTORIAL SYSTEM DURING THE REPORTING PERIOD (01.01.2016 - 31.12.2016)						
APPLICANTS OF CRIMINAL REPORTS	Unsolved in the beginning (01.01.2016)	Received (01.01.2016 until 31.12.2016)	Solved (01.01.2016 until 31.12.2016)	Solving manner		Unsolved at the end (31.12.2016)
	Persons	Persons	Persons	Dismissal Persons	Other manner Persons	
Anti-Corruption Agency	59		16	16		21
Kosovo Property Agency	4					1
Tax Administration	4		5	5		
Kosovo Customs	3					
EULEX	6		2	2		5
Kosovo Police Inspectorate	36	15	6	4	2	48
Kosovo Police	287	171	139	128	11	385
Citizen	112	97	52	50	2	180
The injured party	209	136	116	106	10	258
Municipal Administration	3	1	4	4		6
General Auditor			1	1		
Holder of property	28	2	1	1		13
Kosovo Forestry Authority	9					
Prosecutor with self-initiative	9	3	7	6	1	13
Unidentified	7					
Received in competence	73	132	47	46	1	
Without applicant	1					288
<b>Total:</b>	<b>850</b>	<b>557</b>	<b>396</b>	<b>369</b>	<b>27</b>	<b>1,221</b>

Table 5<sup>24</sup> - Corruption cases at the stage of gathering information according to applicants

<sup>24</sup> Note: Information from this table are generated from the Tracking Mechanism on Harmonisation of Statistical Reports. Kosovo Prosecutorial Council..

### Unsolved old PPN cases according to applicants of information

KLI has found that even in the cases registered PPN, there are old cases which have not been handled by SP dating from 2004 and 2006 when they were reported. According to the following table, in these two cases, information relating to allegations of committing the crime were filed by the injured parties of criminal offenses of corruption. The lack of an efficient system of handling corruption cases in a reasonable time and within legal deadlines has a direct affect on citizens' trust in Kosovo prosecutorial system. From monitoring of corruption cases, KLI has found that non treatment or non solving of corruption cases for years or in some cases over 10 years proves the lack of will and responsibility to handle cases of corruption with priority, and highlights the negligence and non seriousness of prosecutorial system. The table below presents the unsolved cases of information applicants for criminal offenses of corruption.

PPN Unsolved applicants ar the end of reporting period (31.12.2016)													Total
	2004	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	
ACA				5			1	1	11	2	1		21
EULEX									4		1		5
Kosovo Customs									2		1		3
KPI								1	2	9	23	13	48
KP				1		1	19	26	40	65	107	126	385
Citizen							2	8	7	31	42	90	180
The injured party	1	1						6	35	13	76	126	258
Muni. Admin.										3	2	1	6
Holder of property					1			3	2	2	3	2	13
Prosecutor with self-initiative								2	4	1	3	3	13
KPA									1				1
Received in comp.			4	1				3	2	7	61	210	288
<b>Total</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>7</b>	<b>1</b>	<b>1</b>	<b>22</b>	<b>50</b>	<b>110</b>	<b>133</b>	<b>320</b>	<b>571</b>	<b>1,221</b>

Table 6 – Unsolved corruption cases according to applicants on 31.12.2016

On the table below are presented the unsolved cases of information for criminal offenses of corruption for each prosecution office.

PPN Unsolved cases with persons according to prosecution offices through years- (31.12.2016)	2004		2006		2007		2008		2009		2010		2011		2012		2013		2014		2015		2016		Total		
	Cases	Persons	Raste	Persona	Raste	Persona	Raste	Persona	Raste	Persona																	
SPRK																											
Pristina	1	1	1	1	1	4	3	7	1	1	1	1	6	17	25	39	34	65	38	48	93	13	193	37	397	698	
Prizren																			5	10	10	19	28	35	43	64	
Peja																	5	10	8	10	18	43	39	48	70	111	
Gjilan																					3	3	1	1	4	4	
Mitrovica													1	3	5	9	7	12	11	11	19	29	11	13	54	77	
Ferizaj																	9	15	7	15	15	27	26	41	57	98	
Gjakova																			5	5	7	10	10	14	22	29	
TOTAL	1	1	1	1	1	4	3	7	1	1	1	1	8	22	31	50	59	110	86	133	186	320	326	571	704	1221	

Table 7 – Unsolved corruption cases according to prosecution offices on 31.12.2016

## 6. THE PROFILE OF CORRUPTION CASES

KLI has continued the monitoring and analyses of the profile of the pursued perpetrators of corruption cases based on the information published by SP regarding the indictments that were filed for corruption cases during 2016.

The profile of the persons indicted, includes: former Deputy, former President of the Constitutional Court, Mayor, former Court President, and officials mainly from low profile. According to the indictments filed by Prosecution offices, it appears that with these criminal offences, the damage caused worth is over **3,077, 151 euro**, meanwhile, in these indictments there is no information if the prosecution offices have filed requests for sequestration or confiscation of assets acquired by criminal offence.

The most effective prosecution office during this period are, SPRK with 14 cases against 167 individuals involved in those indictments, OCHSP one case against 64 individuals, BP in Prizren during this reporting period has filed 12 indictments against 26 individuals involved.

Data	Position/Function	Value of damage caused	Demand for sequestration/confiscation	Number of individuals	Prosecution office
13.01.2016	Former President of the Constitutional Court	There's no information	There's no information	<u>1</u>	SPRK
1.02.2016	Officials in KEDS	There's no information	There's no information	<u>2</u>	BP in Gjilan
5.02.2016	Construction inspector	There's no information	There's no information	<u>4</u>	BP in Gjilan
8.02.2016	Official	There's no information	There's no information	<u>2</u>	BP in Peja
15.02.2016	Citizen	There's no information	There's no information	<u>5</u>	BP in Prizren
25.02.2016	Construction inspector	There's no information	There's no information	<u>1</u>	BP in Prizren
1.03.2016	Mayor of Mitrovica Municipality, Procurement Director, Mitrovica Municipality Director of Economic Operator	767,940.00 €	There's no information	<u>3</u>	SPRK
3.03.2016	There's no information	There's no information	There's no information	<u>23</u>	SPRK /EULEX
3.03.2016	There's no information	20,310.56€; 2,958€; 1,607.47€ 589.00€	There's no information	<u>4</u>	BP in Prizren
21.03.2016	There's no information	There's no information	There's no information	<u>1</u>	BP in Prizren
14.04.2016	Official	150,00	There's no information	<u>1</u>	BP in Peja
18.05.2016	1 former Deputy 1 former Minister	There's no information	There's no information	<u>20</u>	SPRK -EULEX
19.05.2016	Doctor	There's no information	There's no information	<u>3</u>	BP in Gjilan
20.05.2016	Head of a Division, MIA	There's no information	There's no information	<u>1</u>	BP in Pristina
27.05.2016 2	Head of the board-ART, former member of ART board	There's no information	There's no information	<u>2</u>	BP in Pristina

31.05.2016	President, Court of Appeal	There's no information	There's no information	4	SPRK
14.06.2016	Director of Public Services, Emergency - Drenas Municipality Certifying Officer at the Assembly of Drenas Officer in Municipal Assembly of Drenas Owner of a firm	There's no information	There's no information	4	BP in Pristina
15.06.2016.	Indictment includes 60 private individuals and 4 legal entities. They are: a minister, a general secretary of this Ministry, 44 doctors, one nurse, 13 employees in the private health sector	There's no information		64	OCHSP
21.06.2016	There's no information	35,000.00	There's no information	4	BP in Prizren
01.07.2016	Official	3,306	There's no information	1	BP in Prizren
01.07.2016	citizens	2,051.644	There's no information	3	SPRK
08.07.1016	Officials	There's no information	There's no information	2	BP in Prizren
28.07.2016	Montenegrin citizen	There's no information	There's no information	1	SPRK
02.08.2016	Official	There's no information	There's no information	4	BP in Peja
04.08.2016	Official	There's no information	There's no information	4	SPRK
09.08.2016	Official	There's no information	There's no information	1	BP in Prizren
14.08.2016	3 Officials 1 citizens	There's no information	There's no information	4	BP in Prizren
26.08.2016	1 official and 2 citizens	There's no information	There's no information	3	SPRK
30.08.2016	Mayor	There's no information	There's no information	1	SPRK
16.09.2016	Mayor and 38 other individuals	There's no information	There's no information	39	SPRK
26.09.2016	Official	There's no information	There's no information	2	BP in Gjilan
18.10.2016	Official	There's no information	There's no information	1	BP in Prizren
25.10.2016	1 former Deputy of Kosovo Assembly and 38 others	There's no information	There's no information	39	SPRK
31.10.2016	Zyrtar	There's no information	There's no information	2	BP in Prizren
01.11.2016	Zyrtar	There's no information	There's no information	1	BP in Prizren
17.11.2016	11 officials of correctional service 1 doctor	There's no information	There's no information	24	SPRK
12.12.2016	1 Deputy 1 other	25.646	There's no information	2	SPRK
		3,077, 151		282	

Table 8 - Profile of defendants for corruption and the value of sequestration and confiscation

## 7. PRACTICES IN HANDLING CORRUPTION CASES: Legal analysis of special cases

KPC in December 2015 adopted its Strategic Plan (2016-2018) and Action Plan<sup>25</sup> for handling corruption cases. The plan had the following main goals: reduce the backlog, increase efficiency in new cases, increase the level of cooperation with institutions, and increase capacity through specialised training, accountability and transparency.

Findings taken from KLI monitoring indicate that despite the will in handling corruption cases with priority, in practical terms, despite some positive movements the goals set in the plan have not been achieved. During the monitoring process of hearings in corruption cases, KLI has identified and analysed concrete cases handled by prosecution and courts, regarding legal deadlines and submission of requests for sequestration or confiscation etc.

During 2016, KLI monitored 1505 hearings in 383 corruption cases involving 989 people, in all Basic Courts of Kosovo. KLI has reported on each corruption case throughout the judicial process.

The KLI monitors, during the monitoring process found that despite the declared willingness expressed from the key actors of the judicial and prosecutorial system in handling high profile corruption cases, practices indicate otherwise.

Policies and decisions adopted by the KJC and KPC are not being implemented in practice. Legal deadlines established in CPCR regarding the handling of criminal cases in the investigation phase, prosecution and trial are violated in almost every corruption case, without any difference between national prosecutors and judges and those from EULEX. KLI findings regarding legal and procedural violations during the handling of corruption cases are evident in practical cases that are further elaborated below, of which were analysed and researched by the KLI monitors and researchers.

National and international judges and prosecutors still find it difficult to adapt with the new role and responsibilities according to the in-cooperated changes in the CPCR. Certain Courts in Kosovo have made it a practice to surpass the second hearing and go straight to the main hearing. Legal deadlines, such as the scheduling an initial hearing within thirty days after an indictment is filed is seldom implemented in practice.

Cases such as Ukë Rugova, Astrit Haraqija and others are still in the initial hearing phase, 10 months after the indictment, clearly violating legal deadlines determined by the CPCR. In the case against Naser Osmani, currently a parliamentarian in the Kosovo Parliament, indictment was raised on 16<sup>th</sup> February 2016, whereas this case has still not yet had a second hearing even after a year after the indictment. The second hearing for this case was scheduled to be held on

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<sup>25</sup> Note: This Strategic Plan contains almost all the obligations and responsibilities set out in the Action Plan for Increasing Efficiency of the Prosecutorial System in Fighting Corruption adopted on November 4, 2013 by KPC.

6<sup>th</sup> May 2016, however the hearing was adjourned. From this date until February 2017 no hearings were held regarding this case. Both of these cases are being pursued and judged by EULEX prosecutors and judges.

Another case that shows that corruption cases are not handled seriously is the “Stenta” case. A characteristic of this case is the indictment filed by the Office of the Chief State Prosecutor on 15<sup>th</sup> June 2016. The initial hearing for the “Stenta” case was scheduled for 21<sup>st</sup> October 2016, respectively with a three month delay or after the deadline established by CPCK. The last hearing held was on 16<sup>th</sup> March 2017. This hearing was also adjourned with the reason that the indictment was not sent to everyone accused. However, during the initial hearing held on 28<sup>th</sup> February 2017, the judge assigned to this case, Judge Shadije Gërguri, explained that the prosecution had sent a special letter informing the court that although Mr. Afrim Bektashi was part of the investigation, there was no evidence linking him to the criminal offence and that his inclusion in the indictment was due to a technical error.

Withdrawing Afrim Bektashi from prosecution shows the lack of seriousness and incompetence of the prosecution in handling high profile corruption cases in a fair and professional manner. Furthermore, the reasoning used by prosecution that it was a technical error in the indictment is in direct contradiction with legal obligations that the State Prosecutor has pursuant to article 48 of CPCK, which stipulates The state prosecutor has a duty to consider inculpatory as well as exculpatory evidence and facts during the investigation of criminal offences and to ensure that the investigation is carried out with full respect for the rights of the defendant. The fact that this indictment was filed by the Office of the Chief State Prosecutor and the reason for raising the indictment against the wrong person due to a technical error proves the lack of seriousness in handling corruption cases. The case of “Stenta” is still at the initial hearing phase at the Basic Court of Pristina even against the fact that the indictment was filed in June 2016 and nine (9) months have passed since it was filed.

During the monitoring phase KLI found that a very small number of corruption cases actually belong to the real fight on corruption. KLI findings prove that a large number of indictments relate to the criminal offence of low level corruption and that when there are cases of high level corruption there is a lack of condemnatory judgements. The European Commission progress report for Kosovo 2016, found that Kosovo is still in the early phase in their fight against corruption. According to the progress report there is an increase in the number of high profile corruption cases that are investigated and are being prosecuted, however, corruption remains in many areas and continues to be a serious problem.

Even the US State Department in their report on Kosovo regarding human rights practices for 2016, concluded that governmental endemic corruption even in the private sector is linked to the lack of convictions in corruption cases.<sup>26</sup>

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<sup>26</sup> Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2016, Kosovo, at: <https://www.state.gov/documents/organization/265648.pdf>

KLI also found that in many corruption cases there is prosecution or personal war against certain individuals, using the magniloquence before the public and international counterparts that corruption in Kosovo is actually being fought. KLI research has found that in many cases including high profile cases, prosecution has filed indictments without legal basis and are being dismissed or refused by courts in cases scheduled in the initial hearing or later phases during the judicial proceedings, as was seen with the cases of Enver Hasani, Lutfi Haziri and Shpresa Bakia. Furthermore, the Office of the Chief State Prosecutor, has given appreciation merits for promoting the prosecutorial system to prosecutors whom had indictments filed against them by the same office and whom had been suspended by the Office of Disciplinary Committee (ODC) from all prosecutorial functions. The Office of the Chief State Prosecutor has also given appreciation merits to prosecutors whom in the past have taken illegal decisions.<sup>27</sup>

The monitoring findings show that despite the fact that indictments in certain cases were filed where prosecutors concluded that corruption through illegal actions are causing damage to tens of millions of euros; there is no single case where prosecutors have sent a request for sequestration or confiscation of assets acquired through criminal offences. KLI considers that the provisions stipulated in CPCK or other applicable laws regarding sequestration and confiscation of assets appropriated through criminal offence of corruption are rarely ever applied. They are only applied in the confiscation of guns, bullets or other weapons that were used to commit the criminal offence. The below elaborations confirm the findings above.

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<sup>27</sup> CSP Press Release about the Annual Conference for Prosecutors. (See: <http://ëëë.psh-ks.net/sq/lajme/eshte-mbajtur-konferenca-vjetore-e-prokuroreve-te-kosoves>)



## Case of Ukë Rugova – former MP

Basic Court Pristina

Case number: PKR.nr.305/16

Criminal Offence: “Organised Crime”, “smuggling of migrant”, “unauthorised possession of weapons”, “exercising influence”, “fraud”, “abuse of official position or official authority”.

Presiding Judge: initially it was Vitor Pardal, now it is Vladimir Mikula

Prosecutor: Andrew Hughes

Defendant: Ukë Rugova, Izet Beqiri, Florjan Petani, Qefser Baholli, Astrit Haraqija, Fitim Beqiri, Azad Beqiraj, Liridona Beqiri, Kujtim Avdyli, Ragip Gashi, Visar Beqiri Hamza Beqiri, Azem Koskoviku, Edison Idrizaj, Beg Shaqiri, Hasan Shaqiri, Driton Voca, Valon Selimi, Fadil Ahmeti and Haxhi Islami.

SPRK on 18th November 2013 rendered a decision for the initiation of investigations in the case against Ukë Rugova and others. On 18th May 2016, SPRK filed an indictment against Ukë Rugova, former parliamentarian to the Kosovo Parliament and Astrit Haraqija former Minister, regarding suspicion of committing criminal offences: “Organised Crime”, “smuggling of migrant”, “unauthorised possession of weapons”, “exercising influence”, “fraud”, “and abuse of official position or official authority”. The Special Prosecution indictment charges Ukë Rugova that during the period of May 2011 until February 2014 he managed a criminal group, by providing individuals with EU Schengen visas, through the Italian Embassy situated in Pristina. All these visas were allegedly received illegally through corruption or distortion.

### Negligence in handling the case and violations of legal deadlines

The case of Ukë Rugova, Astrit Haraqija and others fall within the fight against high profile corruption. This case is being pursued by EULEX prosecutors and judges.

While the indictment was filed on 18th May 2016, pursuant to article 242 item 4 of CPCK the single trial judge or the presiding judge should immediately schedule an initial trial, which must be held within thirty (30) days after the indictment. This legal deadline was violated continuously by the judging panel lead by a EULEX judge. The initial trial was assigned for 25th August 2016, or three months after the indictment was filed. The initial trial scheduled for 25th August was adjourned a few times, respectively for 30 August, 6 October, 29 November 2016 and 18 January 2017.

Article 254 paragraph 5 of CPCK stipulates that during the initial trial, the single trial judge or the president of the judging panel schedules the second trial, no earlier than thirty (30) days from the initial trial and no later than forty (40) days after the initial trial. Consequently, the single trial judge or the President of the judging panel can request only the submission of



proposals until the specified date of which cannot be later than thirty (30) days from the initial trial,.

The case of Ukë Rugova, Astrit Haraqija and others is still in the initial trial, phase, 10 months after the filed indictment, violating the legal deadlines stipulated by CPCK. KLI considers that this approach used by the judiciary, does not only show the lack of willingness to implement the policies set by the judicial system for handling corruption cases with absolute priority, but rather demonstrates continuous violation of the legal deadlines stipulated by the CPCK. In such cases, the KLI considers that accountability mechanisms should take concrete actions in terms of increasing responsibility in implementing legal obligations to maintain legal certainty for defendants in handling cases within a reasonable time in accordance with the law and the European Convention on Human Rights.

### **Sequestration and Confiscation:**

According to the indictment, Ukë Rugova and the others have taken 3000 to 4000 euro in exchange for Schengen visas issued by the Italian Embassy situated in Pristina. It is alleged that the group have issued 556 visas and through an illegal manner benefited an estimated sum of 1.668.000 to 2,224.000 Euro.

Article 241 paragraph 1.9 of CPCK stipulates that the Chief State Prosecutor must in their indictments identify with specificity any building, immovable property, movable property, funds or other asset subject to forfeiture. The indictment must also describe the appropriate proof required to justify the forfeiture under Chapter XVIII of the CPCK.

The indictment submitted by the EULEX prosecutor showed that he did not submit any request for sequestration or confiscation of assets appropriated through criminal offences within the indictment. In the indictment the EULEX prosecutor only listed items such as weapons and various bullets for confiscation.



## Case of Naser Osmani- MP:

Basic Court Pristina

Case number: PKR.nr.734/15

**Criminal Offence: "Abusing official position or authority, pursuant to article 422, regarding article 31 of CPCK.**

**Presiding Judge : Shashivar Hoti**

**Prosecutor: Admir Shala**

**Defendant: Naser Osmani, Bahri Shabani, Shkelzen Lluka, Naim Avdiu, Melita Ymeraga, Agron Kamberi, Adrian Kelmendi, Agim Deshishku**

The case against Naser Osmanit started according to the criminal charges submitted by the Kosovo Police on 28th April 2014. SPRK on 30th April 2014 took a decision for initiating investigations and on 16th February 2016, filed an indictment to the Basic Court of Pristina against parliamentarian Naser Osmani -Vice-Chairman of PAK Board of Directors, Bahri Shabani, Shkëlzen Lluka, Naim Avdiu, Melita Ymeraga, Agron Kamberi, Adrian Kelmendi, Agim Deshishku, all PAK officials.

According to the indictment filed by SPRK, the defendants Naser Osmani, as Vice-Chairman of PAK Board of Directors, Bahri Shabani as Director of PAK Board of Directors, Shkelzen Lluka as manager of PAK, Naim Avdiu as deputy managing director of PAK and Melita Ymeraga, Ardian Kelmendi, Agron Kamberaj as chairs to the PAK Monitoring Unit and in cooperation with other officials as international members of PAK: Lisa Brodey, Mohammed Omran dhe Hubert Warsmann, have passed official capacity with the intent to unlawfully gain and benefit for his/her self or another person, in the sum from 5,400,000,00 euro. They are accused of violating the rights of employees for this enterprise, of which at the same time have caused damage to Social Enterprise "FAN" represented by PAK and state budget regarding to the issue of New Enterprise "FAN- Podujevë". The latter was privatised during the 7th wave of sales from PAK, where it was sold with the price from 2,310,000 euro from the buyer, of which later the defendant Agim Deshishku according to the contract signed with the commitments acquired to make investments in the amount of 2,800,000 euros and employ 236 workers during the two-year period.



### Negligence in handling the case and violations of legal deadlines

The initial hearing regarding this case was scheduled for 17th March 2016. This hearing was adjourned for 4th April 2016. At the hearing on 4th April 2016, whilst the special prosecutor Admir Shala was reading the indictment, Naser Osmani and Bahri Shabani, part of the PAK board of directors, did not plead their guilt, with the reason that all members of the board should be present.<sup>28</sup> The second trial regarding this case was scheduled for 6th May 2016 but was adjourned. This case has not had any hearings since 6th May 2016 to February 2017. Naser Osmani is currently a parliamentarian to the Kosovo Parliament and Chairman of the Committee for Budget and Finance in the Kosovo Parliament.

### Sequestration and Confiscation:

Although contrary to the fact that the defendants are accused for misappropriation that exceeds the amount of 5 million euro, the prosecution have not submitted a request for sequestration or confiscation of assets.

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<sup>28</sup> Monitoring Report of hearing against Naser Osmani and others, 4 April 2016, See: <http://betimiperdrejtesi.com/fillon-gjykimi-naser-osmani-dhe-te-tjeret-ne-rastin-e-akp-se-deklarohen-te-pafajshem/>



## Case of “Stenta”, Ferid Agani, Minister of Health

Case number: PKR.nr.369/16

Criminal Offence: “Abuse of official position or official authority”, “taking bribes”, “giving bribes”, “irresponsible medical treatment”, “unlawful exercise of medical or pharmaceutical activity” and “tax evasion”

**Presiding Judge: Shadije Gërguri Special**

**Prosecutor: Admir Shala**

**Defendants: Ferid Agani, and 63 others.**

On 15th June 2016, the Office of the Chief State Prosecutor filed an indictment against former Minister of Health- Ferid Agani, General Secretary of Ministry of Health- Gani Shabani and 62 others for the criminal offences “Abuse of official position or official authority”, “taking bribes”, “giving bribes”, “irresponsible medical treatment”, “unlawful exercise of medical or pharmaceutical activity” and “tax evasion”. In this criminal case investigations were initially conducted against 116 natural persons and 4 legal entities. After the investigations, 56 natural persons did not fulfil the legal criteria to be included in the indictment therefore the same had the investigations ceased against them.

A distinctive aspect of this case is the filed indictment from the Office of the Chief State Prosecutor that is in contradiction of the law and judicial practices in Kosovo. There have been four prosecutors assigned to the “Stenta” case. It is peculiar that the state prosecutor that filed the indictment does not represent or defend it.

The indictment was submitted in June 2016 however, it has not been read yet because the prosecution has not sent the evidence to all defendants in languages they understand. This resulted in 5 hearings being adjourned until now. In the rhythm and manner in which this case is being managed, causes a risk that this will be a marathon of a case for the Kosovo Judiciary.

### Negligence in handling the case and violations of legal deadlines

The criminal charges for the “Stenta” case was filed on 26th May 2014, whereas the decision for initiating investigations was rendered on 16th June 2014. The indictment was filed on 14th June 2016. The initial trial for the “Stenta” case was scheduled for 21 October 2016, respectively with a three month delay of the legal deadline stipulated by the CPCK. The last hearing held for “Stenta” case was on 16th March 2017.<sup>29</sup> This hearing was also adjourned with the reason that the indictment was not submitted to all persons accused. Another characteristic of this case was the hearing that was adjourned on 28th February 2017. In this initial trial the presiding judge, Shadije Gërguri explained that the prosecution with a special letter informed the court that Afrim Bektashi was included in the investigation but no elements of criminal offence was found on him and the same is not part of the indictment. “The Prosecutor officially notified e that

<sup>29</sup> Monitoring Report on the initial hearing for the “Stenta” case held on 16 March 2017, see: <http://betimiperdrejtesi.com/pas-shtyrjeve-te-shumta-sot-pritet-te-vazhdoj-shqyrtimi-fillestar-ne-rastin-stenta/>



there was a technical error, involving Afrim Bekteshi in the indictment and that there is a decision that he is ceased from investigations and he should not be part of the indictment”, said Judge Gërguri.<sup>30</sup>

The manner in which the indictment and withdrawal from criminal investigations against Afrim Bekteshi demonstrates the lack of seriousness of the prosecution in handling corruption cases. The prosecutors reasoning concerning a technical error in the filed indictment is in contradiction to the legal obligations that the State Prosecutor has pursuant to article 48 of CCK, which stipulates that the state prosecutor has a duty to consider inculpatory as well as exculpatory evidence and facts during the investigation of criminal offences and to ensure that the investigation is carried out with full respect for the rights of the defendant.

The “Stenta” case is still at the initial trial phase at the Basic Court Pristina and contrary to the fact that the indictment was filed in June 2016; 9 months have passed since the indictment was submitted.

According to the indictment, the defendants in the “Stenta” case have illegally appropriated or damaged the Kosovo state budget in the sum from 5.000.000 to 10.000.000 Euro.

Article 241 paragraph 1.9 of CCK stipulates that the Chief State Prosecutor must in their indictments identify with specificity any building, immovable property, movable property, funds or other asset subject to forfeiture. The indictment must also describe the appropriate proof required to justify the forfeiture under Chapter XVIII of the CCK.

The indictment submitted by the prosecutor from the Office of the Chief State Prosecutor, has not submitted any request for the sequestration or confiscation of assets appropriated though criminal offences filed within the indictment.

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<sup>30</sup> Monitoring Report on the initial hearing for the “Stenta” case held on 28 February 2017, see: <http://betimiperdrejtesi.com/perfshihet-gabimisht-ne-aktakuzen-e-rastit-stenta-lirohet-nga-ndjekja-penale-afrim-bekteshi/>



# Case of Sali Mekaj, President of the Court of Appeals

Basic Court Pristina

Case number: PKR.nr.338/16

Criminal Offence: "Abuse of official position or official authority";  
"Incitement to commit a criminal offence" and "giving a bribe"

**Presiding Judge: Shashivar Hoti**

**Prosecutor: Drita Hajdari Defendant:**

**Sali Mekaj; Vlora Gorani; Mentor Seferaj; Ali Seferaj**

**Lawyer/Defence: Besnik Berisha; Destan Rukiqi**

On 31st May 2016, SPRK filed an indictment to the Basic Court Pristina, against former President of the Court of Appeals and member of the KJC, Sali Mekaj, for "abuse of official position or official authority".

According to the indictment Sali Mekaj, in the capacity of an official person, (during that time as judge of the Court of Appeals), used his position and official authority, with the intent to unlawfully gain and benefit for himself or another person. Mekaj promised the defendant Vlora Gorani that he will be committed to schedule a judicial review for two cases and legally re-qualify the criminal offences from harsher punishment to more lenient punishments, in order for the defendants in those cases to be released from detention. The defendant Mekaj with this intent, requested from the judge on one of the cases to schedule a hearing for that case, in violation with the decision of the Kosovo Court of Appeals. The defendant Vlora Gorani with intent pushed the defendant Sali Mekaj to commit a criminal offence, with the intent that through him to hasten the scheduling of the judicial review and also initiate a legal requalification for criminal offences committed by the defendant Mentor Seferaj and another person on another criminal case, that in this manner manage to release these two people from detention.

## **Negligence in handling the case and violations of legal deadlines**

In the case against Sali Mekaj, the initial trial was scheduled with a delay of five months from the day the indictment was filed, respectively on 20th October 2016. The hearing scheduled to be held on 20th October 2016 was adjourned because the defendant Mentor Seferaj whom is in detention was not present. The presiding judge, Shashivar Hoti, notified the parties that sent the invitation for the defendant Mentor Seferaj however; the same did not provide an answer. The defendants Vlora Gorani, defence Lawyer Besnik Berisha, requested from the court to exclude the public and to publish any photographs. This request was also approved by the defendants Sali Mekaj lawyer Ramë Gashi. The prosecutor of the case Drita Hajdari also agreed



to exclude the public. In this case and the court pursuant to article 294 of CPCK rendered a decision<sup>31</sup> that the trials for this case will be closed to the public.<sup>31</sup>

The initial trial for this case continued in a hearing held on 30th November 2016.<sup>32</sup> The second trial scheduled for 10th January 2017 was adjourned because the defendant Vlora Gorani was not present.<sup>33</sup> The second trial regarding the second reading in the case of Sali Mekaj was held on 30th January 2017.<sup>34</sup>

### Sequestration and Confiscation

There is no information regarding sequestration and confiscation.

<sup>31</sup> Monitoring Report of the initial hearing on the case against Sali Mekaj, 20 October 2016, në: <http://betimiperdrejtesi.com/shtyhet-gjykimi-ndaj-ish-kryetarit-te-gjykates-se-apelit-Sali-mekaj-dhe-tre-te-akuzuarve-tjere-perjashtohet-publiku/>

<sup>32</sup> Monitoring Report on the case against Sali Mekaj, 30 November 2016, see: <http://betimiperdrejtesi.com/deklarohen-te-pafajshem-ish-kryetari-i-gjykates-se-apelit-Sali-mekaj-dhe-tre-te-akuzuarit-e-tjere/>

<sup>33</sup> Monitoring Report of the second reading of the case against Sali Mekaj, 10 January 2017, see: <http://betimiperdrejtesi.com/shtyhet-shqyrtimi-dytesor-ndaj-ish-kryetarit-te-gjykates-se-apelit-Sali-mekaj-dhe-tre-te-akuzuarve-tjere/>

<sup>34</sup> Monitoring Report in the case against Sali Mekaj, 30 January 2017, see: <http://betimiperdrejtesi.com/kerkohet-hudhja-e-aktakuzes-ndaj-ish-kryetarit-te-gjykates-se-apelit-dhe-tre-te-akuzuarve-tjere/>



# Case of Fatmir Limaj- former Minister of MTTK.

Basic Court Pristina

Case number: PKR.nr.8/13

Criminal Offence: "Abuse of official position or official authority",  
"Taking bribes", "Giving a bribe"

**Presiding Judge: Marie Tuma**

**Special Prosecutor: Charles Hardaway**

**Defendants: Fatmir Limaj, Nexhat Krasniqi, Endrit Shala, Shpëtim Telaku  
dhe Florim Zuka**

**Lawyer/Defence: Tahir Rrecaj , Florent Latifaj, Dijamant Zeka, Nysret Islami,  
Blerim Prestreshi, Naser Sopjani**

The EULEX Prosecutor on 23rd April 2010 rendered a decision for initiating investigations in the case against Fatmir Limaj – former Minister of the Ministry of Transport and Telecommunications in Kosovo (MTTK) and others. Prosecutors relating to this case on 5th December 2012 filed an indictment against Fatmir Limaj, Nexhat Krasniqi, Endrit Shala, Shpëtim Telaku and Florim Zuka for the criminal offences "abuse of official position and official authority", "taking bribes" and "giving bribes". The indictment on 5th December 2012, against the Limaj group is known to the public as MTTK 1 case, because on 29th February 2014 the EULEX prosecutor filed another indictment known as MTTK 2. While on 31st August 2015 an indictment which has been described as a "consolidated indictment".

## Negligence in handling the case and violations of legal deadlines

Case MTTK 1:

The initial trial regarding MTTK 1 case was held on 26 March 2014, 15 months after the legal deadline stipulated by the CPCK.

Case MTTK 2:

The initial trial regarding MTTK 2 was held on 10th June 2015 and 30th October 2015, 14 months after the legal deadline stipulated by the CPCK, or a month delay after the filed "consolidated indictment" on 31st August 2015.

Main Trial: From 18th November 2015 until 6th December 2016, in the cases against Fatmir Limaj and others, a total of 33 hearings for the main trial were held, of which 4 hearings were adjourned.<sup>35</sup>

<sup>35</sup> Monitoring Reports on the hearings against Fatmir Limaj and others, see:

<http://betimiperdrejtesi.com/vjollca-kelmendi-deshmon-sot-ne-rastin-limaj-te-mtpt-se/>

<http://betimiperdrejtesi.com/shtyhet-serish-rasti-i-mtpt-se/>

<http://betimiperdrejtesi.com/deshmon-vjollca-kelmendi-ne-rastin-e-mtpt-se/>

<http://betimiperdrejtesi.com/qemajl-mustafa-pritet-te-jap-deshmine-e-tij-ne-rastin-e-njohur-mtpt/>

<http://betimiperdrejtesi.com/qemajl-mustafa-vazhdon-deshmine-e-tij-ne-rastin-mtpt/>

<http://betimiperdrejtesi.com/qemajl-mustafa-nuk-ka-pasur-nderhyrje-ne-tendere/>



## Sequestration and Confiscation:

The prosecutor that filed the indictment did not submit a request for sequestration or confiscation of assets attained through a criminal offence.

<http://betimiperdrejtesi.com/hasan-preteni-akk-ka-qene-urelid-hese-mes-prokurorise-dhe-deshmitarit-mehmet-shkodra-ne-rastin-e-mtpt-se/>  
<http://betimiperdrejtesi.com/deshmitari-zukri-carolli-ne-rastin-e-mtpt-se-shkodra-gjithmone-ka-thene-se-njeh-njerez-ne-qeveri/>  
<http://betimiperdrejtesi.com/prokurori-propozon-deshmitar-te-ri-ne-rastin-mtpt/>  
<http://betimiperdrejtesi.com/prokurori-hardaway-florent-latifaj-avokat-i-nexhat-krasniqit-dhe-adem-grabovcit-te-perjashtohet-nga-rasti-mtpt-per-shkak-te-konfliktit-te-interesit-latifaj-thote-se-kjo-e/>  
<http://betimiperdrejtesi.com/per-te-treten-here-deshton-marrja-ne-pyetje-e-deshmitarit-ekrem-demolli-ne-rastin-e-mtpt-se/>  
<http://betimiperdrejtesi.com/prokurori-hardaway-pajto-het-me-disa-propozime-te-avokatit-nderkombetar-karim-khan-ne-rastin-mtpt-te-njejtat-propozime-i-kishte-injoruar-vazhdimisht-nga-avokatet-vendes/>  
<http://betimiperdrejtesi.com/rasti-i-mtpt-se-avokati-khan-kerkon-perjashtimin-e-kryetares-se-trupit-gjykues/>  
<http://betimiperdrejtesi.com/rasti-mtpt-jep-deshmine-e-tij-zyrtari-i-agjencionit-kunder-korrupcion-ekrem-demolli/>  
<http://betimiperdrejtesi.com/perfundon-deshmine-e-tij-zyrtari-i-agjencionit-kunder-korrupcion-ekrem-demolli-rasti-mtpt-se/>  
<http://betimiperdrejtesi.com/mungon-i-akuzuari-shtyhet-deshmia-e-bekim-shkodres-ne-rastin-e-mtpt-se/>  
<http://betimiperdrejtesi.com/deshmon-djali-i-te-ndjerit-mehmet-shkodra-ne-rastin-e-mtpt-se/>  
<http://betimiperdrejtesi.com/perfundon-deshmia-e-deshmitarit-bekim-shkodra-ne-rastin-e-mtpt-se/>  
<http://betimiperdrejtesi.com/ngritje-zeri-mes-prokuror-it-dhe-endrit-shales-ne-rastin-mtpt-mbrojtja-respektojani-vendimin-e-apelit-per-sms-te/>  
<http://betimiperdrejtesi.com/shtyhet-seanca-gjyqesore-ne-rastin-e-mtpt-se/>  
<http://betimiperdrejtesi.com/vazhdon-deshmia-e-deshmitarit-mevludin-krasniqi-ne-rastin-e-mtpt-se/>  
<http://betimiperdrejtesi.com/vazhdon-deshmia-e-deshmitarit-mevludin-krasniqi-ne-rastin-e-mtpt-se/>  
<http://betimiperdrejtesi.com/vazhdon-deshmia-e-deshmitarit-mevludin-krasniqi-ne-rastin-e-mtpt-se-2/>  
<http://betimiperdrejtesi.com/shtyhet-edhe-nje-seance-gjyqesore-ne-rastin-e-mtpt-se-mungon-avokati-tahir-rrecaj/>  
<http://betimiperdrejtesi.com/ne-rastin-mtpt-desh-moi-ish-zevendes-ministri-i-ndjeri-shkodra-ka-pasur-aq-shume-kerkesa-per-tendere-saqe-as-amerika-nuk-kishte-mundur-tia-plotes-onte-deshirat/>  
<http://betimiperdrejtesi.com/mbrojta-e-en-drit-shales-nuk-e-ka-pranuar-raportin-e-prokurorise-i-cilesuar-si-pastrimi-i-aktakuzes-shtyhet-seanca-ne-rastin-e-njohur-si-mtp/>  
<http://betimiperdrejtesi.com/pas-dy-ore-pritje-nis-marrja-ne-pyetje-e-adem-grabovcit-ne-rastin-mtpt/>  
<http://betimiperdrejtesi.com/adem-grabovcit-i-lexo-hen-sms-et-sa-ishte-zv-minister-ne-mtpt-thote-se-nuk-mban-pergjegjesi-kush-i-dergon-sms-ne-numrin-e-tij-zyrtar/>  
<http://betimiperdrejtesi.com/rasti-mtpt-perfundon-deshmine-adem-grabovci-sms-et-e-te-ndjerit-shkodra-i-quan-banal-e-idiot/>  
<http://betimiperdrejtesi.com/gjykata-vendos-te-mos-perjashtoj-avokatin-florent-latifaj-nga-rasti-limaj-dhe-te-tjeret/>  
<http://betimiperdrejtesi.com/deshmon-ish-keshilltari-i-ministrimit-limaj-prokurori-ti-ndan-ceshtjet-e-ministrise-nga-ato-partiake/>  
<http://betimiperdrejtesi.com/ne-rastin-e-njohur-mtpt-perfundoi-deshmia-e-sterzgjatur-e-ish-keshilltarit-politik-te-fatmir-limajt/>  
<http://betimiperdrejtesi.com/ne-gjykimin-ndaj-fatmir-limajt-gjykata-ia-ndalon-prokurorise-te-perdore-provat-e-cilesuara-si-te-pa-pranueshme-mbrojtja-akuzon-prokurorin-se-ka-injoruar-ven-dimin-e-gjykatet-se-apelit/>



# Case of Astrit Haraqija and Valton Beqiri - former Ministers of Culture

Basic Court Pristina

Case number: PKR.nr.362/16

Criminal Offence: "abuse of official position and official authority",  
"Fraud in office"

**Presiding Judge: Suzana Çerkini;**

**Special Prosecutor: Hivzi Bajraktari**

**Defendants: Astrit Haraqija; Valton Beqiri; Nehat Fejza; Armond Morina**

**Lawyer/Defence: Teki Bokshi; Destan Rukiqi; Osman Havolli; Arianit Koci  
and Granit Vokshi**

The Ministry of Justice filed criminal charges on 21st February 2011 against former Ministers of Culture, Astrit Haraqija and Valton Beqiri. Basic Prosecution Office in Pristina on 19th December 2011 rendered a decision to initiate investigations against them, whereas on 20th April 2012, this prosecution office filed an indictment in the former Municipal Court of Prsitna, against two former ministers Astrit Haraqija and Valton Beqiri and two producers Armond Morina and Nehat Fejza for criminal offence "abuse of official position or official authority" and "Fraud in Office".

According to the indictment, the former minister Astrit Haraqija led the Ministry of Culture during 2004-2007, whereas on 27th February 2006 signed a contract with Nehat Fejza, owner of company "Concordia Pictures" for the film "Chasing Lara" in the amount from 220,000 euro. On 30th January 2007, the same signed another contract with Armond Morina, owner of the copany "Morina Films" for the film "Guests at the table" in the amount from 350,000 euro. Meanwhile former minister Valton Beqiri that led the Ministry of Culture during 2008-2010 signed an annex contract with "Morina Films" by transferring 100,000 euro as subsidies for the realization of the movie "Guests at the table". According to the indictment, the Ministry of Culture signed a contract for both films in the total amount from 570, 000 euro, in violation of the Laws on Public Procurement and Cinematography.



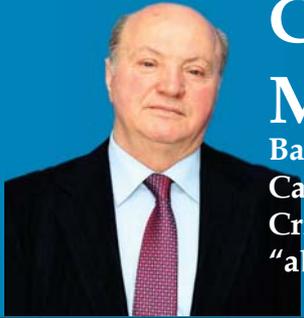
### Negligence in handling the case and violations of legal deadlines

Approximately after three years since the indictment, the Basic Court in Pristina on 1st December 2015, published a decision regarding the case of the two former Ministers of Culture, Astrit Haraqija and Valton Beqiri, as well as Armond Morina and Nehat Fejza. Astrit Haraqija was found guilty of item 2 on “misuse of official position” and was given a conditional sentence of 10 months. Whereas, former Minister of Culture, Valton Beqiri was found guilty of item 3 and was given a 10 month conditional imprisonment sentence. Armond Morina, another defendant of this case concerning “Fraud in Office” was sentenced to 6 months of imprisonment. Nehat Fejza was found not guilty, according to the Court she realised the film project.<sup>36</sup> This case was returned for retrial due to the appeal of the defence lawyers from the BC Pristina, due to violation of legal provisions. The case returned for retrial has had many hearings held on September 6th, November 3rd, November 11th (adjourned), November 22nd (adjourned) and December 13th, 2016.<sup>37</sup> On 15th December 2016, the BC Pristina again published a decision against two former Ministers, Astrit Haraqija and Valton Beqiri and two producers Armond Morina and Nehat Fejza, accused of corruption. Four of the defendants were sentenced to a year of conditional imprisonment, a sentence that will not be executed if the same do not commit any other criminal offence within two years. According to the indictment, Armond Morina is obligated to pay the Ministry of Culture a sum of 100 thousand euro. Whereas Nehat Fejza must pay the Ministry of Culture a sum of 188 thousand euro.<sup>38</sup> The defence lawyers’ have submitted an appeal against the decision of this court.

<sup>36</sup> Haraqija and Beqiri are sentenced to 10 months conditional sentence, 1 December 2015, see: <http://archive.koha.net/?id=27&l=86897>

<sup>37</sup> Monitoring Report of the hearings in the case against Astrit Haraqija and Valton Beqiri, see: <http://betimiperdrejtesi.com/ish-kryeministri-bajram-kosumi-deshmon-ne-rastin-e-dy-ish-ministrave-te-kultures-per-keqperdorim-te-detyres/>  
<http://betimiperdrejtesi.com/deshmon-ish-kryeministri-agim-ceku-ne-rigjykimin-e-ish-ministrave-te-kultures-projektin-kinematografik-e-kam-mbeshitetur-por-nuk-di-nese-ky-eshte-implementuar/>  
<http://betimiperdrejtesi.com/gjykata-leshon-urdher-per-sjellje-ne-gjykate-per-ish-ministrin-astrit-haraqija/>  
<http://betimiperdrejtesi.com/shtyhet-seanca-kunder-dy-ish-ministrave-astrit-haraqija-e-valton-beqiri/>  
<http://betimiperdrejtesi.com/shtyhet-seanca-kunder-dy-ish-ministrave-te-kultures-astrit-haraqija-dhe-valton-beqiri/>

<sup>38</sup> Monitoring Report of the hearings regarding the announcement of the decision of the case against Astrit Haraqija and Valton Beqiri, on 15 December 2016, see: <http://betimiperdrejtesi.com/denohen-me-nga-nje-vit-burgim-me-kusht-dy-ish-ministrat-e-kultures-astrit-haraqija-dhe-valton-beqiri/>



## Case of Muharrem Shabani – former Mayor of the Municipality of Vushtrri:

Basic Court in Mitrovica

Case number: PKR.nr.7/09

Criminal Offence: "Serious theft"; "Tax evasion"; "Entering a harmful contract"; "abuse of official position or official authority"; "Tax evasion"

**Presiding Judge: Burim Ademi**

**Prosecutor: Ismet Ujkani**

**Defendants: Muharrem Shabani, Gëzim Ajredinaj, Tefik Maloku and Erzen Kavaja. M.P was also accused however the same is now deceased.**

On 13th October 20016, the Kosovo Police filed criminal charges against Muharrem Shabani – former Mayor of Vushtrri. On 21st January 2009, prosecution filed an indictment against Muharrem Shabani, Gëzim Ajredinaj, Tefik Maloku and Erzen Kavaja. Part of the indictment was the now deceased M.P. According to the indictment, Gëzim Ajredinaj is accused in the capacity as owner of the company "Construction Company" for criminal offences related to "aggravated theft" and "tax evasion". Ajredinaj is accused of excavating and using limestone at a place called "Big Rock", in the village of Pasomë, Municipality of Vushtrri, a total quantity of 12.445.84m<sup>3</sup> in the value of 123,952,00 euro. Ajredinaj, as owner of the abovementioned company, on income earned on the quantity of the limestone used, did not give information to the competent tax authority and did not pay tax on the income for this used quantity of the limestone, in the sum of 6,754,00 euro. Tefik Maloku is accused as a representative of a legal entity, without any authorisation or decision by the Board of Directors or Chief Executive of the Municipality of Vushtrri, on behalf of this municipality signed a contract with Ajredinaj, for the use of the limestone rock at the place called "Big Rock". The company's failure to complete its obligations deriving from the contract, cost the Municipality of Vushtrri a total of 200,00 euro, of which Maloku is accused of for the criminal offence "entering into harmful contracts". Muharrem Shabani former Mayor of Vushtrri is accused of misuse of official capacity and knowing the irregularities and violations of the Law on Procurement during entering the contract and annex contract and its implementation did not undertake actions within his authority foreseen by the law.



He is accused that he prevented entering and implementing the contract in question, knowing that the same is damaging for the Municipality of Vushtrri and brought unlawful pecuniary gain to the owner of the company. The owner of the company “Kavaja Company” owned by Erzen Kavaja is also accused of excavating the limestone. According to the indictment he is accused of the criminal offences “aggravated theft” and “tax evasion” since he excavated and used limestone in the quantity of 17,074 m<sup>3</sup> in value of 170,957 euro. He is accused that he has not paid taxes on income deriving from the used quantity of the limestone in the sum of 20,562,00 euro. The Chief Executive of the Municipality of Vushtrri M.P was also involved in this case however the same is now deceased. The deceased was accused for the criminal offence of “misuse of official authority and or authorisation”.

#### **Negligence in handling the case and violations of legal deadlines**

The initial trial for this case was scheduled 6 years after the indictment was filed, respectively on 25th May 2015, whereas the main trial was scheduled over a year delay or 16th June 2016, and was adjourned. Until the end of 2016 no hearings were held for this case.



# Case of Nenad Cvetković – former Mayor of the Municipality of Partesh:

Basic Court in Gjilan  
 Case number: PKR.nr.47/14  
 Criminal Offence: “giving a bribe”.

**Presiding Judge: Aziz Shaqiri**  
**Prosecutor: Afrim Shefkiu**  
**Defendant: Nenad Cvetković**

The Kosovo Police on 16th December 2013, filed criminal charges against Nenad Cvetković former Mayor of the Municipality of Partesh. Basic Prosecution in Gjilan on 5th February 2014 rendered a decision for initiating investigations whereas on 27th February 2014 this prosecution office filed an indictment at the BC in Gjilan, against the same for the criminal offence “giving a bribe”. According to the indictment, Nenad Cvetković is accused that during the electoral silence for the candidate of Mayor of the Municipality of Partesh, went to the house of the victim Tomislava Zhivković and request that he and his family do not go out and vote. He did this against the fact that he knew he was part of a political party GIS and for this he handed a 50 euro note, of which he left on top of the canopy. Cvetković requested from Zhivković to cede the identification cards of his spouse and three children.

## Negligence in handling the case and violations of legal deadlines

The initial trial for this case was scheduled for 20th June 2016, with a two year delay from the legal deadline stipulated by the CPCK. The main trial for this case was scheduled after 5 months, respectively from 1st December 2016 and 11 January 2017.

## Sequestration and Confiscation

Confiscation of a 50 euro banknote

# Case of Emrush Thaçi - former Director of the Correctional Service in Kosovo



The EULEX prosecutor from the SPRK on 17 November 2016, filed an indictment against Emrush Thaçi and 23 other people regarding criminal offences committed during the trial of the “Drenica” case. Twenty-four defendants are accused for a number of offences that has to do with the treatment of prisoners from the Correctional Service of Kosovo, prisoners escape from the Pristina Hospital in May 2014, medical care that was given to some prisoners and threatening of witnesses in the “Drenica” case. In this case 11 members of the Correctional Service of Kosovo and a doctor face the charges for “abuse of official position or official authority” and charges of “illegal release of persons deprived of their liberty”. The prisoners’ escape and abuse of medical care that was given to some prisoner are also included in this indictment.<sup>39</sup>

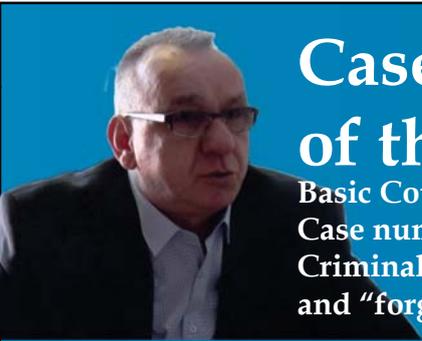
## Negligence in handling the case and violations of legal deadlines

Although the indictment was filed on 17th November 2016, four months after the indictment, the initial trial regarding this case has not yet been held, this is a case being handled by EULEX, Legal deadlines of his case are violated from EULEX for more than three months.

## Sequestration and Confirmation

There are no such requests.

<sup>39</sup> Press Release from the State Prosecutor on 17 November 2016, see: <http://ëëë.psh-ks.net/sq/lajme/psrk-ja-ngrite-aktakuze-per-nje-rast-ku-perfshihen-veprat-keqperdorim-i-pozites-apo-autorizimeve-zyrtare-ikja-e-personave-te-privuar-nga-liria-mundesimi-i-ikjes-se-personave-te-privuar-nga-liria-lirimi-i-paligjshem-i-personave-te-privuar-nga-liria-pengimi-i-deshmive-apo-i-procedurave-zyrtare-kercenimi-gjate-procedurave-penale-dhe-pjesemarrja-ne-grup-te-organizuar-kriminal-apo-organizimi-i-grupit-te-organizuar-kriminal>



# Case of Enver Hasani 1: Former President of the Kosovo Constitutional Court

Basic Court in Pristina

Case number: PKR.nr.14/16

Criminal Offence: "abuse of official position or official authority" and "forgery of an official document".

**Presiding Judge: Shashivar Hoti**

**Prosecutor: Abdurrahim Islami**

**Defendants: Enver Hasani**

**Lawyer: Bajram Tmava**

On 14th April 2015, a criminal record was filed against Enver Hasani – former Juge of the Constitutional Court. On the same day, 14th April 2015, SPRK rendered a decision for initiating investigations against the same. On 13th January 2016, SPRK filed an indictment at the BC Pristina against Enver Hasani for the criminal offence "abuse of official position or official authority" and "forgery of official documents". Enver Hasani is accused for a decision rendered at the Constitutional Court for the decree of the President concerning the continuation of the mandate for three international judges. According to this indictment, at the time when he was President of the constitutional Court, Hasani is accused that he forged the name of Robert Carolan although the latter did not take part in the trial of this issue because the issue was concerning the continuation of his mandate.

## Negligence in handling the case and violations of legal deadlines

The peculiarity of this case is the frequent change of prosecutors, respectively from the beginning to the end, three SPRK prosecutors handled this case; Blerim Isufaj, Drita Hajdari and Abdurrahim Islami. The legal obligation for scheduling an initial trial within 30 days after the filed indictment was violated. Respectively the initial trial for this case was scheduled on 1st July 2016, 5 months after the filed indictment. The hearing scheduled for 1 July 2016 was adjourned because the Prosecutor was not present.<sup>40</sup> Regarding this case there were two hearings held pertaining to the initial trial on 15th July and 8th September 2016. During the hearing held on 8th September 2016, Enver Hasani declared before the trial panel that his case is a "petty revenge by the Chief State Prosecutor, Alexander Lumezi

<sup>40</sup> Raport nga monitorimi i Shqyrtimit fillestar në rastin kundër Enver Hasani, 1 korrik 2016, në: <http://betimiperdrejtesi.com/mungon-prokurori-shtyhet-seanca-ndaj-enver-hasanit/>



and his bosses, because the Constitutional Court refused the selection process for Chief State Prosecutor Lumezi.”<sup>41</sup>

The second trial in the case against Enver Hasani was held on 11 October 2016. At the hearing, the defence of the defendant, lawyer Bajram Tmava in challenging the indictment against his client indicated that the decision rendered by Hasani at the time he was President of the Constitutional Court in Kosovo was in full compliance of the applicable laws.<sup>42</sup>

On 10th January 2017, The Court of Appeals in Kosovo dismissed the indictment filed against the former President of the Constitutional Court, Enver Hasani for the criminal offences “abuse of official position or official authority” and “forgery of official documents”. The representative of the former President of the Constitutional Court, lawyer Bajram Tmava declared that the Court of Appeals fully approved the appeal against the decision rendered by the BC Pristina and the termination of criminal proceedings against his client was made after the Court of Appeal evaluated that all the actions taken by Hasani were made within the authority as President of the Constitutional Court.<sup>43</sup>

## Sequestration and Confiscation

No such requests were filed.

<sup>41</sup> Monitoring Report of the hearings held against Enver Hasani, 8 Septmeber 2016, see: <http://betimiperdrejtesi.com/enver-hasani-kjo-aktakuze-eshte-hakmarrje-e-kryeprokurorit-aleksander-lumezi/>

<sup>42</sup> Raport nga monitorimi i Shqyrtimit të dytë në rastin kundër Enver Hasanit, 11 tetor 2016, në: <http://betimiperdrejtesi.com/avokati-i-enver-hasanit-ne-asnje-presje-nuk-kam-gjetur-veprim-antiligjor-te-te-mbrojturit-tim/>

<sup>43</sup> Raport nga monitorimi i rastit kundër Enver Hasanit, 10 janar 2017, në: <http://betimiperdrejtesi.com/hudhet-aktakuza-ndaj-ish-kryetarit-te-gjykates-kushtetuese-enver-hasani/>



## Case of Enver Hasani 2 – Former Rector of the University of Pristina

Basic Court in Pristina

Case number: PKR.nr.432/15

Criminal Offence: "Fraud in office"

**Presiding Judge: Afërdita Bytyqi**

**Prosecutor: Drita Hajdari**

**Defendants: Enver Hasani, Hakif Veliu and Albert Rakipi**

On 25th July 2012, Kosovo Police submitted criminal charges against Albert Rakipi and Hakif Veliu, regarding suspicion of official abuse at the University of Pristina. On 9th January 2014, Basic Prosecution in Pristina rendered a decision for the initiating investigations against Albert Rakipi and Hakif Veliu. This case was investigated by a team of EULEX prosecutors and the BP in Pristina. On 12th August 2014, EULEX transferred this case to SPRK. Drita Hajdari a prosecutor of this court on 14th April rendered a decision for extending investigations by including Enver Hasani as a former Rector of UP. It is worth noting that during this time there was a race for the Chief State Prosecutor, where the Constitutional Court with Enver Hasani as President, refused the selection process for Chief State Prosecutor where the chosen candidate was Alexander Lumezi. During that time some members of the KPC developed a public 'war' against the Constitutional Court concerning the selection process for Chief State Prosecutor. On 14th April 2015, the day the Constitutional Court opened the way for the decree of the Chief State Prosecutor Lumezi, two decisions was rendered for initiating investigations against Enver Hasani. A decision for when he was President of the Constitutional Court and one during the time he was a Rector of UP. Concerning the latter, the indictment against Enver Hasani was filed on 31st July 2015 for the criminal offence of corruption. According to the indictment, Enver Hasani is accused in the capacity of Rector of UP, Haki Veliu in the capacity as Head of the Procurement Office in UP and Albert Rakipi in the capacity as Director the Institute for International Studies (IIS) with the intent to unlawfully benefit for this Institute, forged the original contract regarding the translation of some books from English to Albanian and compiled a new contract using the same protocol number from the original contract. According to the original contract the value was 500, 000 euro, respectively the price for a count for 1000 words at 12.65 euro stipulated by article 17, whereas the new contract according to prosecution, this part was changed to 1000 characters for 12.56 euro.

<sup>44</sup> Raport nga monitorimi i seancës gjyqësore kundër Enver Hasanit, 8 shtator 2016, në:

<http://betimiperdrejtesi.com/enver-hasani-kjo-aktakuze-eshte-hakmarrje-e-kryeprokurorit-aleksander-lumezi/>



### Violation of legal deadlines:

The initial trial for this case at the BS in Pristina was scheduled with a delay and thus violating the legal deadlines stipulated by CPCM. Respectively, the initial trial for this case was scheduled five months after the filed indictment on 27th November 2015. The second trial regarding this case was held on 11th January 2016. The main trial in the case against Enver Hasani and others was scheduled for 18th February 2016; however it was adjourned because the defendant Albert Rakipi was not present.<sup>45</sup> The trial panel for this case held hearings on 9th March, 8th April, 3rd May and 20th May 2016.<sup>46</sup> From 20th May 2016 until the end of March 2017, the trial panel have not held any hearings for this case. The approach used by this trial panel is in breach of article 314 of CPCM, which determines the time for the completion of the judicial review. " Unless the single trial judge or trial panel adjourns the main trial under Article 310 of the present Code, the main trial shall be completed within the following time limits: if the main trial is before a single trial judge, the main trial shall be completed within ninety (90) days, unless the single trial judge issues a reasoned decision to extend the time for the main trial for one of the reasons in paragraph 2 of the present Article: if the main trial is before a trial panel, the main trial shall be completed within one hundred and twenty (120) days, unless the trial panel issues a reasoned decision to extend the time for the main trial for one of the reasons in paragraph 2 of the present Article. 2. The main trial may be extended by a reasoned decision under paragraph 1 of the present Article if there exist circumstances which require more time". From 20th May 2016 until the end of March 2017, approximately 300 days have passed since the last hearing; this is a high-profile corruption case. This case shows the true willingness of judicial bodies in handling corruption cases with priority. Furthermore, by not scheduling hearings concerning high profile cases, the public perception is that such cases are merely persecution and blackmail against persons subject to these criminal proceedings on corruption more than a fair, independent and impartial trial.

### Sequestration and Confiscation:

No such requests were made.

<sup>45</sup> Raport nga monitorimi i rastit nr. 2, kundër Enver Hasanit dhe të tjerëve, 18 shkurt 2016, në:

<http://betimiperdrejtesi.com/shtyhet-gjykimi-kunder-enver-hasanit/>

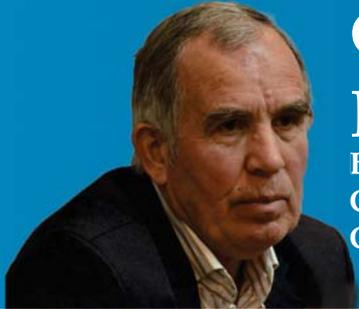
<sup>46</sup> Raportet e monitorimit nga seancat gjyqësore kundër Enver Hasanit dhe të tjerëve, në:

<http://betimiperdrejtesi.com/hapet-shqyrtimi-kryesor-per-keqperdorimet-e-pretenduarane-up/>

<http://betimiperdrejtesi.com/enver-hasani-do-te-mbrohet-ne-heshtje/>

<http://betimiperdrejtesi.com/deshmon-sekretari-i-pergjithshem-i-up-se-ne-rastin-e-enver-hasanit/>

<http://betimiperdrejtesi.com/deshmon-ekspertja-ferdeze-tershnjaku-per-rastin-e-enver-hasanit/>



# Case of Mazllum Baraliu – Former Rector of Prizren Public university

Basic Court in Prizren

Case number: PKR.nr.195/15

Criminal Offence: “abuse of official position or official authority”

**Presiding Judge: Skender Çoçaj**

**Prosecutor: Sefer Morina**

**Defendants: Mazllum Baraliu, Adem Sallauka dhe Halim Hazëraj**

The Kosovo Police on 4th February 2014 submitted criminal charges against Mazllum Baraliu, Rector of the Prizren Public University and others. BP in Prizren on 1st Deember 2014, rendered a decision for initiating investigations, whereas on 22nd October 2015 filed an indictment to the BC in Gjakova, against Mazllum Baraliu, Adem Sallauka and Halim Hazëraj for the criminal offence “abuse of official position or official authority”. According to the indictment, the accused working at the University of Prizren, violated the rights of the victim, Enver Sojani, whom had their contract terminated even though it was valid from 10.06.2011, until 09.06.2014, for the position of Pro-rector of UPZ, however, unilaterally, with the decision issued by the Rector of that time, Mazllum Baraliu, and signed by Adem Sallauka and Halim Haziraj, it contract has been in October 2011.

## Negligence in handling the case and violations of legal deadlines

The initial trial for this case was scheduled with a two month delay from the day the indictment was filed, respectively on 21st December 2015, whereas the second trial was held on 21st January 2016. The main trial for this case was also scheduled with a four month delay, on 4th May 2016 of which was adjourned. In the case against Mazllum Baraliut and two others the court held a hearing on 6th June, 7th June, 12 July, 3rd November, 4th November and 15 November 2016.<sup>47</sup>

<sup>47</sup>Monitoring Report of hearings for the case against Mazllum Baraliut and others,see:

<http://betimiperdrejtesi.com/shtyhet-seanca-gjyqesore-per-rastin-e-ish-rektorit-te-universitetit-publik-te-prizrenit/>

<http://betimiperdrejtesi.com/mungon-i-demtuari-shtyhet-gjykimi-ne-rastin-ndaj-ish-rektorit-te-upz-se/>

<http://betimiperdrejtesi.com/mbrohet-mazllum-baraliu-nuk-kam-pasur-asnjelidhje-me-kontraten-e-enver-sopjanit/>

<http://betimiperdrejtesi.com/halim-haziraj-ka-mbrojtur-vendimin-per-shkarkimin-nga-detyra-te-prorektorit-te-universitetit-te-prizrenit/>

<http://betimiperdrejtesi.com/adem-sallauka-thote-se-nuk-ka-pasur-njohuri-per-shkarkimin-e-prorektorit-te-universitetit-te-prizrenit/>

<http://betimiperdrejtesi.com/perfundon-shqyrtimi-gjyqesor-ndaj-ish-rektorit-mazllum-baraliu/>



On 16th November 2016, the BC in Prizren, published a decision in which Baraliu and Sallauka were acquitted whereas Haziraj was charged. The former Rector of the Prizren Public University, Mazllum Baraliu, was acquitted for abuse of official position. Adem Sallauka was also acquitted from the same criminal offence. However, the accused Halim Haziraj was found guilty. The trial panel found Halim Haziraj guilty and sentenced him to a year of imprisonment. This sentence of imprisonment will not be executed if within a deadline of years the same will not commit any criminal offence. Furthermore, the court imposed an additional sentence on Halim Haziri, where he is not allowed to carry out any public functions for two years.<sup>48</sup>

### Sequestration and Confiscation

No such requests were made

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<sup>48</sup> Raporte nga monitorimi i seancave gjyqësore në rastin kundër Mazllum Baraliut dhe të tjerëve, në <http://betimiperdrejtesi.com/mazllum-baraliu-lirohet-nga-akuza-per-keqperdorim-te-detyres-zyrtare/>



# Case of Shpresa Bakija – Chief Prosecutor of the Basic Prosecution in Gjakova

Basic Court in Gjilan

Case number: PKR.nr.156/15

Criminal Offence: “Disclosing official secrets” and  
“Infringing privacy in correspondence and computer databases”

**Presiding Judge: Naser Maliqi**

**Prosecutor: Agron Uka**

**Defendants: Shpresa Bakija and Arben Arifi**

On 20th October 2014, the Chief State Prosecutor submitted criminal charges related to suspicion of committing criminal offences “Disclosing official secrets” and “Infringing privacy in correspondence and computer databases”, for a case at the Basic Prosecution Office in Gjakovë. On 10th November 2014, BP in Gjilan rendered a decision for initiating investigations, whereas on 19th June 2015, this prosecution office filed an indictment against the Chief Prosecutor in Gjakova, Shpresa Bakija and Arben Arifi.

According to the indictment, Shpresa Bakija, in June 2012, in the capacity as an official officer, without authorisation gave information on official secrets to another person. According to BP in Gjilan, Bakija disclosed such information with the intent to gain unlawful material benefit for herself or another, or damaging another person, the victim Xh.K. according to the indictment, the defendant did this in a manner that lawyer Gëzim Baloku gave the speech scripts messages (SMS) provided in the case PPN.5/2012 issues by covert measures, of which the same then forwarded them to an unauthorised person, in this case the other defendant Arben Arifi, whom was compensated with 250 euro. It is alleged in this case seriously violated and damaged the integrity of the victim.

## Neglizhenca në trajtimin e rastit dhe shkeljet e afateve ligjore

The indictment was filed on 19th June 2015, the initial trial for this case was scheduled after five months, respectively on 2nd December 2015. Meanwhile the KPC on 5th November 2015 suspended the Chief Prosecutor Shpresa Bakija from all functions as a prosecutor.<sup>49</sup>

The second trial for this case was held on 12th February 2016. The main trial was held through the hearings on 19th April and 31st May 2016. On 16th June 2016, BC in Gjilan published a decision for acquittal against Shpresa Bakija, while in the case against Arben Arifi, the court rejected the indictment because of statute of limitation elapsed.

<sup>49</sup> Chief Prosecutor of Gjakova, Shpresa Bakija is suspended, Koha Ditore, 29 October 2016, see: <http://archive.koha.net/?id=8&l=81777>



On 2nd November 2016, the Court of Appeal in Pristina verified the decision for acquittal from the BC in Gjilan, against Chief Prosecutor Shpresa Bakija, by acquitting her of all criminal charges for “abuse of official position or official authority”, disclosing official secrets” and “Infringing privacy in correspondence and computer databases”.

The Court of Appeals decision rendered on 17th October 2016, states that the request from BP in Gjilan for annulling the decision taken on 16th May is without legal basis. According to this decision, the prosecutions’ claims that essential provisions of criminal proceedings were violated, erroneous and incomplete factual situation and violation of criminal law do not stand, and that the judgment of the court of first instance is clear and concrete. Furthermore, according to the Court, such a judgement should not be doubted.<sup>50</sup>

KPC on 30th November 2016, adopted Decision number 470/2016, for the compensation of wages for the former Chief Prosecutor Shpresa Bakija, for the time she was suspended from all prosecutorial functions with a decision of the KPC Disciplinary Committee.

Furthermore, at the annual conference for state prosecutors in 2016, organised by the Office of the Chief State Prosecutor on 28th January 2017, the Chief State Prosecutor, Aleksandër Lumezi, handed a merit of appreciation for special contributions in increasing the efficiency of the judicial system for chief prosecutors that have contributed to the prosecutorial system during 2016. The merit of appreciation was also given to the former chief prosecutor of BP Ghakova, Shpresa Bakija accused without basis from the BP in Gjilan, and Chief Prosecutor of Basic Prosecution in Gjilan, Jetish Maloku.<sup>51</sup>

## Sequestration and Confiscation

No such request was made.

<sup>50</sup> Monitoring Report of the case against Shpresa Bakija, 2 November 2016, see: <http://betimiperdrejtesi.com/apeli-verteton-aktgjykimin-e-gjykates-themelore-ne-gjilan-liron-nga-te-gjitha-akuzat-ish-kryeprokuroren-shpresa-bakija/>

<sup>51</sup> Annual Conference for Chief State Prosecutors, see: <http://ëëë.psh-ks.net/sq/lajme/eshte-mbajtur-konferenca-vjetore-e-prokurore-ve-te-kosoves>



## Case of Ilir Tolaj – Former Permanent Secretary of the Ministry of Health:

Basic Court in Pristina

Case number: PKR.nr.382/15

Criminal Offence: “abuse of official position or official authority”

**Presiding Judge: Valbona Musliu-Selimaj**

**Special Prosecutor: Admir Shala**

**Defendants: Ilir Tolaj, Bekim Fusha, Zenel Kuqi, Valentina Haxhija-Pacolli, Remzije Thaçi, Florije Tahiri. Involved was also Arion Lleshi and Shpend Agani, but the same reached an agreement of pleading guilty.**

SPRK on 23rd April 2013, rendered a decision for the initiating investigations against Ilir Tolaj, former permanent secretary of the ministry of health and others. On 6th July 2013, SPRK filed an indictment at the BC in Pristina against Ilir Tolaj, Bekim Fusha, Zenel Kuqi, Valentina Haxhijaj, Remzije Thaçi and Florije Tahiri for criminal offence “abuse of official position or official authority”.

According to SPRK, Ilir Tolaj as a Permanent Secretary to the Ministry of Health (MH), Bekim Fusha as Acting Director of the Pharmaceutical Department at MH and Zenel Kuqi as Procurement Manager of MH, during the period from 23rd May 2011 to 31st December 2011, in concurrence brought profits to the company “KMI” SHPK Drenas owned by Arion Lleshi and Shpend Agani in the value of 400 thousand euro.

Valentina Haxhijaj, Remzije Thaçi and Florije Tahiri are accused as members of the Oversight Committee for the Execution of the contract; they allegedly allowed the company “KMI” to manipulate the quantity of medical drugs. With this they are accused that they committed the criminal offence of “abuse of official position”.

Zenel Kuqi is accused that as a procurement manager during the period of 23.05.2011 and 31.12.2011, exceeded his powers in order to gain material benefit from the company “ACG” and “Stadart”, for the procurement activity “Overall renovation of the Emergency annex of UCC”, and the company “Life Farm” for the procurement activity “Supplying Infusions”, causing damage to the Kosovo budget the total value of 276.307.97 euro.

Included in the same indictment were businessmen Arion Lleshi and Shpen Agani, however, the two had reached an agreement with the prosecutor to plead guilty. Consequently, the court convicted two businessmen and sentenced them to two years



contional jail sentence and a fine of 1000 euros. According to the decision of the BC in Pristina, the same are obligated return 400 thousand euros in damages to the state. According to prosecution, Lleshi and Agani are accused were accused of making false representation or concealing facts, which resulted in damage to the MH budget, the same avoided paying taxes and other contributions to workers established by law.

### Negligence in handling the case and violations of legal deadlines

The initial trial in the case against Ilir Tolaj and others was scheduled to be held after a four month delay, respectively on 8th December 2015. This hearing was adjourned and was held on 20th January 2016. The second trial was held on 26th January 2016.<sup>52</sup> The main trial for this case was also held with a delay, respectively on 9th September 2016, six months after the second hearing. This hearing was adjourned for 15th September 2016. For the main hearing for this case the following dates show when the hearings were held: 14 October and 1 December 2016, 26 January and 21 February 2017. The hearing scheduled for 20th March 2017 against former permanent secretary of MH – Ilir Tolaj and other officials of this Ministry, was adjourned with a request from the Special Prosecutor, Abdurrahim Islami.<sup>53</sup> This case is still undergoing judicial procedure.

### Sequestration and Confiscation

The two businessmen Arion Lleshi and Shpend Agani, reached an agreement for pleading guilty and according to the decision will return the damages to the state budget in the sum of 400 thousand euro.

<sup>52</sup> Monitoring Report in the case against Ilir Tolaj and others, see: <http://betimiperdrejtesi.com/ish-zyrtaret-e-ministrise-se-shendetesise-kundershtojne-akuzat-ndaj-tyre/>  
<http://betimiperdrejtesi.com/shtyhet-shqyrtimi-gjyqesor-ndaj-ilir-tolajt-dhe-te-tjereve-per-keqperdorim-te-detyres/>  
<http://betimiperdrejtesi.com/rasti-tolaj-dhe-te-tjeret-avokati-berisha-ne-nje-sistem-normal-klienti-im-do-duhej-te-ishte-ne-cilesine-e-te-demtuarit/>  
<http://betimiperdrejtesi.com/ish-ministri-ferid-agani-deshmon-ne-gjykimin-ndaj-ish-sekretarit-te-msh-se-ilir-tolaj/>  
<http://betimiperdrejtesi.com/shtyhet-shqyrtimi-gjyqesor-ndaj-ish-sekretarit-te-msh-se-ilir-tolaj-dhe-te-tjereve/>  
<http://betimiperdrejtesi.com/ne-gjykimin-ndaj-ilir-tolajt-drejtori-per-buxhet-dhe-financa-ne-ministrine-e-shendetesise-thote-se-i-gjithe-aktiviteti-i-prokurimit-per-asgjesimin-e-barnave-ishte-zhvilluar-sipas-ligjit/>

<sup>53</sup> Monitoring Report of the main trial in the case against Ilir Tolaj and others, 20 March 2017, see: <http://betimiperdrejtesi.com/shtyhet-gjykimi-ndaj-ilir-tolajt-dhe-zyrtareve-tjere-te-msh-se/>



## Case of Shyqyri Haxha – Former PTK Executive Officer:

Basic Court in Pristina

Case number: PKR.nr.666/14

Criminal offence: “Keqpërdorim i pozitës apo autoritetit zyrtar”

**Presiding Judge: Valbona Musliu-Selimaj**

**Prosecutor: Fikrije Fejzullahu**

**Defendants: Shyqyri Haxhayri Haxha**

The case against Shyqyri Haxha-former Post Telecommunication of Kosovo Executive Officer (PTK), was initiated through a criminal charge filed on 19th December 2012. The decision for initiating investigations was rendered on 14th October 2014, whereas the indictment was filed on 27th November 2014.

Shyqyri Haxha is accused that during 2009-2011, as a Chief Executive implemented the Board of Directors of PTK Resolution, respectively covered the rental costs for PTK staff living abroad. In this manner according to the indictment, illegally benefitted in the rental costs and other charges in the value of 2000 euro each month, that adds to the total of 53,000 euro.

### **Negligence in handling the case and violations of legal deadlines**

The second trial in the case against Shyqyri Haxha, was scheduled on 9th November 2015 and 16th December 2015. Both of these hearings were adjourned. Finally the initial trial was held on 7th March 2016.<sup>54</sup>

The second trial in this case was held on 8th April 2016.

<sup>54</sup> Monitoring Report of the initial trial in the case against Shyqyri Haxha, 7 March 2016, see: <http://betimiperdrejtesi.com/ish-kryeshefi-ekzekutiv-i-ptk-se-shyqyri-haxha-deklarohet-i-pafajshem/>



In the case against Shyqri Haxha, the court held many hearings for the main trial, respectively on 3 June, 6 September, 11 October, 1 November and 2 November 2016.<sup>55</sup>

The BC in Pristina on the 4th November 2016 rendered a decision through which Shyqri Haxha was declared not guilty. Haxha was acquitted of the charges for “abuse of official position” since the trial panel did not find any evidence that Haxha with his own actions committed the criminal offence mentioned in the indictment.<sup>56</sup>

## Sequestration and Confiscation

No such requests were made.

<sup>55</sup> Raporte nga monitorimi i rastit kundër Shyqyri Haxha në shqyrtim kryesor, në:  
<http://betimiperdrejtesi.com/deshmitaret-miratimi-i-kerkeses-se-kryeshefit-te-ptk-se-shyqyri-haxha-ishte-vendim-i-ligjshem/>  
<http://betimiperdrejtesi.com/deshmitari-nuk-ka-haber-per-rastin-ne-te-cilin-eshte-thirrur-te-deshmoi/>  
<http://betimiperdrejtesi.com/ne-rastin-e-ish-drejtoret-te-ptk-se-shyqyri-haxha-deshmon-drejtore-i-zyres-ligjore-sabaudin-ramaxhiu/>  
<http://betimiperdrejtesi.com/jepet-fjala-perfundimtare-ne-rastin-e-ish-drejtoret-te-ptk-se-shyqyri-haxha-aktakuza-ndaj-meje-u-ngrite-vetem-tri-dite-para-se-te-shpallet-konkursi-per-drejtore/>

<sup>56</sup> Monitoring Report of the case against Shyqyri Haxha, decision, 4 November 2016, see:  
<http://betimiperdrejtesi.com/shpallet-i-pafajshem-ish-kryeshefi-i-ptk-se-shyqyri-haxha/>



# Case of Ragip Begaj – Mayor of the Municipality of Malisheva

Basic Court in Gjakova

Case number: PKR.nr.205/15

Criminal Offence: “abusing official position or authority”

**Presiding Judge: Shaqir Zika**

**Prosecutor: Haki Gecaj**

**Defendant: Ragip Begaj**

On 16th February 2015, criminal charges were submitted against the Mayor Malisheva, Ragip Begaj. SPRK on 3rd September 2015 rendered a decision to initiate investigations, whereas the same prosecution office on 8th December 2015 filed an indictment at the BC in Gjakova, against Ragip Begaj, for the criminal offence “abusing official position or authority”.

SPRK charged Mayor Ragip Begaj that during the period from June- August 2014, abused his official position or authority. According to the indictment this was done with the intent to cause damages and breaches the employment rights of the damaged party Shemsi Morina. According to the indictment an against the fact that the damaged party Shemsi Morina, had an employment contract and job description as Director of SHFMU “Ganimete Tërbeshi”, valid until 1st October 2015, the defendant with intent and full knowledge violated the provisions stipulated by the Law on Labour, by publishing a vacancy for the position of a School Director, whilst the damaged has his employment terminated.

## Negligence in handling the case and violations of legal deadlines

The initial trial in the case against the Mayor of the Municipality of Malisheva was scheduled on 19th January 2016, whereas the second trial was on 22 February 2016. The main trial for this case was scheduled to be held on 18th May 2016 however it was adjourned for 30th May 2016.



During the main trial for this case the following hearings were held: 10 June, 7 July and 13 July 2016.<sup>57</sup> The BC in Gjakova on 14th July 2016 published a decision where the Mayor Ragip Begaj was found not guilty of the criminal offence for “abusing official position or authority”. According to this decision, and the administered evidence and witness declarations, there was no evidence to suggest that the criminal offence in question was committed.<sup>58</sup>

### Sequestration and Confiscation

No such requests were made.

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<sup>57</sup> Monitoring Reports of the hearings held in the case against Ragip Begaj, see:

<http://betimiperdrejtesi.com/kundershtohet-hudhja-e-aktakuzes-kunder-kryetarit-te-malisheves-ragip-begaj/>

<http://betimiperdrejtesi.com/drejt-fundit-gjykimi-kunder-kryetarit-te-malisheves-ragip-begaj/>

<http://betimiperdrejtesi.com/jepen-fjalet-perfundimtare-ne-rastin-e-kryetarit-te-malisheves-ragip-begaj-i-akuzuar-per-keqperdorim-te-detyres/>

<sup>58</sup> Monitoring Report of the hearing held in the case against Ragip Begaj, 14 July 2016, see:

<http://betimiperdrejtesi.com/kryetari-i-malisheves-ragip-begaj-lirohet-nga-akuza-per-shperdorim-te-detyres/>



# Case of Srećko Spasić- Mayor of the Municipality of Klllokot:

Basic Court in Gjilan

Case number: PKR.nr.186/15

Criminal Offence: "abusing official position or authority", "Violating rights in labour relations" and "Failure to execute court decisions".

**Presiding Judge: Afrim Shala**

**Prosecutor: Shaban Spahiu**

**Defendant: Srećko Spasić**

On 28th October 2015, criminal charges were filed against Srećko Spasić, Mayor of the Municipality of Klllokot, at the BP in Gjilan. This prosecution office on 5th November 2015 rendered a decision for initiating investigations, whereas on 14th December 2015 filed an indictment against Srećko Spasić for the criminal offences abusing official position or authority", "Violating rights in labour relations" and "Failure to execute court decisions".

Srećko Spasić within the capacity as Mayor of the Municipality of Klllokot, with the intent to profit for himself or others, caused material damage to damaged party Trajan Stojanović, of who without any legal reason was removed from work respectively from the position as Director of the primary school "Marko Rajkovic" from the village Verbovc. He also removed from work Bozhidar Dejanović, who was director of the technical economics school from the village of Verbovc. According to the indictment, Spasić intentionally violated the rights of employees Bozhidar Dejanović and Trajan Stojanović. The defendant did not respect the decision of the Independent Oversight Board of Kosovo, to return to work the damaged party. Srećko Spasić is accused of not not executing the decision of the BC in Gjilan – Viti branch, of which he is obligated to return the damaged parties Bozhidar Dejanović and Trajan Stojanović to work, respectively back to their former positions and to compensate their wages.

## Negligence in handling the case and violations of legal deadlines

In this case, BC in Gjilan scheduled the initial trial on 29th January 2016. The main trial in the case against the Mayor of Klllokot Srećko Spasić, was held through the following hearings held on 26th February 2016 (this hearing was adjourned), 5 May, 13 June, 15 July, 19 September and 24 October 2016.<sup>59</sup>

<sup>59</sup> Monitoring Reports of the hearings held in the case against Srećko Spasić, Mayor of the Municipality of Klllokot, see: <http://betimiperdrejtesi.com/afer-fundit-gjykimi-ndaj-kryetarit-te-komunes-se-klllokotit-per-dallaveret-ne-punesimin-e-sherbyesve-civil/>  
<http://betimiperdrejtesi.com/palet-japin-fjalet-perfundimtare-ne-rastin-e-kryetarit-te-komunes-se-klllokotit-srecko-spasic/>



BC in Gjilan on 26 October 2016 published a decision against Srećko Spasić and sentenced him to 10 months of conditional imprisonment for “abuse of official position or authority”. He was given a conditional sentence, that in a period of two years he does not commit any other criminal offences. Whereas for criminal offences “Violating rights in labour relations” and “Failure to execute court decisions” he was acquitted.<sup>60</sup>

### Sequestration and Confiscation

No such requests were made.

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<sup>60</sup> Monitoring Reports of the hearings held in the case against Srećko Spasić, see: <http://betimiperdrejtesi.com/kryetari-i-kllokotit-srecko-spasic-denohet-me-10-muaj-burg-me-kusht-per-keqperdorim-te-detyres-zyrtare/>



# Case of Dragan Nikolić – Mayor of the Municipality of Partesh

Basic Court in Gjilan

Case number: PKR.nr.43/15

Criminal Offences: “abusing official position or authority” and “Violating rights in labour relations”

**Presiding Judge: Naser Maliqi**

**Prosecutor: Shaban Spahiu**

**Defendants: Dragan Nikolić and Dragan Stanković**

The Kosovo Police on 23rd April 2014 submitted criminal charges against Dragan Nikolić, Mayor of the Municipality of Partesh. BP in Gjilan on 26th Decemembr 2014, rendered a decision for inititating investigations, whereas on 23rd March 2015 filed an indictnemtn in the BC in Gjilan against Dragan Nikolić and Dragan Stanković for the criminal offence “abusing official position or authority”. Dragan Nikolić and Dragan Stanković, were accused of the criminal offences “abusing official position or authority” and “Violating rights in labour relations”. According to the indictment, Dragan Nikolić as Mayor of Partesh acted in violation of the law, since he terminated the employment contract of four officials from the Municipality of Partesh. Whereas, Dragan Stojović as Director of Administration in the Municipality of Partesh, did not act according to the Decision of the Independent Oversight Boardh for Civil Servants.

## **Negligence in handling the case and violations of legal deadlines**

In this case also, the initial trial was scheduled with a delay of 6 months after the filed indictment, respectively, on 17th September 2015, whereas the second trial was scheduled on 23rd October 2015. The main trial for this case had the following hearings held for 17 December 2015, 15 March and 3 May 2016. On 18th May 2016, the BC in Gjilan published a decision where the two defendants were acquitted.

## **Sequestration and Confiscation**

No such requests were made.

# Case of Hysni Hoxha – former Chairman of PRB

Basic Court in Pristina

Case number: PKR.nr.625/15

Criminal Offence: “abusing official position or authority”



**Presiding Judge: Beqir Kalludra**

**Prosecutor: Haki Gecaj**

**Defendant: Hysni Hoxha**

On 24th September 2014, criminal charges against Hysni Hoxha former Chairman of Procurement Review Body (PRB) were submitted. On 4th October 2015, SPRK filed and indictment against Hysni Hoxha for “abusing official position or authority”, because as Chairman of the PRB, with the intent to gain material profit exceeded legal authority. According to the indictment, Hoxha on 3rd and 9th 2014 acted in violation of the provisions set by the Law on Public Procurement. The value of this procurement activity was 2,327,240.19 euro.

## Negligence in handling the case and violations of legal deadlines

The initial trial in the case against Hysni Hoxha was scheduled to be held on 23rd December 2015, approximately two months delay and in violation of CPCK. The second trial was held on 28th January 2016.

On 23rd Decemebr 2016, BC in Pristina published a decision against the former Chairman of PRB, Hysni Hoxha for “abusing official position or authority”. Hoxha was sentenced to three (3) years imprisonment and barred from practicing his profession for 3 years.<sup>61</sup> The case against Hysni Hoxha is one of the rare cases where the prosecuting bodies and courts handled a case within a short period of time, however failed to adopt the legal provisions that de with al sequestration and confiscation of assests attained through criminal offences.

## Sequestration and Confiscation

No such requests were made.

<sup>61</sup> Monitoring Report based on the decision against Hysni Hoxha, dated 23 December 2016, see Basic Court in Pristina, published a guilty verdict against former Chairman of Procurement Review Board (PRB), Hysni Hoxha, for abusing official position. Hoxha was sentenced to 3 years of imprisonment and barred from carrying out his proffesion for 3 years.



# Case of Lutfi Haziri – Mayor of the Municipality of Gjilan

Basic Court in Gjilan

Case number: PKR.nr.202/16

Criminal Offence: “abusing official position or authority”

**Presiding Judge: Afrim Shala**

**Prosecutor: Ali Rexha**

**Defendant: Lutfi Haziri**

SPRK on 1st February 2016 received criminal charges from Kosovo Democratic Party against the Mayor of Gjilan, Lutfi Haziri. The SPRK on 14th March 2016 rendered a decision to initiate investigations against Lutfi Haziri, whereas on 30th August 2016, the same prosecution filed an indictment against him.

Lutfi Haziri is accused that as a Mayor of Gjilan exceeded his authority with the intent to gain material profit for himself or others, by violating the rights of other members of the public auction. On 1st September 2014, the defendant in the capacity as mayor of Gjilan with decision number 551 established a Verification Committee based on the claims and request of Fitim Haziri. On 9th October 2014, violating the provisions stipulated in article 4 and 5 of the Law on allocation for use and exchange of immovable property of the municipality (Law no. 04/L-144) the defendant signed an Annex Contract with number 630 between the Municipality of Gjilan and the representative-owner of NTP “SO. BEZI” Fitim Haziri. With the annex contract the Municipality of Gjilan was damaged in the value of 168,000.00 euro, (33,600.00 euro annually) because the contract was signed for five years. This derives that the business contract N.T.P. “S.O.BEZI” was obligated that in the name of the rent to pay the annual amount of 54,120.00 euro, whereas with the abovementioned annex contract the business obligation was reduced therefore he is obligated to pay the price of 20,520.00 euro.

## Negligence in handling the case and violations of legal deadlines

The initial trial for this case was held on 4th October 2016, approximately one month in violation of legal deadlines stipulated by CPCK, whereas on 28th October 2016, BC in Gjilan rendered a decision for dismissing the indictment.<sup>62</sup>

## Sequestration and Confiscation

No such requests were made.

<sup>62</sup> Monitoring Report of the hearing held in the case against Lutfi Haziri, see: <http://betimiperdrejtesi.com/hudhet-aktakuza-ndaj-kryetarit-te-gjilanit-lutfi-haziri/>

# Case of Nexhat Demaku - Former Mayor of Municipality of Drenas

Basic Court Pristina

Case number: PKR.nr.375/15

Criminal Offence: "Abusing official position or authority"



Presiding Trial Judge: Valbona Musliu - Selimaj

Prosecutor: Feti Tunuzliu

Defendant: Nexhat Demaku, Ajet Demiri, Gani Halilaj.

On 12 March 2013, criminal report from Anti-corruption agency was filed against Nexhat Demaku, Mayor of Drenas. On 1 December 2014, BC in Prsitina ruled desicion to initiate criminal proceedings, while on 29 June 2015, the prosecution raised indictment at the BC in Pristina against Nexhat Demaku, Ajet Demiri, Gani Halilj for commitment of the criminal offence "Abusing official position or authority". Based on the Prosecution, Nexhat Demaku in capacity of the Mayor of municipality of Drenas exceeded his competences, as a lessor during 2009 concluded contract for rent with Fadil Shishani, aiming that the same to benefit the right to use the apartment of Zejnepe Buzhala, as such Nexhat Demaku exercised power beyond the Law on local governance. In that case he was accused that he prevented the injured party Zejnepe Buzhala to use her right to the provisional use of apartment given through the decision of the Preschool Center for Education "Ardhmëria".

## Negligence in treating the case and violation of the legal deadlines:

Four months and half after the indictment, the BC in Pristina held the initial hearing, scheduled on 16 November 2015, while the second hearing was held within the legal deadline on 21 December 2015. During the main hearing, six hearings (15.02.2016, 06.04.2016; 23.05.2016; 26.05.2016; 14.06.2016; 24.06.2016), were held until the date when the judgment was ruled

On 28 June 2016, the Judgment was ruled, though which all defendants were acquitted, as the indictment was not confirmed during the judicial process.<sup>63</sup>

## Sequestration and confiscation of assets:

No request.

<sup>63</sup> Monitoring report against Nexhat Demaku, 28 June 2016, në: <http://betimiperdrejtesi.com/shpallet-i-pafajshem-kryetari-i-komunes-se-drenasit-nexhat-demaku/>



## Case of Sami Lushtaku – Mayor of the Municipality of Skenderaj

Basic Court in Pristina

Case number: PKR.nr.18/15

Criminal Offence: “abuse of official position or official authority”, “complicity in forgery of documents”, “incitement in abusing official position or authority”, “fraud”, “entering a harmful contract”

Presiding Judge: Vladimir Mikula

Prosecutor: Paul Flynn

Defendants: Sami Lushtaku, Esat Tahiri, Milazim Lushtaku, Driton Pruthi, Arben Gjukaj, Hysni Hoxha and Azem Duraku;

On 2nd September 2012, criminal charges against Sami Lushtaku, Mayor of Skenderaj were filed. On 5th October 2012, EULEX prosecutor rendered a decision for initiating investigations, whereas on 16th January 2015 the indictment was filed at the BC in Pristina against Sami Lushtaku, Esat Tahiri, Milazim Lushtaku, Driton Pruthi, Arben Gjukaj, Hysni Hoxha and Azem Duraku for criminal offences relating to abuse of official position or official authority”, “complicity in forgery of documents”, “incitement in abusing official position or authority” and “fraud”.

The accusation related to a bid on Kosovo Energy Cooperation (KEC), those involved are the Mayor of Skenderaj – Sami Lushtaku, KEC Director – Arben Gjukaj and five others. All seven defendenats are accused for aa multi million bid for physical security of the KEC building, where Sami Lushtaku is accused of the criminal offence relating to “incitement in abusing official position or authority”, Arben Gjukaj and Hysni Hoxha for criminal offences relating to “abuse of official position or official authority”, Esat Tahiri and Milazim Lushtaku for criminal offences relating to “fraud” and “forgery of documents” in incitement, Driton Pruthi for criminal offence related to “abuse of official position or official authority”, and “entering into a harmful contract” and Azem Duraku for the criminal offence relating to “incitement in abusing official position or authority”.



### Negligence in handling the case and violations of legal deadlines

The indictment in the case of Sami Lushtaku and the others was filed on 16th January 2015. The initial trial in this case was scheduled and held in record time, only four days after the filed indictment, respectively 20th January 2015 and the second trial was held on 11th February 2015. While the initial and second trial was scheduled and held within the legal deadline stipulated by the CPCCK, the main trial was adjourned for more than a year and then held on 24th February 2016. From this time until 15th June 2016, 22 hearings for the main trial were held, where two of the hearings were adjourned. The last hearing in the main trial for this case was held on 14th June 2016.<sup>64</sup>

<sup>64</sup> Monitoring Reports of the hearings held in the case against Lushtaku dhe të tjerëve:  
<http://betimiperdrejtesi.com/shtyhet-seanca-per-rastin-e-kek-ut-rasti-vazhdon-te-procedohet/>  
<http://betimiperdrejtesi.com/lushtaku-dhe-te-tjeret-deklarohen-te-pafajshem-ne-rastin-kek-2/>  
<http://betimiperdrejtesi.com/vazhdon-gjykimi-ne-rastin-kek-2-kunder-sami-lushtakut-dhe-arben-gukajt/>  
<http://betimiperdrejtesi.com/ne-rastin-e-kek-ut-deshmon-drejtori-i-pergjithshem-i-besa-security-granit-hasani/>  
<http://betimiperdrejtesi.com/mungon-i-akuzuari-hysni-hoxha-shtyhet-seanca-ne-rastin-kek-2/>  
<http://betimiperdrejtesi.com/vazhdon-deshmine-drejtori-i-besa-security-ne-rastin-kek-2/>  
<http://betimiperdrejtesi.com/prokuroria-ankohet-se-mbrojtja-nuk-i-njofton-me-kohe-lidhur-me-provat-e-reja-ne-rastin-kek-2/>  
<http://betimiperdrejtesi.com/gjendja-e-perkeqesuar-shendetesore-e-lushtakut-shtyn-seancen/>  
<http://betimiperdrejtesi.com/perfundon-marrja-ne-pyetje-e-deshmitarit-granit-hasani-per-rastin-kek-u-ii/>  
<http://betimiperdrejtesi.com/alban-rushiti-deshmon-ne-rastin-kek-2-ndaj-sami-lushtakut-dhe-te-tjereve/>  
<http://betimiperdrejtesi.com/deshmon-driton-sejdiu-ne-rastin-kek-2-ndaj-sami-lushtakut-dhe-te-tjereve/>  
<http://betimiperdrejtesi.com/tre-punetoret-e-security-code-deshmojne-ne-rastin-kek-2/>  
<http://betimiperdrejtesi.com/deshmojne-tre-punetore-tjere-te-security-code-ne-rastin-kek-2/>  
<http://betimiperdrejtesi.com/deshmon-lumjan-tolaj-i-security-code-ne-rastin-kek-2/>  
<http://betimiperdrejtesi.com/deshmojne-per-rastin-kek-2-hilmi-lushtaku-dhe-agron-jusufi/>



## Case of Mehmet Krasniqi- Former Mayor of the Municipality of Obiliq

Basic Court in Pristina

Case number: PKR.nr.271/14

Criminal offence: "abuse of official position or official authority", "Fraud" and "Fraud in Office"

**Presiding Judge: Afërdita Bytyqi**

**Prosecutor: Agron Bajrami**

**Defendants: Mehmet Krasniqi, Xhavit Krasniqi, Haki Raqi, Emir Sopjani, Sami Kadriu, Nazmi Gashi, Ramadan Hashani, Bajram Paloji, Bujar Alidema, Shpend Kelmendi, Basri Kqiku, Hasie Dushi, Azem Spanca and Altin Preniqi.**

The Kosovo Police on 14th April filed criminal charges against Nexhat Krasniqit and others. SPRK on 15th September 2014 rendered a decision for initiating investigations, whereas on 8th May 2015, filed an indictment at the BC Pristina for criminal offences relating to "abuse of official position or official authority", "Fraud" and "Fraud in Office", against Muhmet Krasniqi former Mayor of the Municipality of Obiliq, Xhavit Krasniqi – Geodesic, Haki Raqi – Municipality Officer, Emir Sopjani – owner of company "Delta-ing", Sami Kadriu – Responsible Manager, Nazmi Gashi – member of the Committee for Technical Acceptance, Bujar Alidema- owner of company "Bas Com", Shpend Kelmendi- Engineer, Basri Kqiku owner of company "Bejta Commerce", Hasie Dushi - Municipality Officer, Azem Spanca Municipal Director of the Municipality of Obiliq, Altin Preniqit Procurement Office Manager.

Criminal Offences, of which Mehmet Krasniqi and 12 others are accused of, were conducted during 2012-2012, respectively during the realization of the project for paving the streets in the Municipality of Obiliq.



### Negligence in handling the case and violations of legal deadlines

The initial trial for this case was held on 21st October and 22nd October 2015, six months after the legal deadline stipulated by CPCK, whereas the second trial was held on 14th December 2015. From this time, it took the court seven months to schedule the main hearing that was held on 20th July 2016. During 2016, the court held another hearing on 18th November 2016, whereas the hearing scheduled for 13th January 2017 was adjourned.<sup>65</sup>

### Sequestration and Confiscation

No such requests were made.

<sup>65</sup> Raportet nga monitorimi i rastit kundër Mehmet Krasniqi dhe të tjerëve, 13 janar 2017:  
<http://betimiperdrejtesi.com/ish-kryetari-i-komunes-se-obiliqit-mehmet-krasniqi-e-konsideron-aktakuzen-te-qellimshme-dhe-tendencioze/>  
<http://betimiperdrejtesi.com/jep-mbrojtjen-e-tij-ish-kryetari-i-obiliqit-i-akuzuar-per-keqperdorim-te-pozites-zyrtare/>  
<http://betimiperdrejtesi.com/shtyhet-seanca-gjyqesore-ndaj-ish-kryetarit-te-komunes-se-obiliqit-dhe-zyrtareve-tjere-te-kesaj-komune-shkak-mungesa-e-prokurorit-agron-bajrami/>



## Case of Azem Sylja: Former MP

Basic Court Pristina

Case number: PKR.nr.610/16

Criminal Offences: "Organized Crime", "Accepting bribes", "Money laundering", "Fraud in Office", "Misappropriation in office", "Issuing unlawful judicial decisions", "Legalization of the falsified content" "Tax Evasion".

**Presiding Trial Judge: Arcadius Sedek**

**Prosecutor: Danilo Ceccareli Defendants: Azem Sylja, Shaban Sylja, Shpresim Uka, Fahredin Gashi, Hajrullah Berisha, Ramdan Uka, Arton Vila, Avdyrrahman Brajshori, Ilaz Sylja, Ljubisha Vujoviq, Gazmend Gashi, Nuhi Uka, Sabedin Haxhiu, Avni Maxhuni, Shqipe Maxhuni, Eleheme Uka, Lumnije Sopjani, Nyrtene Brajshori, Sanmi, Maqedonci, Ndue Palushi, Ramdan Mavraj dhe Mustafë Haliti**

On 30 April 2014, Eulex prosecutor, ruled decision to initiate criminal proceedings against Azem Sylja, Nuhi Uka and others. On 24 October 2016, Prosecution filed indictment against Azem Sylja, Nuhi Uka, and 20 other defendants for criminal offences of : "Organized Crime", "Accepting bribes", "Money laundering", "Fraud in Office", "Misappropriation in office", "Issuing unlawful judicial decisions", "Legalization of the falsified content" "Tax Evasion".

Also based on the indictment the defendants are alleged that in cooperation, through the criminal activities deprived the social properties, by falsifying decisions and official documents through fraud and other corruptive actions. Investigations in this case were conducted in cooperation with the High Prosecution office against organized crime in Belgrade.

### Negligence in treating case and violation of legal deadlines:

Initial hearing against Azem Sylja, Nuhi Uka and others was scheduled for 12 December 2016, however the hearing was postponed for the absence of the defendant Hajrullah Berisha.<sup>66</sup> The second hearing regarding the initial hearing was held on 15 December 2016. Also in this hearing the absence of the defendants Hajrullah Berisha and Mustafë Halili, The second hearing regarding the initial hearing was held on 15 December 2016. Also in this hearing the absence of the defendants Hajrullah Berisha and Mustafë Halili, was subject of discussion during the trial. Even though the defense lawyers requested that the criminal procedure to be separated against the above defendants, that was not seen as problem by judge Arcadius Sedek, to continue the

<sup>66</sup> Raport nga monitorimi i rastit kundër Azem Sylës dhe te tjerëve, me 12 dhjetor 2016, në: <http://betimiperdrejtesi.com/hapet-per-media-rasti-toka-shtyhet-seanca-ne-mungese-te-njerit-nga-te-akuzuarit/>



procedure in absence of the defendants Berisha, who currently is in Republic of Macedonia, and the defendants Halili, who is in United States of America.<sup>67</sup>

Article 245 (1) of the CPCK, provides that during the initial hearing must be present state prosecutor, defendant and defense lawyer. Even in the end of March of 2017, the case against Azem Sylja and others is still in the initial hearing.

#### Sequestration and confiscation:

No request.

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<sup>67</sup> Raport nga monitorimi i rastit kundër Azem Sylës dhe te tjerëve, me 15 dhjetor 2016, <http://betimiperdrejtesi.com/rasti-toka-deklarohen-te-pafajshem-azem-syla-dhe-te-tjeret/>



# Case of Agim Bahtiri Mayor of Mitrovica Municipality

Basic Court Mitrovica

Case number: PKR.nr.20/16

Criminal Offence: "Abusing official position or authority" dhe  
"Agreement to limit competition through tender invitations"

**Presiding trial Judge: Beqir Halili**

**Prosecutor: Agron Bajrami**

**Defendant: Agim Bahtiri, Haxhimet Ferati and Gazmend Kelmendi**

On 18 November 2015, Kosovo police submitted criminal report against Agim Bahtiri, Mayor of the Mitrovica municipality. On 4 February 2016, SPRK, ruled decision to initiate criminal proceedings against him. On 1 March 2016, SPRK filed indictment against Agim Bahtiri for criminal offence "Abusing official position or authority".

SPRK charged Agim Bahtiri that in capacity of the Mayor of the Mitrovica municipality together with Haxhimet Ferati, head of the procurement office of the municipality, exceeded their competencies with aim to benefit illegally. Based on allegations, such benefit was done for the economic operator "HESALIGHT A/S, where as a Director for Kosovo, was the defendant Gazmend Kelmendi. They signed contract: "Furniture, fitting and maintenance of the public efficient lighting in all city streets of Mitrovica", which offer was based on the illegal agreement, aim of which was to limit the free competition. Based on Prosecution, Mitrovica municipality received the offer submitted by Gazmend Kelmendi with prize of 767.940.00 euro, damage caused by municipality, and Kosovo budget.

Also the same did not publish the notification for contract award aiming that the economic operator to be awarded, even though that there were other operators regarding the delivery of same services.

## **Negligence in treating case and violation of legal deadlines:**

Indictment against Agim Bahtiri was filed on 1 March 2016, while the first hearing scheduled on 22 June 2016, was postponed for 15 July 2016. In the first hearing held on 15 July 2016, BC in Mitrovica, the defendants were declared innocent. After the State Prosecutor, Agron Bajrami



readed the indictment, Agim Bahtiri stated that he such trial considers political and that the indictment has not have to do with him.<sup>68</sup>

Since that time, such case was prolonged, and even eight months the indictment was not dismissed or confirmed. After the initial hearing, the defense lawyers of the Mayor of Mitrovica, Mahmut Halimi, submitted his objections regarding the evidences raised in indictment. Judge Beqir Halili dismissed the defense objections and the indictment was confirmed.

Against such decision the defense appealed to the Appeal Court. Appeal court confirmed the defense appeal and the case were sending for restoration. However, judge Halili again did not approved the defense objections and confirmed once again the indictment.<sup>69</sup>

However the Appeal court on the panel hearing held on 27 February 2017, confirmed the appeal of the defense against the decision of the, Basic Court in Mitrovica, by dismissing the indictment as he considered that there were no evidence which would support the allegations that the defendants committed criminal offences based on the indictment.

### Sequestration and confiscation:

In case against Agim Bahtiri, based on the prosecution, municipality of Mitrovica, received offer submitted by Gazmend Kelmendi with prize of 767.940.00 euro, damage caused to the municipality and Kosovo budget. Even though such damage, prosecution did not request for sequestration and confiscation of assets benefited through the criminal offence raised in indictment.

<sup>68</sup> Raport nga monitorimi i seancën gjyqësore në rastin kundër Agim Bahtirit, në: <http://betimiperdrejtesi.com/agim-bahtiri-deklarohet-i-pafajshem-per-keqperdorim-te-pozites-zyrtare/>

<sup>69</sup> Raport lidhur me monitorimin e rastit për korrupsion ndaj Agim Bahtirit, Kryetar i Komunës së Mitrovicës, në: <http://betimiperdrejtesi.com/kane-kaluar-afer-8-muaj-nga-shqyrtimi-fillestar-zvarritet-ceshtja-penale-ndaj-kryetarit-te-komunes-se-mitrovices-agim-bahtiri/>

# Case of Sokol Bashota: Mayor of Municipality of Klina

Basic Court Pejë

Case Number: PKR.nr.168/16

Criminal offences: "Abusing official position or authority,  
"Failure to report or falsely reporting property, revenue/income, gifts,  
other material benefits or financial obligations"

Presiding trial judge: Sylë Lokaj

Prosecutor: Valeria Bolici

Defendant: Sokol Bashota, Esat Rraci, Enver Berisha and Fadil Gashi

On 25 November 2013, Anti-corruption agency, submitted information regarding the allegations for misuse in the municipality of Klina. On 24 February 2014, Prosecution filed decision to initiate criminal proceedings, while on 4 August 2016, Eulex prosecutor increased indictment against Sokol Bashota, Mayor of Klina municipality and against three others for

Më 25 nëntor 2013, Agjencia Kundër Korrupsion kishte parashtruar informatë lidhur me dyshimet për keqpërdorim në Komunën e Klinës. Më 24 shkurt 2014, Prokuroria kishte marr aktvendim për fillim të hetimeve, kurse më 4 gusht 2016, prokurori i EULEX-it kishte ngritur aktakuzë kundër Sokol Bashotës, Kryetar i Klinës dhe tre të tjerëve për "Abusing official position or authority, "Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations".



### **Negligence in treatment of the case and violation of the legal deadlines:**

On 4 August 2016, SPRK increased indictment in this case, while the initial hearing was scheduled in the BC in Pejë for 12 December 2016, or more than four months after the indictment was raised. Second hearings in this case was scheduled for 23 January 2017, but was postponed as prosecutors Valeria Bolici, declared that did not receive any other document regarding the objections submitted by parties, except those of the defendant Bashota.<sup>70</sup>

### **Sequestration and confiscation of assets:**

No request.

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<sup>70</sup> Raport nga monitorimi i seancës gjyqësore në rastin kundër Sokol Bashota, kryetar i Komunës së Klinës, në: <http://betimiperdrejtesi.com/prokurorja-nuk-i-ka-pranuar-te-gjitha-shkresat-per-kundershtimin-e-provave-shtyhet-shqyrtimi-i-dyte-ne-rastin-e-kryetarit-te-klines-dhe-tre-te-akuzuarve-tjere/>



## Case of Salim Jenuzi: Mayor of Municipality of Dragash

Basic Court Prizren

Case Number: PKR.nr.131/16

Criminal offence: "Abusing official position or authority,  
"Failure to report or falsely reporting property, revenue/income, gifts,  
other material benefits or financial obligations"

Presiding trial judge: Ajser Skenderi

Prosecutor: Sefer Morina

Defendant: Salim Jenuzi, Bean Haxhihasani, Vetim Hasani and Nexhat Selaj

Defense lawyer: None

On 26 April 2016, Kosovo Police submitted criminal report against Salim Jenuzi, Mayor of the Dragash municipality, and Vetim Hasani and Nexhat Selaj, municipality director and inspector, respectfully.

On 1 June 2016, BP office in Prizren ruled decision to initiate criminal proceedings, while on 10 August 2016, the indictment was raised in BC in Prizren against above individuals for criminal offence: Abusing official position or authority, "Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations".

Salim Jenuzi was charged that in capacity of the Mayor of the Dragash municipality during 2009-2016, enabled Nexhat Selaj, embezzlement of the municipal property, which the same was occupied previously by Nexhat Selaj.



### **Negligence in the treatment of the case and violation of the legal deadlines:**

The court in this case scheduled the initial hearing on 2 September 2016; the second hearing was scheduled on 4 October 2016, in line with the legal deadlines stipulated in the CPCCK. The main hearing was held on 12 December 2016.<sup>71</sup> Since this date no court hearings were scheduled for this case.

### **Sequestration and confiscation of assets:**

No request.

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<sup>71</sup> Raporte nga monitorimi i seancave gjyqësore në rastin kundër Salim Jenuzi, në: <http://betimiperdrejtesi.com/kryetari-i-dragashit-kundershton-akuzen-per-keqperdorim-te-detyres-zyrtare/>  
<http://betimiperdrejtesi.com/komuna-e-dragashit-si-pale-e-demtuar-nuk-i-bashkengjitet-ndjekjes-penale-ndaj-kryetarit-te-komunes-salim-jenuzi-dhe-zyrtareve-te-tjere/>

# Case of Blerim Rama and Kenan Hasani, Police officer:

Basic Court Mitrovica

Case number: PKR.nr.57/16

Criminal Offence: "Accepting bribes"

**Presiding trial judge: Burim Ademi**  
**Prosecutor: Njazi Rexha**  
**Defendant: Blerim Rama and Kenan Hasani**

On 8 March 2011, Kosovo Police submitted criminal report against Blerim Rama and Kenan hasani. BP office in Mitrovica on 5 May 2014, ruled decision to initiate criminal proceedings, while on 19 June 2014, the indictment was raised for criminal offence "Accepting bribes".

Based on indictment, Blerim Rama and Kenan Hasani, benefited from the injured party Arber Sylejmani, though omission, which by law they were authorized to act. They stopped the injured party and found out that the vehicle that he was driving was out of registration. As such they asked from the injured party to buy three pockets of cigarettes, Marlboro, in order that the same to be fined. Three pockets of cigarettes in market worth around 6 Euro.

## Negligence in treatment of the case and legal deadlines:

Initial hearing was scheduled after one year and half, or on 4 November 2015, which was postponed for six months and the same was held on 17 March 2016. The main trial was held on 8 November 2016.<sup>72</sup> On 9 November 2016, Basic Court in Mitrovica rendered the sentencing judgment where Blerim Rama and Kenan Hasani were sentenced to 6 month of suspended sentence.<sup>73</sup>

<sup>72</sup> Raport monitorimi i rastit kundër Blerim Rama dhe Kenan Hasani, në: <http://betimiperdrejtesi.com/mbahet-shqyrtimi-fillestar-ndaj-dy-policeve-te-akuzuarve-per-tre-paketa-marlboro-ryshfet/>  
<http://betimiperdrejtesi.com/fillon-gjykimi-ndaj-policeve-te-akuzuar-per-shkak-se-moren-3-pako-cigare-nga-nje-vozites-ne-komunikacion/>

<sup>73</sup> Raport nga monitorimi i shqiptimit të dënimit në rastin kundër Blerim Rama dhe Kenan Hyseni, në: <http://betimiperdrejtesi.com/dy-policet-moren-ryshfet-3-pako-cigare-denohen-me-nga-6-muaj-denim-me-kusht/>



# Case of Haxhi Morina and Skender Osaj

## Police officers

Basic Court Pristina  
Case number: PKR.nr.507/16  
Criminal offence: "Abusing official position or authority"

**Presiding trial judge: Shashivar Hoti**  
**Prosecutor: Fikrije Fejzullahu**  
**Defendant: Haxhi Morina dhe Skënder Osaj**

On 15 August 2016, Kosovo Police Inspectorate submitted criminal report against police officers Haxhi Morina and Skender Osaj, On 6 August 2016, BP office in Pristina ruled decision to initiate criminal proceedings, while on 5 September 2016, prosecution office raised indictment against Haxhi Morina and Skender Osaj for criminal offence "Abusing official position or authority".

Both police officers are charged that on 13 and 14 August 2016, while they were in their working places at the International Airport "Adem Jashari" they have taken the confiscated property from the airport security officials. Such actions of the defendants were noted by their colleagues, through security cameras.

### Negligence in treating the cases and violation of the legal deadlines:

Initial hearing scheduled for 27 October 2016, was postponed as the defendant Skender Osaj requested ex-officio legal representation.<sup>74</sup> At the second hearing held on 1 December 2016, the defense lawyers of the police officers, "Haxhi Morina and Skënder Osaj", objected the indictment to their clients, stating that the same is not based on the law. Defense lawyers were considering that such criminal offence is of the low importance, value of which doesn't exceed 2 Euro.<sup>75</sup> There is no information what the court decided to this case.

<sup>74</sup> Raport nga monitorimi i shqyrtimit të parë në rastin Hasan Morina dhe Skënder Qosaj, 27 tetor 2016, në: <http://betimiperdrejtesi.com/policet-pranojne-kryerjen-e-veprimeve-por-nuk-pranojne-kualifikimin-juridik-te-vepres-penale/>

<sup>75</sup> Raport nga monitorimi i shqyrtimit të dytë në rastin Hasan Morina dhe Skender Qosaj, 1 dhjetor 2016, në: <http://betimiperdrejtesi.com/mbrojtesit-e-policeve-te-akuzuar-thone-se-aktakuza-ben-fjale-vlere-qe-nuk-e-kalon-shumen-mbi-2-euro/>

# Case of University of Pristina

Basic court in Pristina

Case number: PKR.nr.119/16

Criminal offences: "Accepting bribes", "Exercising influence" and "Abusing official position or authority"

Presiding trial judge: Shadije Gërguri

Prosecutor: Few prosecutors were replaced, while prosecutor Abdurrahim Islami drafted indictment:

Defendants: Esat Belaj, Rajan Zeneli, Kemajl Gashi, Arian Janova, Leonard Bytyqi, Kushtrim Morina, Mevlyn Beqiri, Gazmend Maliqaj, Arton Hoti, Albion Haxhijaha, Muhamed Maliqi, Shaqir Reqica and Amonda Orllati

Defense lawyers: Kemajl Gashi, Ahmet Gjinovci, Ibrahim Dobruna, Emrush Kastrati, Azdren Hoxha, Skender Musa, Muhamet Humolli, Haxhi Millaku, Rexhep Kabashi, Bahrije Gjuriqi

Kosovo Police on 13 December 2013, submitted criminal report against 10 individuals, students at the Pristina University for criminal offences: "Accepting bribes", "Exercising influence" and "Abusing official position or authority". Same day Prosecution ruled decision to initiate criminal investigation, while on 3 December 2014, the indictment was filed in BC in Pristina.

Based on the indictment raised by prosecution, the defendants from 2009 to 2012, by acting jointly were providing favors to the Pristina University students in passing exams, registering them as students without passing the qualification exam and by influencing to the University of Pristina officials to provide different favors for students, in which case they committed criminal offences of "Accepting bribes", "Exercising influence" and "Abusing official position or authority".

## Negligence in treating the case and violation of the legal deadlines

Initial hearing was scheduled on 3 February 2015, or two months after the indictment was raised, second hearing was scheduled on 5 June 2015, or three months with delays.



Main hearing in this case was scheduled with around eight month's delays, or on 9 February 2016, which hearing was postponed as one of the defendants was absent.<sup>76</sup>

In this case 14 court hearings were scheduled, out of which, six hearings for different reasons were postponed.<sup>77</sup> At the court hearing held on 10 March 2017, as a result of the prolonging treatment of the case, against four defendants for some criminal offences the statutory limitation was reached.<sup>78</sup>

### Sequestration and confiscation:

No request.

<sup>76</sup> Monitoring report in the University of Pristina case, 9 February 2016, në: <http://betimiperdrejtesi.com/shtyhet-seanca-gjyqesore-ndaj-13-te-akuzuarve-per-korrupsion-ne-up/>

<sup>77</sup> Monitoring reports in the University of Pristina case, on: <http://betimiperdrejtesi.com/pritet-precizimi-i-aktakuzes-ndaj-te-akuzuarve-per-dallavere-ne-up-disa-lirohen-per-shkak-te-parashkrimit/>  
<http://betimiperdrejtesi.com/lenda-kalon-prej-prokurorit-ne-prokuror-rrezikohet-parashkrimi-i-veprave-penale-ndaj-te-akuzuarve-per-dallavere-ne-up/>  
<http://betimiperdrejtesi.com/sterzgjatet-procesi-gjyqesor-ne-rastin-e-dallavereve-ne-up-serish-shtyhet-seanca/>  
<http://betimiperdrejtesi.com/deshmon-zyrtarja-e-larte-e-fakultetit-te-mjekesise-ne-rastin-e-studenteve-te-up-se/>  
<http://betimiperdrejtesi.com/mungon-njeri-nga-te-akuzuarit-ne-rastin-e-studenteve-te-up-se-shtyhet-serish-seanca/>  
<http://betimiperdrejtesi.com/per-rastin-e-up-se-deshmon-valbona-jakupi-esat-belaj-mi-kishte-kerkuar-250-euro-per-kalimin-e-provimit/>  
<http://betimiperdrejtesi.com/deshmitaret-ne-rastin-e-dallavereve-ne-up-deklaruan-se-askujt-nuk-i-kane-dhene-para-per-regjistrimin-e-tyre-ne-fakultet/>  
<http://betimiperdrejtesi.com/ne-rastin-e-up-se-mbrojtesit-kane-verejtje-ne-provat-e-prokurorise-avokati-hoxha-tha-se-sms-et-e-klientit-te-tij-jane-nxjerr-ne-menyre-te-kunderligjshme/>  
<http://betimiperdrejtesi.com/ne-mungese-te-prokurores-ikramije-bojaxhiu-shtyhet-seanca-ndaj-studenteve-te-up-se/>  
<http://betimiperdrejtesi.com/mungon-i-akuzuari-esat-belaj-shtyhet-seanca-ndaj-studenteve-te-up-se/>  
<http://betimiperdrejtesi.com/parashkruhen-disa-nga-veprat-penale-ne-rastin-ndaj-studenteve-te-up-se/>

<sup>78</sup> Monitoring report in University of Pristina case, 10 March 2017, në: <http://betimiperdrejtesi.com/parashkruhen-disa-nga-veprat-penale-ne-rastin-ndaj-studenteve-te-up-se/>

## Case of Imri Iseni case:

Basic Court Ferizaj

Case number: PKR.nr.119/16

Criminal offence: "Giving bribes"

**Presiding trial judge: Sahit Krasniqi**  
**Prosecutor: Shukri Jashari**  
**Defendant: Imri Iseni**

On May 17, 2016, it was filed criminal report against citizen Imri Iseni for allegedly committing the offense "Giving bribes". On July 14, 2016, BP in Ferizaj, had filed an indictment against Imri Iseni, as on 1 May 2016, in Ferizaj, he directly provided benefit to the police officer Besim Rashiti do not comply with official duties. Iseni is accused as through his phone, had sent 4 Euro phone filling to the police officer.

### **Negligence in treating the case and violation of the legal deadlines:**

Initial hearing was held approximately five months later in violation of the law, respectfully on 16 November 2016, while, indictment raised on 12 January 2017 against Imri Iseni for criminal offence "giving bribes" was dismissed by the presiding trial judge Sahit Krasniqi. Judge Krasniqi approved the request of the defendant to dismiss indictment as the criminal offence was of the low importance and the same was not based on evidence and relevant facts.

Iseni during the initial hearing held on 16 November 2016, in BC in Ferizaj, was declared innocent. While he declared that it is correct that he send a phone filling to the police officer Besim Rashiti, however he stated that the same was done by mistake as the same he intended to send to someone else.<sup>79</sup>

<sup>79</sup>Raport nga monitorimi i rastit kundër Imri Isenit, 12 janar 2017, në: <http://betimiperdrejtesi.com/hudhet-aktakuza-ndaj-te-akuzuarit-per-kater-euro-ryshfet/>

## 8. COMPARISON ANALYSIS OF THE TREATMENT OF CORRUPTION CASES BETWEEN 2014, 2015 AND 2016

At SP, by the end of 2014 have remained unresolved 520 cases from previous years with 1556 individuals involved. While by the end of 2015, this number increased to 538 cases with 1640 individuals involved. And by the end of 2016, this number has decreased to 462 cases with 1227 individuals involved in corruption cases. The comparison of the unresolved cases trend these last three years is presented in the chart below.

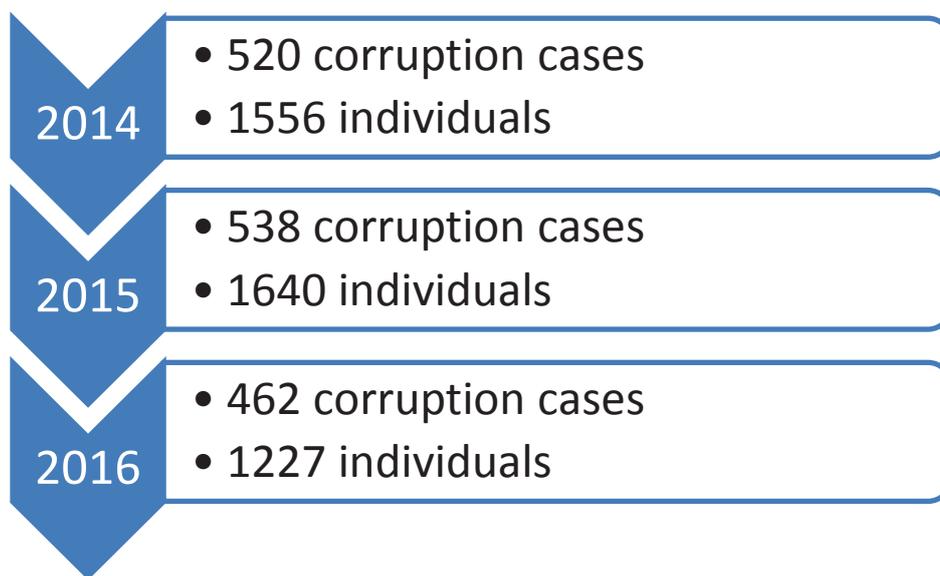


Chart 3 - Comparison of cases treatment during 2014, 2015 and 2016

SP during 2014 has resolved 444 cases with 1011 individuals involved, in 2015 has resolved 403 cases with 864 individuals, while in 2016, SP has resolved 409 cases with 1037 individuals. The comparison of the resolved cases trend these last three years is presented in the chart below.

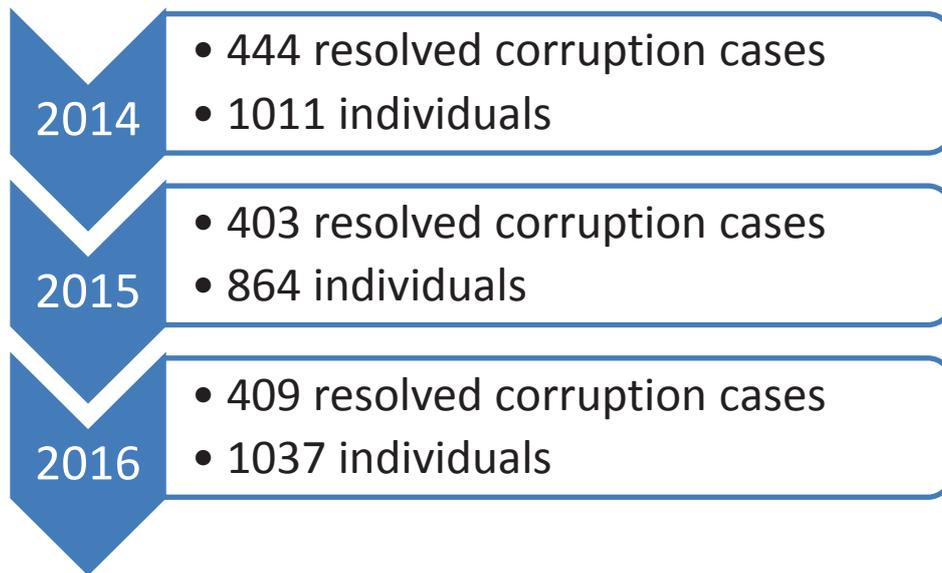


Chart 4 - Comparison of the number of resolved corruption cases through years

## 9. PROSECUTOR'S ACCOUNTABILITY

### a) Disciplinary investigation after the findings of KLI reports

Office of the Disciplinary Counsel (ODC) has engaged the staff of inspectors in treating the findings of periodical reports of KLI. As a result of KLI findings published in seven reports, ODC has treated 406 corruption cases at preliminary investigations against prosecutors. Of them are involved in disciplinary investigation 25 cases of prosecutors, including 17 cases. Of them 9 cases with proved disciplinary evidences by ODC were sent to the Disciplinary Committee of the KPC. From initiated cases according to KLI findings, 4 disciplinary investigations are closed with findings, 4 disciplinary investigations are under investigation procedure, 39 cases were rejected, 60 cases were

rejected after preliminary investigation.<sup>80</sup> Only for the two last reports published by KLI, ODC has initiated preliminary investigations 257 corruption cases handled by prosecutors.<sup>81</sup> The Committee's decisions are not made public, nor by ODC or by Disciplinary Committee of KPC.<sup>82</sup>

According to findings of the report V "Fighting Corruption, priority in paper", published by KLI on December 10, 2015, ODC has notified that preliminary investigations are conducted on all the identified cases (56 cases) and has taken a large number of statements by prosecutors, who have been charged with subjects that have reached the statutory limitation as described in the report. After the gathering of information, their review and analysis, ODC has sent all findings of legal violations for evaluation to the Prosecutors' Performance Review Committee in Kosovo Prosecutorial Council. ODC has taken such action because is claimed that findings are related to the prosecutor's performance at work. Since the report with the findings was sent to the Prosecutors' Performance Review Committee in Kosovo Prosecutorial Council, ODC is informed by the Chairman of KPC that the report is submitted for assessment in the above mentioned Committee.<sup>83</sup>

However, against the decisions of KPC Disciplinary Committee, ODC has notified that has filed appeals. Also, according to ODC information, from the findings of KLI reports, currently at the stage of decision making in the Disciplinary Committee are 286 cases against prosecutors.

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<sup>80</sup> Source: Official data of ODC offered for KLI through electronic mail. March 2017.

<sup>81</sup> Source: Director of ODC, Mr. Zef Prendrecaj in a written reply through electronic mail has informed that only for the last two KLI reports, are initiated 257 preliminary investigations in corruption cases handled by prosecutors. "Report VI - Corruption in Kosovo: Combating or promotion of corruption (27.04.2016) Regarding the findings of this report, ODC has conducted preliminary investigations (information gathering of 111 subjects) for all identified cases and has taken a large number of statements by prosecutors (22 statements) who have been charged with subjects that have reached the statutory limitation as described in the report. It was required by prosecutors to declare about KLI findings, respectively ODC's. Report VII - Corruption in Kosovo: Rhetoric in fighting corruption (27.10.2016) Regarding the findings of this report, ODC is taking preliminary investigations (information gathering of 146 subjects). After gathering of information, their review and analysis, ODC, will keep you informed about the outcomes of cases and findings." KLI interview with Mr. Zef Prendrecaj, Director of ODC. March 2017.

<sup>82</sup> KLI has made requests to take statistical data about the placement of these cases by ODC and Disciplinary Committee of KPC, but did not take any response. The requests for providing data are made in accordance with the Law on Access to Public Documents and the Law on Protection of Personal Data, but these institutions have not respected legal deadlines and obligations. KLI will pursue legal path for providing these statistical data.

<sup>83</sup> KLI interview with Mr. Zef Prendrecaj, Director of ODC. March 2017.

CASES OF INVESTIGATIONS FROM THE OFFICE OF THE DISCIPLINARY COUNSEL, INITIATED BY KLI REPORTS									
KLI published reports	Subjects involved in preliminary investigations	Subjects involved in disciplinary investigations	Cases involved in disciplinary investigations	Disciplinary investigations addressed in the Disciplinary Committee	Disciplinary Investigations closed with findings	Disciplinary investigations in the phase of investigations	Subjects involved in rejection	Rejection after preliminary investigation	Cases in the deciding stage
Corruption in Kosovo - I -	26	21	14	6	4	4	5	1	
Corruption in Kosovo - II -	16	1	1	1			15	1	
Corruption in Kosovo - III -	29								29
Corruption in Kosovo - IV -	22	3	2	2			19	2	
V Fighting corruption- Priority in paper (10.12.2015)	56							56	
VI Corruption in Kosovo: Combating or promotion of corruption (27.04.2016)	111								111
VII Rhetoric in fighting corruption (27.10.2016)	146								146
<b>Total:</b>	<b>406</b>	<b>25</b>	<b>17</b>	<b>9</b>	<b>4</b>	<b>4</b>	<b>39</b>	<b>60</b>	<b>286</b>

**Table 9 - Investigation cases initiated by ODC based on the findings of KLI reports.**

ODC now is being challenged in its work for the development of investigations into the cases of the findings of KLI reports. The director of this office, Zef Prendrecaj emphasizes that the findings of KLI are constantly treated with priority by the inspectors of ODC. ODC has difficulty in providing relevant files and information because prosecution offices / prosecutors did not respond quickly and so is delayed also the review process and deciding in a considerable measure given the fact that the files / information must be provided in almost all Kosovo Prosecution Offices.<sup>84</sup>

According to ODC, after collection of documents, information and other actions undertaken based on the findings of the reports of KLI, it's been observed that the work of similar cases has began to improve (the findings in the reports) or to increase accountability. There are times when office holders are angry with the KLI findings and

<sup>84</sup> KLI interview with Mr. Zef Prendrecaj, Director of the Office of Disciplinary Counsel. September 2016.

actions of ODC where they went to such an extent that they tried to make retaliation against the staff of ODC, only because they were recommended to the Disciplinary Committee.<sup>85</sup>

This approach of prosecutors is extremely worrying and contains in itself an abuse of official duty and improper professional conduct and ethics. In fact, the ODC is an independent authority, which must act in these cases and any such behaviour of prosecutors or judges to investigate and submit the same to the Disciplinary Committees of Prosecutorial Council and Judicial Council. KLI assesses that in all these cases, prosecutorial authorities should raise their voice and take concrete actions in terms of maintaining the independence of the ODC in the exercise of its functions to increase the accountability towards prosecutors and judges.

## **10. KLI MONITORING OF JUDICIAL PROCEEDINGS IN CORRUPTION CASES**

KLI starting from June 2015, has been monitoring corruption cases in every Basic Court of the Republic of Kosovo. KLI's team of monitors starting from June 2015 have continuously visited on a daily basis the Basic Courts and their Presidents 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 on the official website of the organization.<sup>86</sup> The issue of identifying corruption cases and the exact hour of their

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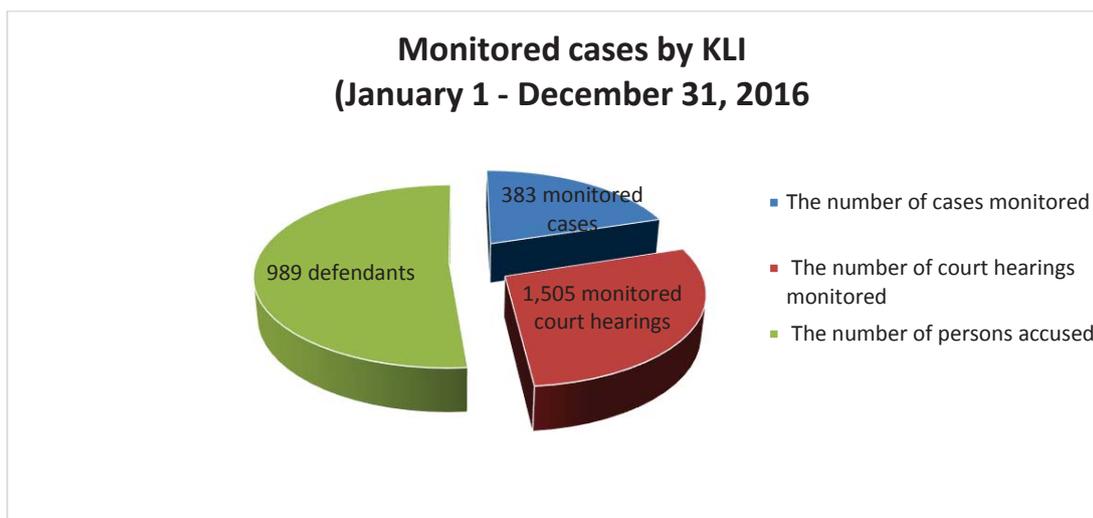
<sup>85</sup> KLI interview with Mr. Zef Prendrecaj, Director of the Office of Disciplinary Counsel. September 2016.

<sup>86</sup> KLI in cooperation with 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

hearing remains a continuous challenge for KLI's monitors.<sup>87</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>88</sup>, a document which will facilitate the Institute's access in communication, cooperation and coordination with the courts.

Courts at the beginning of 2016 have had 407 unresolved corruption cases with 956 individuals involved. During this year, courts have received at work 232 new cases with 502 individuals, which means that during 2016 courts have had at work 639 corruption cases with 1458 individuals. During 2016 courts have resolved 284 cases with 594 individuals, while on December 31, 2016 have remained 355 unresolved corruption cases with 864 individuals.

KLI monitors, from January 1 until December 31, 2016 have monitored 1,505 court hearings, including 383 corruption cases with 989 individuals. For a more detailed approach see the table below.



**Chart 5 - Corruption cases monitored by KLI (January 1 - December 31, 2016)**

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>87</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>88</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.

### a) The analysis of monitored cases during 2016

In this report, the subject of research and analysis are the monitored corruption cases during 2016. During this year, KLI has monitored 1,505 court hearings, including 383 corruption cases with 989 individuals involved<sup>89</sup>. 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.

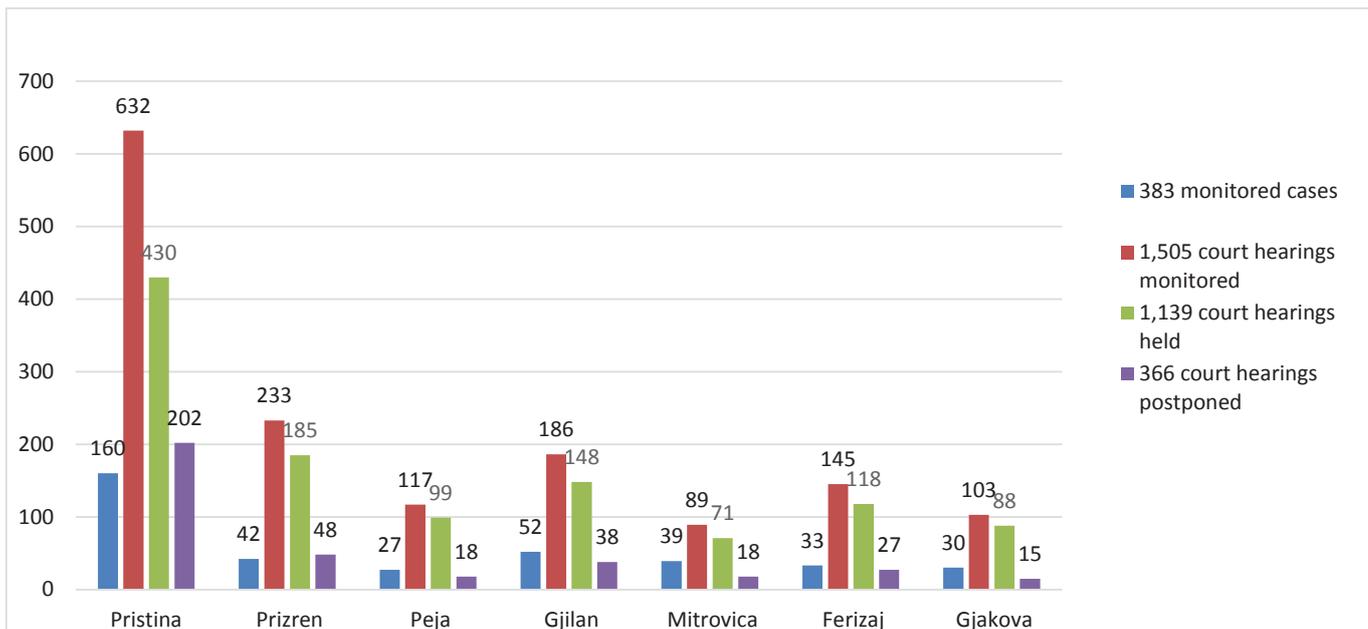


Chart 6 – Court cases monitored during the period 01.01.2016 until 31.12.2016.

The largest number of monitored court hearings include:

- BC in Pristina with 632 court hearings monitored, out of which 430 court hearings were held, while 202 court hearings were postponed.

<sup>89</sup> Clarification: KLI throughout January has monitored 89 court hearings, including 65 corruption cases with 157 individuals. During February have been monitored 99 court hearings, including 83 corruption cases with 203 individuals. During March have been monitored 168 court hearings, including 104 corruption cases with 229 individuals. During April have been monitored 134 court hearings, including 102 corruption cases with 263 individuals. During May have been monitored 128 court hearings, including 96 corruption cases with 230 individuals. During June have been monitored 131 court hearings, including 114 corruption cases with 304 individuals. During July have been monitored 97 court hearings, including 70 corruption cases with 163 individuals. During August have been monitored 32 court hearings, including 26 corruption cases with 135 individuals. During September have been monitored 131 court hearings, including 95 corruption cases with 320 individuals. During October have been monitored 140 court hearings, including 94 corruption cases with 283 individuals. During November have been monitored 164 court hearings, including 104 corruption cases with 394 individuals. And, during December have been monitored 192 court hearings, including 121 corruption cases with 361 individuals. However, considering the fact that one case monitored in January, has continued also during the following months, turns out that the analysis of corruption cases for this reporting period will include 383 corruption cases with 989 individuals.

- BC in Prizren with 233 court hearings monitored, out of which 185 court hearings were held, 48 court hearings were postponed.
- BC in Gjilan with 186 court hearings monitored, out of which 148 court hearings were held, 38 court hearings were postponed.
- BC in Ferizaj with 145 court hearings monitored, out of which 118 court hearings were held, 27 court hearings were postponed.
- BC in Peja with 117 court hearings monitored, out of which 99 court hearings were held, 18 court hearings were postponed.
- BC in Gjakova with 103 court hearings monitored, out of which 88 court hearings were held, 15 court hearings were postponed.
- BC in Mitrovica with 89 court hearings monitored, out of which 71 court hearings were held, 18 court hearings were postponed

Throughout the process of monitoring court hearings by KLI, during this reporting period, various irregularities were identified. Out of 1,505 monitored hearings, 1,139 of them were held, while as a result of the failure to meet the legal conditions for holding the hearings 366 of them were postponed. The reasons for the postponement of 366 hearings are:

- The absence of the defendant
- Failure of prosecutor in delivering case files
- The absence of the prosecutor
- The absence of the Trial Panel
- The absence of the lawyers
- The absence of the injured party and witness
- The absence of the defendant and prosecutor
- Demand of the parties in proceeding

KLI has identified various irregularities also in the proceeded hearings. Out 1,139 sessions held, 313 of them have started with over 15 minutes late, including:

- 151 cases in BC of Pristina
- 42 cases in BC of Ferizaj
- 30 cases in BC of Peja
- 28 cases in BC of Gjilan
- 28 cases in BC of Gjakova
- 18 cases in BC of Prizren
- 16 cases in BC of Mitrovica

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. Out of 1,139 sessions held, in 196 of them KLI monitors have found the following violations:

- Disuse of court dress by judges, prosecutors and defenders (78 cases)
- The holding of hearings in the office (42 cases)
- Absence of the trial panel and clerks during the trial (4 cases)
- Appointment of two different sessions at the same time by the same judge (3 cases)
- Appointment of two different sessions at the same time by the same prosecutor (3 cases)
- Usage of mobile phone during the session by defendants (7 cases)
- Usage of mobile phone during the session by the injured party (1 case)
- Usage of mobile phone during the session by judges (6 cases)
- Usage of mobile phone during the session by prosecutors (9 cases)
- Usage of mobile phone during the session by defenders (6 cases)
- Failure to put on the record the statements of the parties (2 cases)
- Failure to provide case files to the defense counsel by the prosecutor (4 cases)
- Commencement of the trial without the presence of the prosecutor in the courtroom (6 cases)
- Commencement of the trial without completing the trial panel (11 cases)
- Discrepancy of the indictment provision with the evidences of the case that the court possesses (1 case)
- Counsel assisting the defendant during the cross examination (1 case)
- Continuation of the cross examination of the witness without the presence of the defendant in the courtroom (1 case)
- Reading evidence in non-native language of the defendant (1 case)
- One of the defendants being present in the courtroom during the questioning of the other defendant (1 case)
- Failure to notify the defendants with their rights before the cross examination (5 cases)
- Failure to notify the witnesses with their rights before the cross examination (2 cases)
- Announcement of the verdict by a member of the trial panel (2 cases).

## **b) Delays of prosecution offices in proceeding indictments to 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 to courts. KLI has identified ten (10) 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 (Branch in Podujeva) , with the number of indictment PP. no. 600-14/2006, is confirmed a delay of 400 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 Prizren, with the number of indictment PP.no. 154/2015, is confirmed a delay of 41 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.I. 57/15, is confirmed a delay of 34 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 Gjilan, with the number of indictment PP.I.no. 50/15, is confirmed a delay of 31 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.no. 218-7/08, is confirmed a delay of 26 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.no. 642-1/2012, is confirmed a delay of 17 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.no. 121/2013, is confirmed a delay of 15 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.no.5345-4/11, is confirmed a delay of 13 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.nr.112/2016, is confirmed a delay of 12 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.nr.268-7/10, is confirmed a delay of 10 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 to 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 (Branch Podujeva)	PP.no. 600-14/2006	14.05.2012	18.06.2012	400 days
2	Prizren	PP.no.154/2015	12.02.2016	25.03.2016	41 days
3	Ferizaj	PP.I. 57/15	29.09.2015	02.11.2015	34 days
4	Gjilan	PP.I.no.50/15	05.10.2015	05.11.2015	31 days
5	Pristina	PP.no.218-7/08	17.09.2008	13.10.2008	26 days
6	Pristina	PP.no. 642-1/2012	14.01.2014	31.01.2014	17 days
7	Gjakova	PP.no. 121/2013	18.11.2013	03.12.2013	15 days
8	Pristina	PP.no.5345-4/11	26.10.2011	08.11.2011	13 days
9	Pristina	PP.I.no. 112/2016	16.09.2016	28.09.2016	12 days
10	Pristina	PP.no.268-7/10	08.06.2010	18.06.2010	10 days

**Table 10 – Delays of prosecutors in proceeding indictments to courts**

### 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>90</sup> Delays in solving cases have a direct effect in violating the rights of citizens of the Republic of Kosovo,<sup>91</sup> which are guaranteed by the Constitution of the Republic of Kosovo.<sup>92</sup>

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

<sup>90</sup> Miftaraj E. and Musliu B. “Fighting Corruption in Kosovo, priority in paper”. Kosovo Law Institute. Pristina, December 10, 2015.

<sup>91</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 February 20, 2017).

<sup>92</sup>Article 31 “Right to fair and impartial trial”. Constitution of the Republic of Kosovo. June 15, 2008.

submission of the criminal report until the announcement of the verdict, as well as the delays and violations identified during the treatment of these cases.

Out of 1,505 court hearings monitored in all seven BCs, including 383 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:

The time period from the submission of the criminal report until the initiation of investigations<sup>93</sup> 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<sup>94</sup>; 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 indictment; 6) the time period from filing the indictment until the scheduling of the initial hearing<sup>95</sup>; 7) the time period from the initial hearing until the appointment of the second hearing<sup>96</sup>; 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<sup>97</sup>.

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<sup>93</sup> Article 82, "Dismissal of Police Criminal Report". 1. The state prosecutor shall issue a decision dismissing a criminal report received from the police or another source within thirty (30) days if it is evident from the report that: 1.1. there is no reasonable suspicion that a criminal offence has been committed; 1.2. the period of statutory limitation for criminal prosecution has expired; 1.3. the criminal offence is covered by an amnesty or pardon; 1.4. the suspect is protected by immunity and a waiver is not possible or not granted by the appropriate authority; or 1.5. there are other circumstances that preclude prosecution.. Criminal Procedure Code of the Republic of Kosovo. Assembly of Republic of Kosovo. December 13, 2012.

<sup>94</sup> Article 159, "Time Limits of Investigation", 1. If an investigation is initiated, the investigation shall be completed within two (2) years. If an indictment is not filed, or a suspension is not entered under Article 157 of this Code, after two (2) years of the initiation of the investigation, the investigation shall automatically be terminated. Criminal Procedure Code of the Republic of Kosovo. Assembly of Republic of Kosovo. December 13, 2012.

<sup>95</sup> Article 242, "Procedure for Filing the Indictment"; Paragraphs 4 and 5; 4. 4. The single trial judge or presiding trial judge shall immediately schedule an initial hearing to be held within thirty (30) days of the indictment being filed. 5. If the defendant is being held in detention on remand, the initial hearing shall be held at the first opportunity, not to exceed fifteen (15) days from the indictment being filed. Criminal Procedure Code of the Republic of Kosovo. Assembly of Republic of Kosovo. December 13, 2012.

<sup>96</sup> Article 245, "The Initial Hearing", paragraph 5. During the initial hearing, the single trial judge or presiding trial judge shall schedule a second hearing no less than thirty (30) days after the initial hearing, and no more than forty (40) days after the initial hearing. In the alternative, the single trial judge or presiding trial judge may only require the filing of motions by a date set no more than thirty (30) days after the initial hearing. Criminal Procedure Code of the Republic of Kosovo. Assembly of Republic of Kosovo. December 13, 2012.

<sup>97</sup> Chapter XIX, MAIN TRIAL, Article 285 Scheduling of Main Trial, paragraph 2) 2. The single trial judge or presiding trial judge shall schedule the main trial to commence within one (1) month from the second hearing or the last order issued under Article 254 paragraph 5 of the present Code. Criminal Procedure Code of the Republic of Kosovo. Assembly of Republic of Kosovo. December 13, 2012.

Article 314, "Time to Complete Main Trial"; 1. Unless the single trial judge or trial panel adjourns the main trial under Article 310 of the present Code, the main trial shall be completed within the following time limits: 1.1. if the main trial is before a single trial judge, the main trial shall be completed within ninety (90) days, unless the single trial judge issues a reasoned decision to extend the time for the main trial for one of the reasons in paragraph 2 of the present Article. 197 1.2. if the main trial is before a trial panel, the main trial shall be completed within one hundred and twenty (120) days, unless the trial panel issues a reasoned decision to extend the time for the main trial for one of

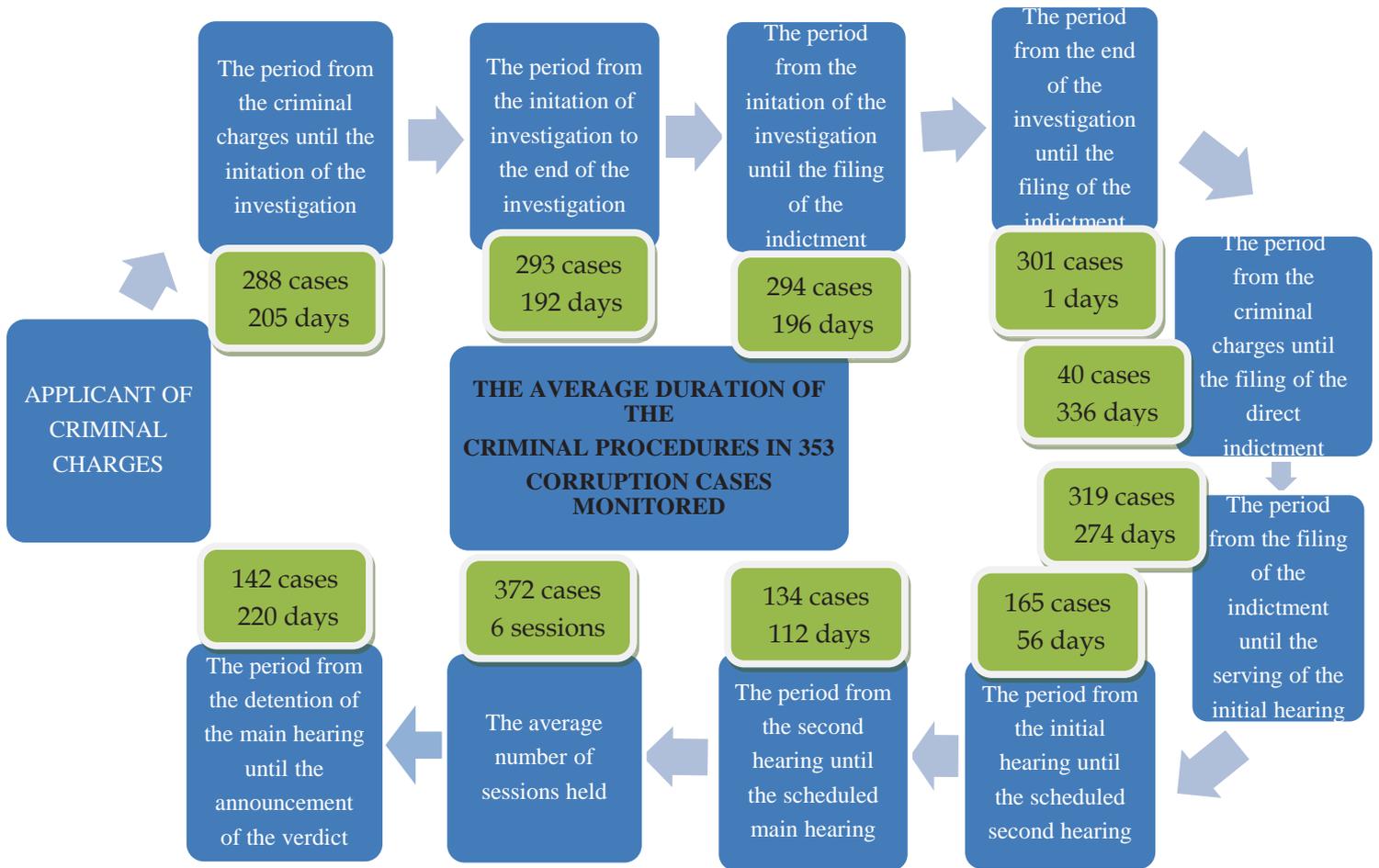
Based on these indicators, KLI has measured 353<sup>98</sup> corruption cases monitored during this reporting period (*January – December 2016*). Even during this reporting period, KLI findings showed that prosecutors and judges have constantly violated the legal deadlines foreseen by the Criminal Procedure 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 as a result of practical monitoring and research, as well as legal analysis.<sup>99</sup>

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the reasons in paragraph 2 of the present Article. 2. The main trial may be extended by a reasoned decision under paragraph 1 of the present Article if there exist circumstances which require more time, including but not limited to: 2.1. there are an unusually large number of witnesses; 2.2. the testimony of one or more witnesses is unusually lengthy; 2.3. the number of exhibits is unusually big; or 2.4. the security of the trial requires the extension. 3. The main trial may be extended for thirty (30) days for each decision under paragraph 1 of the present Article. Criminal Procedure Code of the Republic of Kosovo. Assembly of Republic of Kosovo. December 13, 2012.

<sup>98</sup> *Clarification*: In this analysis are not included 30 corruption cases returned in trial, considering the fact that for these cases is conducted special analysis.

<sup>99</sup> *Note*: The measures for each indicator in each stage differ in terms of the number of cases. KLI has measured and analyzed only those cases for which monitors have managed to provide the completed data about the each stage of the criminal procedure set in indicators.



**Chart 7 - The average duration of the criminal procedures in corruption cases monitored**

As noted in the table, the average duration of criminal proceedings in 353<sup>100</sup> corruption cases monitored by KLI, shows that prosecutors and courts at different stages of criminal law commit violation<sup>101</sup> of legal deadlines provided in Criminal Procedure Code.

<sup>100</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>101</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 deadline 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 regarding the dismissal and the reasons of such decision. Criminal Procedure Code of the Republic of Kosovo. Assembly of the Republic of Kosovo. December

- In 288 cases of corruption monitored by KLI, results that the average of the treatment of the criminal charges by prosecutors is 205 days.
- In 293 cases of corruption monitored by KLI, results that the average of the treatment from initiation of investigation until the completion of the investigation is 192 days.
- In 294 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 196 days.
- In 301 cases of corruption monitored by KLI, results that the average of the treatment from the completion of the investigations until the filing of the indictment is 1 day.
- In 40 cases of corruption monitored by KLI, results that the average of the treatment from criminal charges until the filing of the direct indictment is 336 days.
- In 319 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 274 days.
- In 165 cases of corruption monitored by KLI, results that the average of the treatment from the initial hearing until the scheduled second hearing is 56 days.
- In 134 cases of corruption monitored by KLI, results that the average of the treatment from the second hearing until the scheduled main hearing is 112 days.
- In 372 cases of corruption monitored by KLI, results that the average of the scheduled sessions for each case is 6 sessions.
- Në 142 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 220 days.

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13, 2012. Miftaraj E. and Musliu B. "Fighting Corruption in Kosovo, Priority in Paper". Kosovo Law Institute. Page 89, 90. December 2015.

Ongoing, it is also analyzed the average time spent at each stage of criminal proceeding, for all monitored cases for each prosecution office and court

Prosecution offices who have spent most of the time in dealing with criminal charges are BP in Mitrovica , BP in Ferizaj and BP in Pristina. 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 Mitrovica for 27 monitored cases it took 395 days.
- BP in Ferizaj for 27 monitored cases it took 284 days.
- BP in Pristina for 116 monitored cases it took 271 days.
- BP in Peja for 18 monitored cases it took 88 days.
- BP in Gjakova for 24 monitored cases it took 85 days.
- BP in Prizren for 36 monitored cases it took 85 days.
- BP in Gjilan for 40 monitored cases it took 65 days.

Prosecution offices who have spent most of the time in criminal investigations are BP in Mitrovica, BP in Gjakova and BP in Ferizaj. 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 Mitrovica for 27 monitored cases it took 272 days.
- BP in Gjakova for 25 monitored cases it took 272 days.
- BP in Ferizaj for 27 monitored cases it took 238 days.
- BP in Peja for 18 monitored cases it took 204 days.
- BP in Prizren for 36 monitored cases it took 197 days.
- BP in Pristina for 120 monitored cases it took 174 days.
- BP in Gjilan for 40 monitored cases it took 99 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 Mitrovica, BP in Gjakova and BP in Ferizaj. 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 Mitrovica for 27 monitored cases it took 273 days.
- BP in Gjakova for 25 monitored cases it took 273 days.
- BP in Ferizaj for 27 monitored cases it took 239 days.
- BP in Peja for 18 monitored cases it took 205 days.
- BP in Prizren for 36 monitored cases it took 199 days.
- BP in Pristina for 121 monitored cases it took 182 days.
- BP in Gjilan for 40 monitored cases it took 101 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 Gjakova, BP in Gjilan and BP in Ferizaj. 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 Gjakova for 25 monitored cases it took 2 days.
- BP in Gjilan for 40 monitored cases it took 2 days.
- BP in Ferizaj for 27 monitored cases it took 1 day.
- BP in Prizren for 36 monitored cases it took 1 day.
- BP in Mitrovica for 27 monitored cases it took 1 day.
- BP in Pristina for 127 monitored cases it took 1 day.
- BP in Peja for 19 monitored cases it took 1 day.

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 Pristina 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 35 monitored cases it took 545 days.
- BC in Pristina for 128 monitored cases it took 322 days.
- BC in Gjilan for 41 monitored cases it took 250 days.
- BC in Peja for 22 monitored cases it took 231 days.
- BC in Ferizaj for 30 monitored cases it took 188 days.
- BC in Gjakova for 27 monitored cases it took 155 days.
- BC in Prizren for 36 monitored cases it took 56 days.

Courts who have spent most of the time from the initial hearing until the scheduled second hearing are BC in Mitrovica, BC in Pristina and BC in Gjilan. 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 Mitrovica for 4 monitored cases it took 100 days.
- BC in Pristina for 80 monitored cases it took 61 days.
- BC in Gjilan for 17 monitored cases it took 52 days.
- BC in Ferizaj for 4 monitored cases it took 51 days.
- BC in Gjakova for 19 monitored cases it took 48 days.
- BC in Prizren for 28 monitored cases it took 48 days.
- BC in Peja for 13 monitored cases it took 42 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 Pristina. The average period time from the second hearing until the scheduled main hearing in courts it has taken the following time:

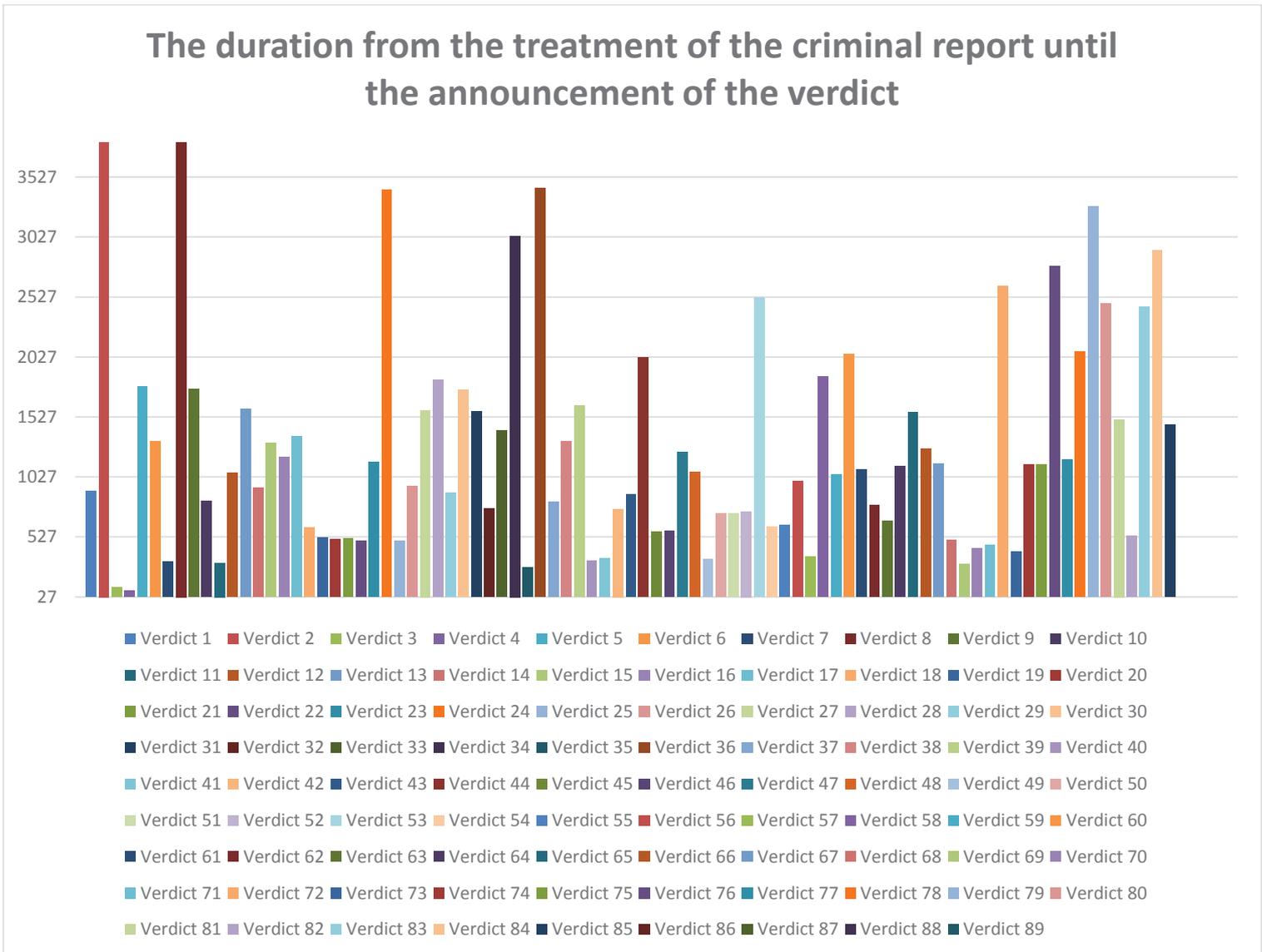
- BC in Gjilan for 16 monitored cases it took 149 days.
- BC in Peja for 9 monitored cases it took 142 days.
- BC in Pristina for 62 monitored cases it took 118 days.
- BC in Ferizaj for 4 monitored cases it took 111 days.
- BC in Mitrovica for 3 monitored cases it took 93 days.
- BC in Prizren for 25 monitored cases it took 86 days.
- BC in Gjakova for 15 monitored cases it took 78 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 Pristina, 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 Pristina for 37 monitored cases it took 402 days.
- BC in Prizren for 18 monitored cases it took 237 days.
- BC in Gjakova for 18 monitored cases it took 195 days.
- BC in Gjilan for 21 monitored cases it took 164 days.
- BC in Ferizaj for 20 monitored cases it took 163 days.
- BC in Peja for 11 monitored cases it took 116 days.
- BC in Mitrovica for 17 monitored cases it took 39 days.

#### **d) The duration of the corruption cases until the announcement of the verdict in 181 monitored cases by KLI**

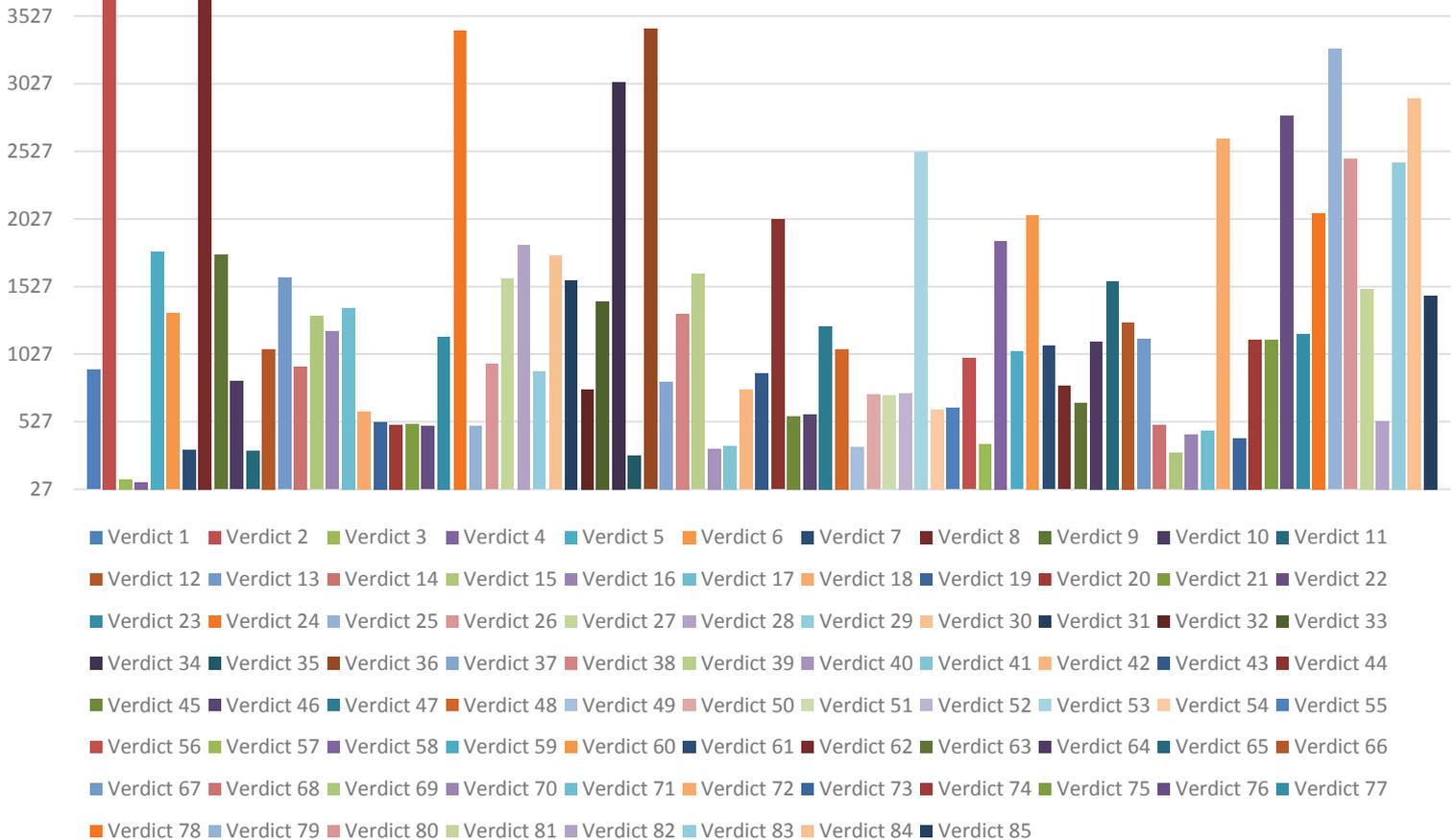
During KLI's monitoring process in 2016, the courts have announced 181 verdicts for corruption cases. In all these cases in which verdicts were announced, KLI has analyzed the duration of each stage of the criminal proceedings and the respect of legal deadlines provided by Criminal Procedure Code. The 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 8 - The duration from the treatment of the criminal report until the announcement of the verdict in 93<sup>102</sup> cases monitored by KLI during January-June 2016.**

<sup>102</sup> Note: KLI has measured and analyzed only those cases for which monitors have managed to provide the completed data about this stage of the criminal procedure set in indicators.

### The duration from the treatment of the criminal report until the announcement of the verdict

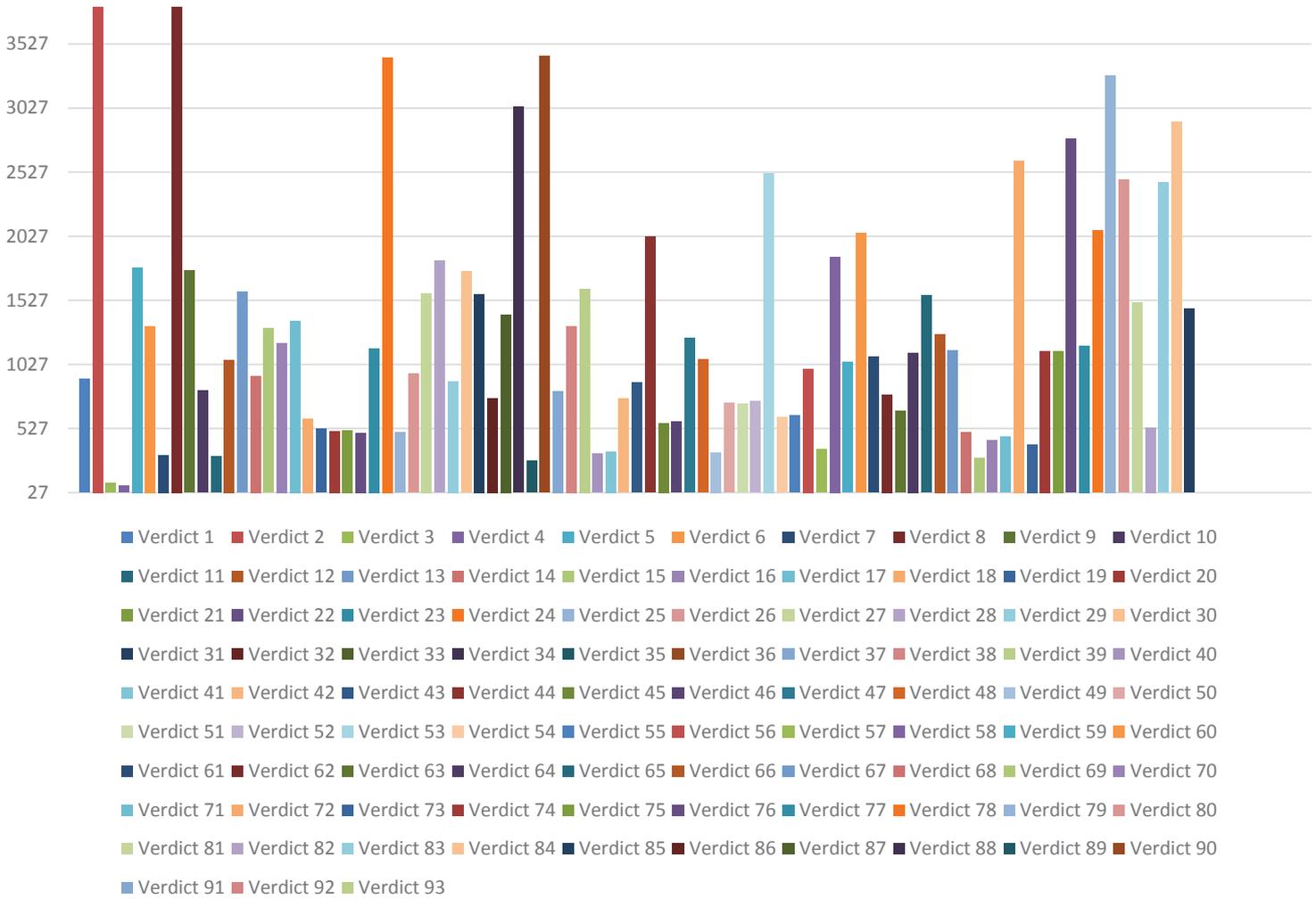


**Chart 9 - The duration from the treatment of the criminal report until the announcement of the verdict in 88<sup>103</sup> cases monitored by KLI during July-December 2016.**

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 68 days, while the one that lasted longer until the announcement of the verdict is 4917 days or over 13 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 27 days, while the case that lasted longer has taken 3816 days or over 10 years.

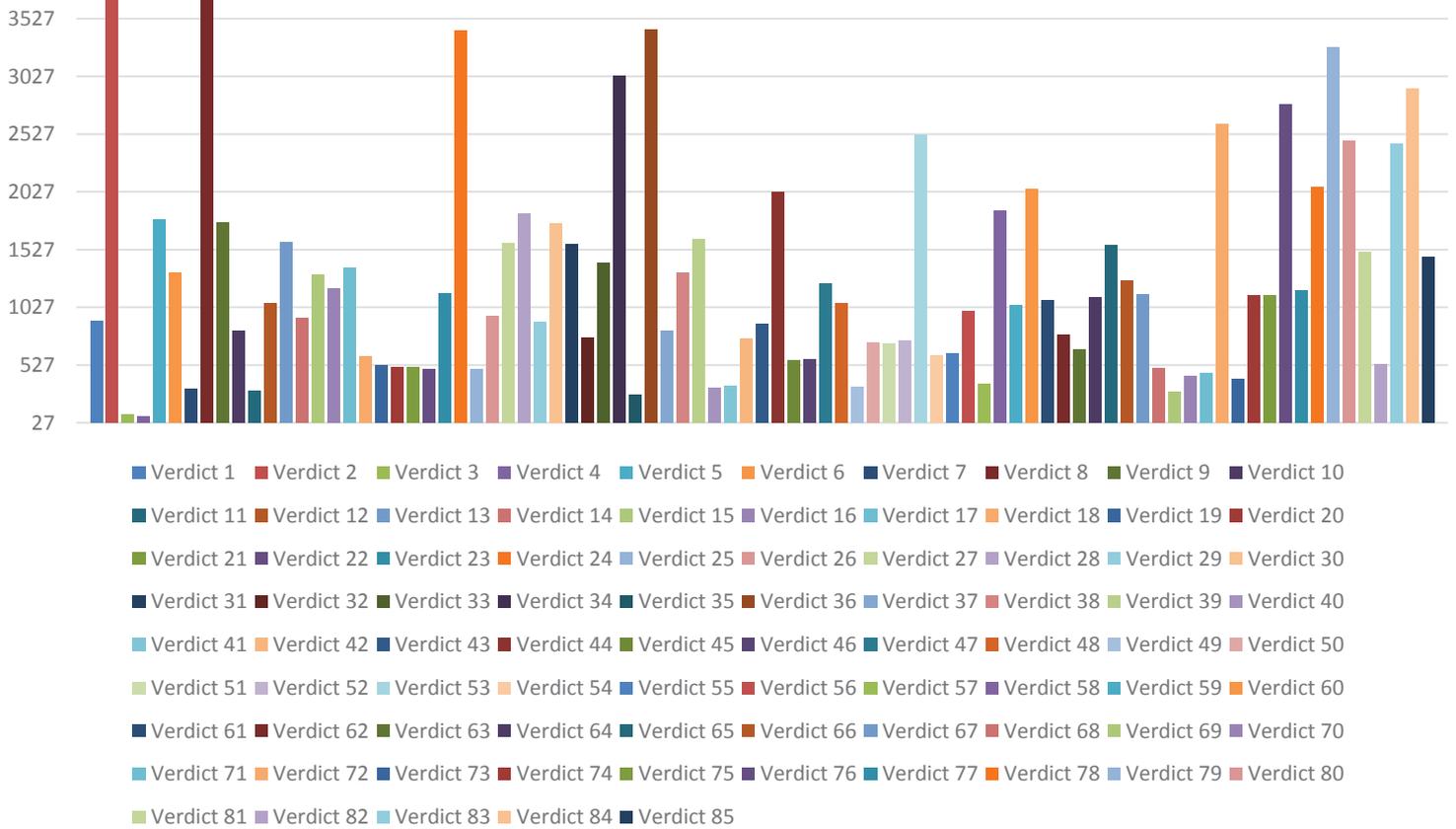
<sup>103</sup> Note: KLI has measured and analyzed only those cases for which monitors have managed to provide the completed data about this stage of the criminal procedure set in indicators.

### The duration from the filing of indictment until the announcement of the verdict



**Chart 10 – The duration from the filing of the indictment until the announcement of the verdict in 93 cases monitored by KLI during January-June 2016.**

### The duration from the filing of indictment until the announcement of the verdict



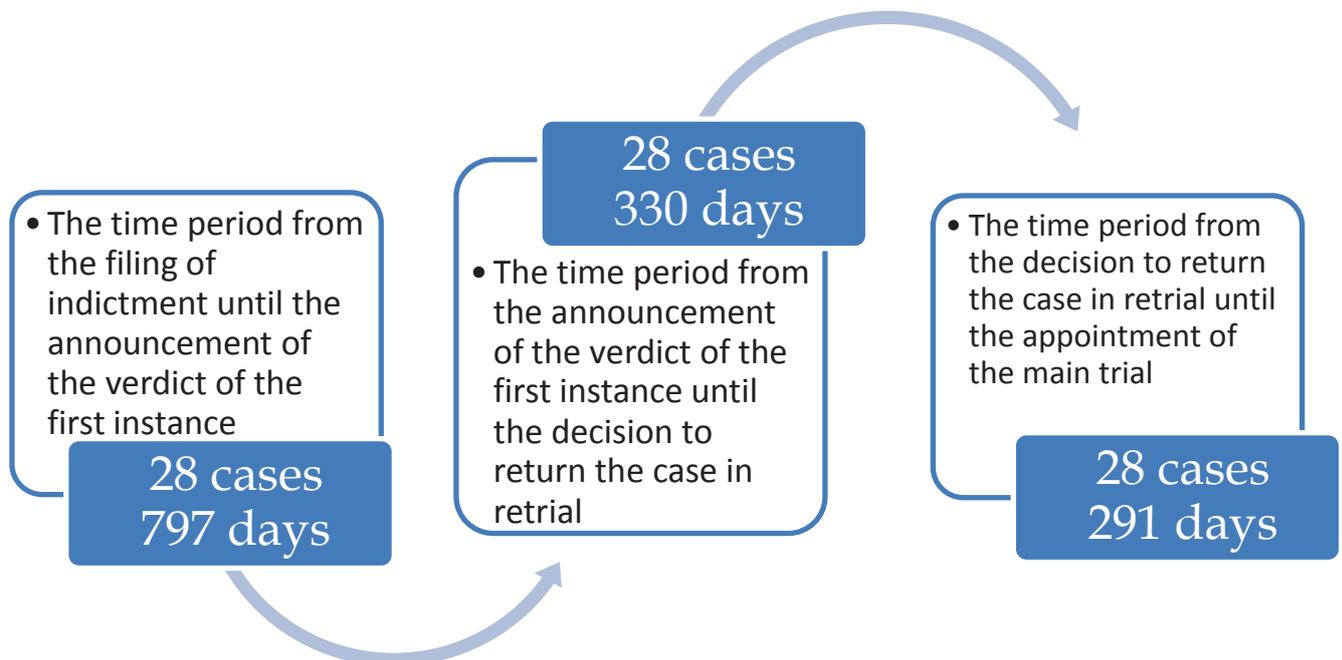
**Chart 10 – The duration from the filing of the indictment until the announcement of the verdict in 88<sup>104</sup> cases monitored by KLI during July-December 2016.**

<sup>104</sup> Note: KLI has measured and analyzed only those cases for which monitors have managed to provide the completed data about this stage of the criminal procedure set in indicators.

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

While monitoring 383 corruption cases during the annual period (*January-December 2016*), KLI monitors have identified 30 cases returned in retrial. Out of these 30 cases, 6 cases belong to BC of Pristina, 2 cases belong to BC of Ferizaj, 5 cases belong to BC of Prizren, 8 cases belong to BC of Gjilan, 5 cases belong to BC of Peja, 3 cases belong to BC of Gjakova and 1 case belongs to BC of Mitrovica.

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<sup>105</sup>.



<sup>105</sup> Note: The measures for each indicator in each stage differ in terms of the number of cases. KLI has measured and analyzed only those cases for which monitors have managed to provide the completed data about the each stage of the criminal procedure set in indicators, which during this reporting period, these data are completed for 28 cases, and for one case only regarding one stage.

### Chart 12- Average of the spend time of three stages of criminal proceeding in 30 corruption cases returned in retrial

As noted in the chart above, the average duration of criminal proceedings in 30 corruption cases returned in retrial, which are monitored by KLI, shows that need to pass at least 10 months for one stage to be processed.

- In 28 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 797 days.
- In 28 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 330 days.
- In 28 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 291 days.

Out of 30 cases returned in retrial, for 25<sup>106</sup> 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 24 cases of them is 202 days.

KLI findings, from the monitoring process of the corruption cases returned in retrial, show that in 24 cases with 42 individuals to whom the second verdict was announced, one individual is sentenced with 6 months imprisonment, one individual with suspended sentence for 3 months, two individuals with suspended sentence for 6 months each, one individual with suspended sentence for 8 months, seven individuals<sup>107</sup> with suspended sentence for 12 months each, two individuals with suspended sentence for 24 months each, two individuals with suspended sentence for 36 months each, for twentyone individuals judges have announced acquittal verdict, for one individual<sup>108</sup> was dismissed the indictment because there is not enough evidence that the crime was committed, while against four individuals judges have dismissed the indictments due to the reach of statutory limitation.

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<sup>106</sup> *Clarification:* Despite the numerous requests and efforts by KLI monitors to provide the data for a case returned in retrial in the Basic Court of Mitrovica, there was no concrete response given so far.

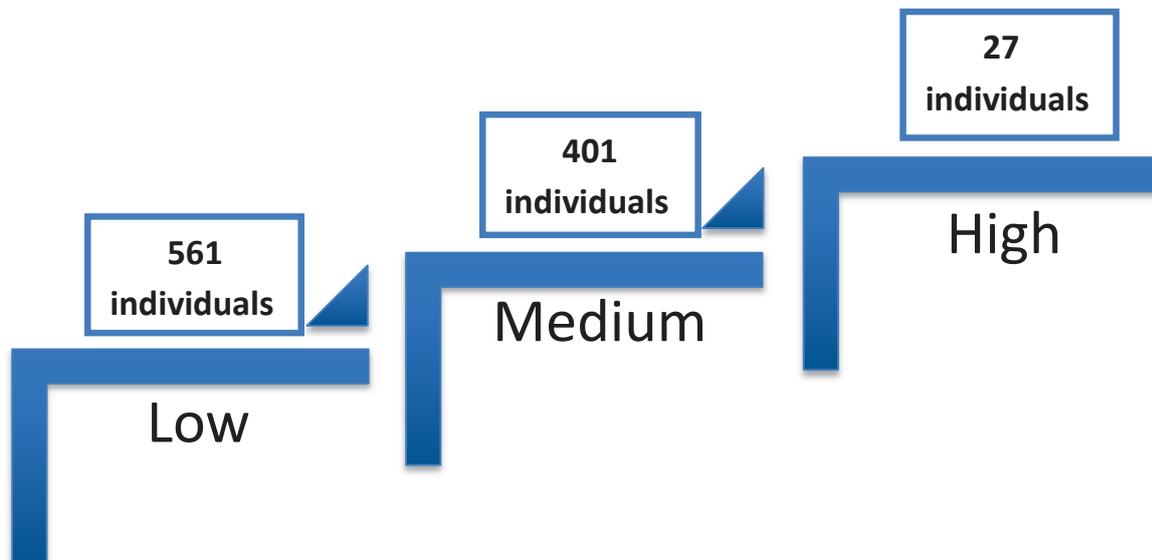
<sup>107</sup> *Note:* Two individuals from those sentenced with suspended sentence for 12 months each, belong to high-profile, since both of them are former Ministers of the Ministry of Culture, Youth and Sport.

<sup>108</sup> *Note:* The individual against whom the indictment was dismissed, belongs to high-profile, since he is the Mayor of Klllokot Municipality.

Meanwhile, out of 30 cases analyzed, 1 case is returned in retrial for the second time. After the announcement of the second verdict, the Court of Appeal needed 451 days to return the case in retrial, while the Basic Court in Prizren needed 359 days from the day that the case was returned in retrial until the first session of the main trial. Meanwhile, from the first session of the main trial, the court needed 566 days to announce the third verdict.

#### a) Profile of judged individuals in corruption cases monitored by KLI during 2016

The profile of 989 defendants in these 383 corruption cases monitored by KLI during this reporting period (*January-December 2016*) is mainly low and medium and a limited number of defendants belong to the high-profile.



**Chart 13 - The profile of 989<sup>109</sup> defendants accused for criminal offences of corruption in Basic Courts during the reporting period (*January-December 2016*)**

<sup>109</sup> Clarification: Seven defendants, two of which belong to low profile and five to high-profile, are involved in more than one case.

The high-profile of defendants accused for corruption offenses during January-December 2016	Pristina	Prizren	Peja	Gjilan	Mitrovica	Ferizaj	Gjakova	Total:
Court President	2 <sup>110</sup>	1 <sup>111</sup>	0	0	0	0	0	3
Chief Prosecutor	0	0	0	1	0	0	0	1
Mayor	3	1	1	4 <sup>112</sup>	2	0	1	12
MPs	3	0	0	0	0	0	0	3
Ministers	4 <sup>113</sup>	0	0	0	0	0	0	4
Permanent Secretary in the Ministry	1	0	0	0	0	0	0	1
Head of the PRB	1 <sup>114</sup>	0	0	0	0	0	0	1
Executive Chief of PTK	1	0	0	0	0	0	0	1
Rector at the University	0	1	0	0	0	0	0	1

**Table 11 - The high-profile of defendants accused for corruption cases during January-December 2016.**

<sup>110</sup> *Clarification:* One of the defendants accused in this case as the President of the Constitutional Court, is also accused in another case as the Rector of the University of Pristina.

<sup>111</sup> *Clarification:* The defendant accused in this case as the President of BC in Pristina, is also accused in another case in BC of Pristina.

<sup>112</sup> *Clarification:* One of the defendants accused in this case, as Mayor of Kllokot Municipality, is also accused in three other case in BC of Gjilan.

<sup>113</sup> *Clarification:* One of the defendants accused in this case, as the Minister of the Ministry of Culture, Youth and Sport, is also accused in another case in BC of Pristina.

<sup>114</sup> *Clarification:* The defendant accused in this case as the Head of the Procurement Review Body (PRB), is also accused in three other case in BC of Pristina.

The medium profile of defendants accused for corruption offenses during January-December 2016	Pristina	Prizren	Peja	Gjilan	Mitrovica	Ferizaj	Gjakova	Total:
Prosecutors	1	0	0	1	0	0	0	2
Judges	3	2	0	0	0	1	0	6
Officials in a Ministry	33	1	0	3	0	4	3	44 <sup>115</sup>
Officials in a Municipality	56	23	14	29	15	19	18	174 <sup>116</sup>
Officials at the Constitutional Court	1	0	0	0	0	0	0	1
Police officials	30	4	4	8	5	5	1	57 <sup>117</sup>
Customs officials	10	1	1	2	3	0	0	17
Director of Youth and Sports Palace	1	0	0	0	0	0	0	1
Director of public companies	0	0	0	0	2	1	0	3
Director of RTK	3	0	0	0	0	0	0	3
Director of the National Theatre	1	0	0	0	0	0	0	1
Director of procurement in UP	1	0	0	0	0	0	0	1
Director of the Institute	1	0	0	0	0	0	0	1
Director of the National Library	1	0	0	0	0	0	0	1
Director of an NGO	0	0	0	0	0	1	0	1
Director of football club	0	1	0	0	0	0	0	1
Chairman of the Union	2	0	0	0	0	0	0	2 <sup>118</sup>
Chairman of the Association	0	0	2	0	0	0	0	2
Officials at KEK	3	0	0	0	0	0	0	3 <sup>119</sup>
Officials in KEDS	8	0	0	0	0	1	1	10
Officials at the agency	23	0	0	1	1	0	0	25 <sup>120</sup>
Officials in PRB	2	0	0	0	0	0	0	2
Officials at the Embassy	2	0	0	0	0	0	0	2 <sup>121</sup>
Officials in PTK	6	0	0	0	0	0	0	6 <sup>122</sup>
Officials at the public school	1	6	1	4	0	1	2	15 <sup>123</sup>
Officials at hospitals and FMC	0	1	0	1	3	2	0	7 <sup>124</sup>
Officials at UCKK	3	0	0	0	0	0	0	3 <sup>125</sup>
Officials in Boards	4	0	0	0	0	0	0	1
Lawyers	3	2	0	0	0	0	1	6 <sup>126</sup>

<sup>115</sup> Clarification: In this category are included the cabinet chief, five directors, two general secretaries, a manager, seven inspectors and twenty eight other officials.

<sup>116</sup> Clarification: In this category are included thirty nine directors, two heads of inspection, twenty eight inspectors, a member of the Assembly, four advisors in the Assembly, three assembly members and ninety seven other officials.

<sup>117</sup> Clarification: In this category are included a police chief and fifty six officials.

<sup>118</sup> Clarification: In this category are included a chairman of the Union of Independent Trade Unions of Kosovo (UITUK) and a chairman of the Civil Servant Union.

<sup>119</sup> Clarification: In this category are included two directors and two procurement officials.

<sup>120</sup> Clarification: In this category are included a director of the Privatisation Agency of Kosovo (PAK), nine officials in PAK, one director of the Kosovo Accreditation Agency (KAA), three officials in KAA, two inspectors in Tax Administration of Kosovo (TAK), one official in Kosovo Forestry Agency (KFA), one executive chief in Kosovo Agency for Medical Products (KAMP), two directors at KAMP, one director at the Anti-Corruption Agency (ACA), one director at Food and Veterinary Agency (FVA), one director at Kosovo Intelligence Agency (KIA), one director at the Agency for Administration of Sequestered or Confiscated Assets (AASCA) and one Chief Inspector of the Labour Inspectorate Executive Agency.

<sup>121</sup> Clarification: In this category are included a consul and one official.

<sup>122</sup> Clarification: In this category are included two directors and four other officials.

<sup>123</sup> Clarification: In this category are included thirteen directors and two acting directors.

<sup>124</sup> Clarification: In this category are included four directors at the regional hospital, a procurement chief in regional hospital, a procurement official at the regional hospital and a director at the Family Medicine Centre.

<sup>125</sup> Clarification: In this category are included a pharmacy director, a procurement manager and an official.

<sup>126</sup> Clarification: In this category are included three private lawyers and five public lawyers (one involved in two cases).

**Table 12 - The high-profile of defendants accused for corruption cases during January-December 2016.**

The low profile of defendants accused for corruption offenses during January-December 2016	Pristina	Prizren	Peja	Gjilan	Mitrovi ca	Ferizaj	Gjakov a	Total:
Businessman	69	1	4	1	3	1	0	79
Citizens	80	10	2	5	7	6	2	112
Director of private companies	8	2	0	1	3	1	1 <sup>127</sup>	16
Officials at the bank	11	7	0	1	3	3	3	28
Officials at the driving school	3	3	0	2	1	0	0	9 <sup>128</sup>
Officials at NGOs	4	0	0	0	0	1	0	5
Officials in UITUK	2	0	0	0	0	0	0	2
Officials at the private College	1	1	0	0	0	0	0	2
Officials at the public school	0	11	1	2	0	0	2	16 <sup>129</sup>
Officials at the university	0	2	0	0	0	0	0	2
Officials at the Centre for Driver's License	0	0	2	0	1	0	0	3
Officials in KEP Trust	0	0	0	0	0	0	1	1
Officials in public companies	0	0	1	0	0	0	0	1
Employees in private companies	22	0	1	0	6	6	4	39
Employees in public companies	0	0	0	4	2	2	0	7
Employees in state institutions	9	1	0	3	3	1	6	23 <sup>130</sup>
Employees at the regional hospital	0	0	0	0	0	2	0	2
Employees at FMC	1	1	0	0	0	0	0	2
Security employees	3	0	0	0	0	0	0	3
Employees in PTK	6	0	0	0	1	0	0	7
Employees at KEDS	8	0	0	3	0	0	0	11
Employees in KEK	3	0	1	0	4	0	0	8
Employees at the National Library	1	0	0	0	0	0	0	1
Employees in an Agency	8	0	0	0	0	0	0	8 <sup>131</sup>
Employees in the Association	2	0	1	0	1	0	0	4
Employees at KP	1	0	1	0	0	0	0	2
Employee at national park	0	1	0	0	0	0	0	1
Employees at the National Theatre	1	0	0	0	0	0	0	1
Employees in the bus station	1	0	0	0	0	0	0	1
Political consultant	1	0	0	0	0	0	0	1
Notary	0	1	0	0	0	0	0	1
Private enforcement	1	0	0	0	0	0	0	1
Forensic Expert	0	0	0	0	0	1	0	1
Correctional officer	7	1	3	0	0	0	0	11
Doctor	70	0	2	2	1	0	2	77 <sup>132</sup>
Pharmacist	1	0	0	0	0	0	0	1
Engineers	5	0	0	0	1	0	0	6
Producers	2	0	0	0	0	0	0	2
Collectors	0	5	0	0	0	35	0	40
Forest guard	5	5	1	1	0	0	0	12

<sup>127</sup> Clarification: The defendant accused in this case, is also accused in another case in BC of Gjakova.

<sup>128</sup> Clarification: In this category are included seven instructors and two examiners.

<sup>129</sup> Clarification: In this category are included two secretaries, twelve teachers and two other officials.

<sup>130</sup> Clarification: In this category are included twelve municipal employees, two employees at the Customs, one employee in the Kosovo Correctional Service and eight employees in court.

<sup>131</sup> Clarification: In this category are included five employees at the Privatisation Agency of Kosovo (PAK) (KPA) and two employees at the Labour Inspectorate Executive Agency.

<sup>132</sup> Clarification: In this category are included three doctors and a nurse at the University Clinical Center of Kosovo (UCCK), a doctor at the regional hospital, three surgeons at the regional hospital, four doctors and one nurse at a private clinic, a cardiologist and sixty three other doctors.

Forester	0	0	1	0	2	0	0	3
Driver	0	0	0	2	0	1	0	3
Conductress	4	0	0	0	0	0	0	4
Election commissioner	0	0	0	1	0	0	0	1

Table 13 - The low profile of defendants accused for corruption cases during January-December 2016.

## 11. SENTENCES POLICY ON CORRUPTION CASES

### a) Sentences policy on corruptio cases during 2016

As a result of corruption cases monitoring at the stage of the announcement of the sentencing judgment, KLI assesses that the policy of sentences on corruption cases is soft. In 181 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 181 judgments on corruption cases. See the table below.

Imprisonment		Suspended sentence		Fine		Acquittal verdict	Rejecting judgment	Dismissal of indictment - Statutory limitation
Individuals	Month	Individuals	Month	Individuals	Sum in euro	Individuals	Individuals	Individuals
63 <sup>133</sup>	878	61 <sup>134</sup>	710	22	47,450	115	79	26

a) Table 14 - Cases of judgment monitored by KLI.

The findings of KLI, from the monitoring of corruption cases process, shows that against 366 individuals to whom the verdict was announced in the first instance, against 63 individuals the court has announced imprisonment verdict, in total from eight hundred and seventy-eight (878) months or seventy three (73) years and two (2) months for all convicted individuals.

Out of 63 convicted individuals two individuals are sentenced with 2 months imprisonment each, two individuals are sentenced with 3 months imprisonment each,

<sup>133</sup> Clarification: From 63 individuals sentenced with imprisonment, 17 of them are the same ones that were sentenced also with fine, in total of 15,600 euro.

<sup>134</sup> Clarification: From 61 individuals with suspended sentence, 10 of them are the same ones that were sentenced also with fine, in total of 6,550 euro.

two individuals are sentenced with 4 months imprisonment each, five individuals<sup>135</sup> are sentenced with 5 months imprisonment each, ten individuals<sup>136</sup> are sentenced with 6 months imprisonment each, four individuals<sup>137</sup> are sentenced with 7 months imprisonment each, two individuals<sup>138</sup> are sentenced with 8 months imprisonment each, two individuals are sentenced with 10 months imprisonment each, fifteen individuals<sup>139</sup> are sentenced with 12 months imprisonment each, one individual is sentenced with 14 months imprisonment, one individual is sentenced with 16 months imprisonment, three individuals are sentenced with 18 months imprisonment each, three individuals are sentenced with 20 months imprisonment each, two individuals<sup>140</sup> are sentenced with 24 months imprisonment each, one individual is sentenced with 27 months imprisonment, four individuals are sentenced with 30 months imprisonment each, three individuals are sentenced with 36 months imprisonment each and one individual is sentenced with 84 months imprisonment.

Judges against 61 persons have announced suspended sentences of 710 months. Against one individual<sup>141</sup> have announced verdict with suspended sentence for 1 month, against three<sup>142</sup> individuals suspended sentence for 2 months each, against three individuals<sup>143</sup> suspended sentence for 3 months each, against one individual suspended sentence for 4 months, against thirteen individuals<sup>144</sup> suspended sentence for 6 months each, against five<sup>145</sup> individuals suspended sentence for 8 months each, against two individuals

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<sup>135</sup> *Clarification:* One of five individuals sentenced with imprisonment for 5 months, is the same one that was sentenced also with fine, in total of 200 euro

<sup>136</sup> *Clarification:* One of ten individuals sentenced with imprisonment for 6 months, months, is the same one that was sentenced also with fine, in total of 400 euro

<sup>137</sup> *Clarification:* Three of four individuals sentenced with imprisonment for 7 months, are the same ones that were sentenced also with fine, for two of them a fine in total of 600 euro and for the third one a fine in total of 400 euro.

<sup>138</sup> *Clarification:* One of two individuals sentenced with suspended sentence for 8 months, is the same one that was sentenced also with fine, in total of 600 euro

<sup>139</sup> *Clarification:* Nine of fifteen individuals sentenced with imprisonment for 12 months, are the same ones that were sentenced also with fine, for one of them a fine in total of 200 euro, for six of them a fine in total of 1,000 euro, for one of them a fine in total of 1,500 euro, while for the last one a fine in total of 2,000 euro.

<sup>140</sup> *Clarification:* One of two individuals sentenced with suspended sentence for 24 months, is the same one that was sentenced also with fine, in total of 3,000 euro.

<sup>141</sup> *Clarification:* The individual sentenced with suspended sentence for 1 months, is the same one that was sentenced also with fine, in total of 500 euro.

<sup>142</sup> *Clarification:* One of three individuals sentenced with suspended sentence for 2 months, is the same one that was sentenced also with fine, in total of 150 euro.

<sup>143</sup> *Clarification:* One of three individuals sentenced with suspended sentence for 3 months, is the same one that was sentenced also with fine, in total of 300 euro.

<sup>144</sup> *Clarification:* One of five thirteen sentenced with suspended sentence for 6 months, is the same one that was sentenced also with fine, in total of 500 euro.

<sup>145</sup> *Clarification:* One of five individuals sentenced with suspended sentence for 8 months, is the same one that was sentenced also with fine, in total of 2,000 euro.

suspended sentence for 10 months each, against seventeen<sup>146</sup> individuals suspended sentence for 12 months each, against five individuals suspended sentence for 18 months each, against three individuals suspended sentence for 22 months each and against eight individuals<sup>147</sup> suspended sentence for 24 months each.

***Failure of indictments in the main trial:***

While monitoring corruption cases in the main trial and during the announcement of the verdict, KLI has found that most of the indictments filed by prosecution offices can not be protected and proven in court. This puts into question the professionalism of prosecutors during investigation, evidence gathering and strengthens public charges for filing baseless indictments and according to agendas of interest groups. This is shown by the statistics below.

During 2016, courts have announced verdicts against 366 individuals subject criminal proceedings of corruption. According to the verdicts announced against 366 individuals, 220 have been released from criminal responsibility by through acquittal judgments, rejecting of due to the reach of statutory limitation. Respectively, over 60% of individuals have been released from criminal responsibility or the prosecution office has failed to prove criminal responsibility against them in court. This phenomenon is undoubtedly disturbing because it proves the incompetence of prosecutors to handle cases of corruption in a professional manner or we have to do with indictments through which Kosovo citizens are persecuted. A concern is also the reach of statutory limitation of corruption cases.

Against 146 individuals, courts have announced sentencing judgment, suspended or with fine. As a result of monitoring proces, KLI has found that courts have sentenced with effective imprisonment 63 individuals or 17,2 % of defendants, against 61 individuals have announced suspended sentences or against 16,6%, of defendants, and with fine 22 individuals.

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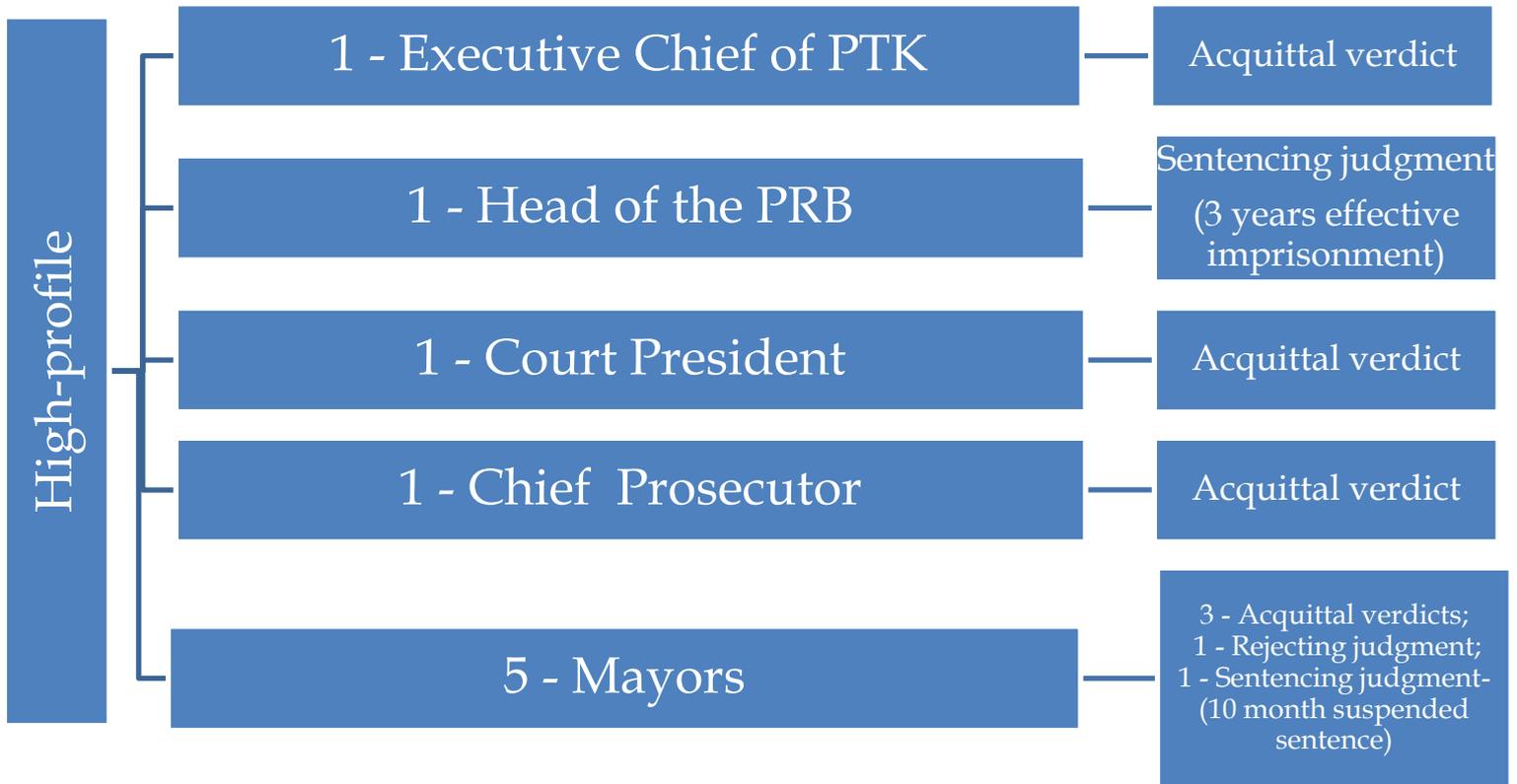
<sup>146</sup> *Clarification:* Three of seventeen individuals sentenced with suspended sentence for 12 months, are the same ones that were sentenced also with fine, for two of them a fine in total of 200 euro, while for the third one a fine in total of 700 euro.

<sup>147</sup> *Clarification:* Two of eight individuals sentenced with imprisonment for 24 months, are the same ones that were sentenced also with fine, in total of 1,000 euro.

In these cases of corruption in which courts have announced a verdict, are included all profile levels of the defendants. Of them, 229 individuals belong to the low profile, 128 individuals belong to medium profile and 9 individuals belong to high-profile.



**Chart 14 - Profile of 366 defendants for criminal offences of corruption, for which Basic Courts have announced a verdict during the reporting period (January-December 2016)**



**Table 15 - High-profile of defendants for criminal offences of corruption, for which Basic Courts have announced a verdict during the reporting period (January-December 2016)**

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 not 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) Comparative analysis of sentencing policy in corruption cases 2014, 2015, 2016**

In the table below is presented a comparison about the effectiveness on handling corruption cases during 2014, 2015 and 2016 by BCs in Kosovo.<sup>148</sup>

Courts at the beginning of 2016 have had 407 unresolved corruption cases with 956 individuals involved. During this year, courts have received at work 232 new cases with 502 individuals, which means that during 2016 courts have had at work 639 corruption cases with 1458 individuals. During 2016 courts have resolved 284 cases with 594 individuals, while on December 31, 2016 have remained 355 unresolved corruption cases with 864 individuals.

Unlike 2016, courts at the beginning of 2015 have had 391 unresolved corruption cases with 932 individuals involved. During this year, courts have received at work 238 new cases with 436 individuals, which means that during 2015 courts have had at work 629 corruption cases with 1368 individuals. During 2015 courts have resolved 200 cases with 326 individuals, while on December 31, 2015 have remained 429 unresolved corruption cases with 1042 individuals.

While, courts at the beginning of 2014 have had 389 unresolved corruption cases with 820 individuals involved. During this year, courts have received at work 266 new cases with 486 individuals, which means that during 2014 courts have had at work 655 corruption cases with 1306 individuals. During 2014 courts have resolved 229 cases with 307 individuals, while on December 31, 2014 have remained 426 unresolved corruption cases with 999 individuals.

KLI considers that this trend, proves that there was a lack of will in the judicial system to treat corruption cases with absolute priority, despite the policies adopted and objective challenges regarding the limited the number of judges.

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<sup>148</sup> Source: Kosovo Judicial Council. March 2017.

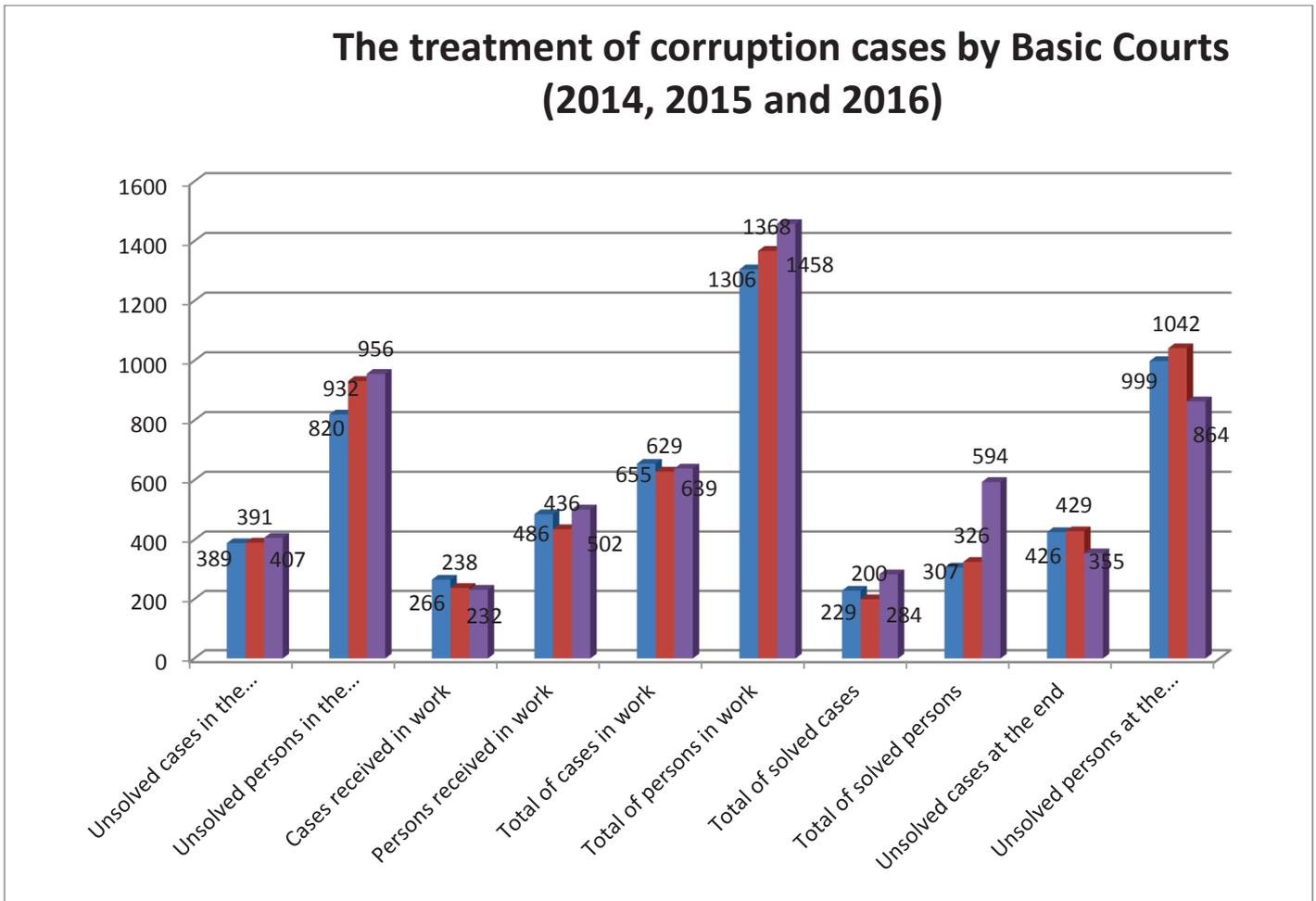


Chart 16<sup>149</sup> – The treatment of corruption cases by Basic Courts during 2014, 2015, 2016.

On the following table is presented the solving manner of corruption cases during 2016 by BCs in Kosovo. This table shows the efficiency trend of judicial system in dealing with these cases in 2016

During 2016 courts have announced sentences with imprisonment in 47 cases against 60 individuals, sentences with fine in 33 cases against 41 individuals, suspended sentences in 52 cases against 67 individuals, while in 3 cases against 3 individuals have announced other sentences. During 2016, in 70 cases against 146 individuals courts have announced acquittal verdicts, in 31 cases against 70 individuals have announced rejecting judgment, while in 48 cases with 207 individuals cases have been resolved in a different manner.

<sup>149</sup> Source: Kosovo Judicial Council. March 2017.

Unlike 2016, during 2015, courts have announced sentences with imprisonment in 31 cases against 41 individuals, sentences with fine in 31 cases against 35 individuals, suspended sentences in 33 cases against 45 individuals, while in 2 cases against 2 individuals have announced other sentences. During 2015, in 32 cases against 58 individuals courts have announced acquittal verdicts, in 29 cases against 63 individuals have announced rejecting judgment, while in 42 cases with 82 individuals cases have been resolved in a different manner.

While, during 2014 courts have announced sentences with imprisonment in 38 cases against 35 individuals, sentences with fine in 37 cases against 41 individuals, suspended sentences in 43 cases against 54 individuals, while in 2 cases against 2 individuals have announced other sentences. During 2014, in 41 cases against 58 individuals courts have announced acquittal verdicts, in 20 cases against 40 individuals have announced rejecting judgment, while in 48 cases with 77 individuals cases have been resolved in a different manner.

Without prejudging the merits of the judicial decision in corruption cases, KLI assesses that the punitive policy in these cases is soft and fails to reach the purpose of punishment. Moreover, responsible for this punitive policy is also the Court of Appeal in Pristina, which should ensure to have adequate punitive policy and at the same time to do the unification of penalties policy.

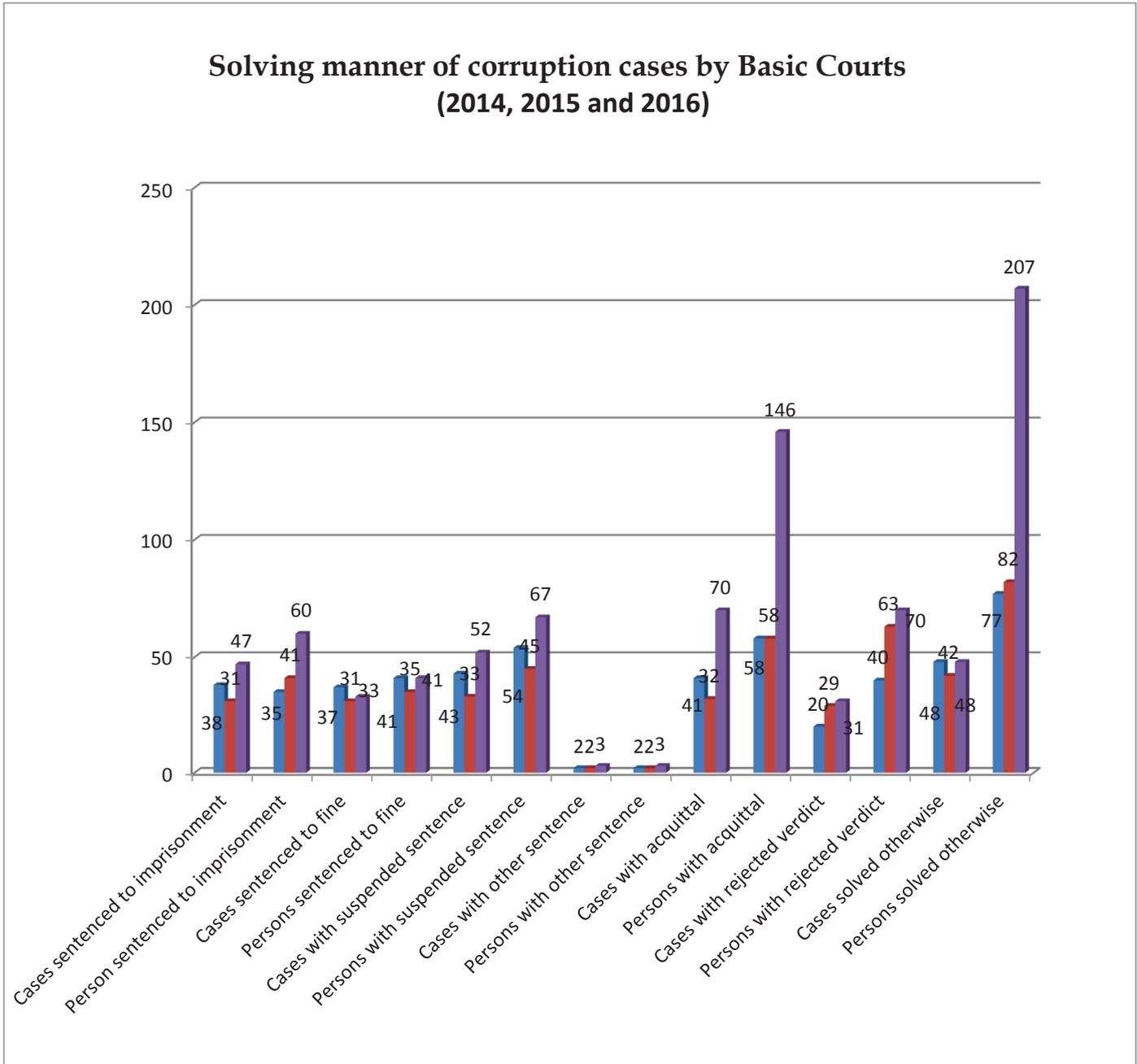


Chart 17 - Solving manner of corruption cases by Basic Courts during 2014, 2015, 2016.

## 12. CONFISCATION OF ASSETS BENEFITED THROUGH CRIMINAL OFFENCES 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 383 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. NCFEC, during his reporting on its activities related to the seizure and confiscation of illegal assets, has failed to provide information to KPC regarding the requests for seizure and confiscation of property acquired through criminal acts against corruption. There is still no information on whether from the seized or confiscated assets, there are such that belongs to criminal acts against corruption, even though such a thing was requested by KPC.

As regards the sequestration and confiscation, Chief State Prosecutor on 14 January 2014, issued an Instruction <sup>150</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.

### **BC in FERIZAJ:**

KLI during the reporting period monitored 33 corruption cases at the Basic Court in Ferizaj. Out of 33 cases, KLI monitors identified 2 **cases**, where prosecutors submitted request for sequestration and confiscation. Below are presented the concrete case:

- **PKR.no.1503/12:** Citizen identification cards, certificates issued by the Red Cross.
- **PKR.no.96/16:** A banknote in value of 100 euro.

### **BC in GJILAN:**

KLI during the reporting period monitored 52 corruption cases at the Basic Court in

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<sup>150</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 October 9, 2016).

Gjilan. Out of 52 cases, KLI monitors identified only **5 cases**, where prosecutors submitted request for sequestration and confiscation. Below are presented the concrete cases:

- **PKR.no. 27/15:** In the indictment of the Basic Prosecution office in Gjilan was proposed to be read as an evidence: Proof on the confiscation of the material evidence – confiscated banknotes (200 euro), orders for disconnection from the electrical network released by the KEDS in Viti, as well as photo documentation of banknotes;
- **PKR.no. 496/13:** Supplementary decision to confiscate assets: Proof on the sequestration of goods-akcizor dated 17.04.2013 against M.M, proof on the sequestration of goods-akcizor dated 16.04.2013 against S.M, proof on the sequestration of goods-akcizor dated 17.04.2013 against I.S;
- **PKR.no. 114/15:** In the indictment of the Basic Prosecution office in Gjilan was proposed to be read as an evidence: Proof on the sequestration of the Samsung phone PSC5. Moreover, the proposal of this prosecution office was also the confiscation of the identity card of Kosovo Police in the name of the defendant A.A., “Samsung” mobile phone
- **PKR.no.47/14:** A banknote in value of 50 euro;
- **PKR.no.185/15:** A banknote in value of 20 euro;

#### **BC in PRISTINA:**

KLI during the reporting period monitored 160 corruption cases at the Basic Court in Gjilan. Out of 160 cases, KLI monitors identified only **13 cases**, where prosecutors submitted request for sequestration and confiscation. Below are presented the concrete cases:

- **PKR.no. 612/14:** Private car of the defendant, Mercedes type;
- **PKR.no. 344/15:** Claim in the indictment to be confiscated the items sequestered: Prove on the temporary sequestration of items, prove on the temporary sequestration of items Police report dated 08.05.2015, prove on the temporary confiscations of items dated.08.05.2015, prove on the temporary taking of items dated 12.05.2015
- **PKR.no. 341/15:** Against the defendant I.H SPRK has proposed:-  
CONFISQATION of the car of the type Audi Q7, with plates 01-900FG, produced on 2008 in the amount of 37.000,00€, car of the type VW Golf with plates 01-326-FP, produced on 2009 in the amount of 12.500€ and another car of the type VW Golf with plates 01-421-FL, produced on 2009, in the amount of 16.800,00€ and the amount of 11.000,00€, as assets gained through criminal offence; - Against the

defendant Skender Canolli CONFISQATION of the car of the type VWPassat, with plates 01-714-FL, produced on 2008, in the amount of 20.000,00€, the amount of 10.560,00 Swiss Franc, 2.600,00\$ American and 1.880,00€, as assets gained through criminal offence; - Against the defendant CONFISQATION of the building in the neighbor "Kalbria" Lamela 2, floor II, building no. 07 with an area of 76.3m<sup>2</sup>, in the amount of 38.150,00€; as assets gained through criminal offence; and the ARMS: by the defendant Ismet Haliti-Pistoleta pistol CZ.99 of 9mm caliber with no.121623 with a free cartridge and by the defendant Skender Canolli -Broving Pistol 9mm caliber eight cartridges and a Carbine rifle with serial number 85269, Kragujevac Zastava- Crvena production, caliber 8x57mm, and twenty two of this rifle cartridge.

Sequestered items:

Sequestered items by the defendant I.H: a. 11,000.00€ (eleven thousand euro), 22 banknotes 500€; Car VW "Golf", produced on 2009, metallic black color, with plates 01-326-FP, ID no. WVVZZZ1KZP453134, registered in the name of I.H; Car VW "Golf", produced on 2009, grey color, metallic, with plates 01-421-FL, ID no. WVVZZZ1KZ9W578466, registered in the name of F.H (son of the defendant I.H); Car Audi Q7, black color, with plates 01-900-FG, identification number WAUZZZ4L69D025641, produced on 2008, registered in the name of A.P, where the investigation found out that the owner of this car is the defendant I.H.

Sequestered items by the defendant S.C - 10,560CHF (ten thousand five hundred and sixty Swiss francs) - 1,880€ (one thousand eight hundred and eighty euro), - 2,600\$ USD (two thousand six hundred US dollar); Car VW "Passat", metallic black color, with number of registration 01-714-FL, produced on 2008, ID no. WVVZZZ3CZ9E520573, registered in the name of L.C (son of the defendant S.C)

Property sequestered by the defendant M.Sh. building no. 8 with an area of 76.3m<sup>2</sup>, on the lamell 2, entrance 1, floor 2 in the neighbor Calabria;

- **PKR.no. 161/14:** Letters which shows the payment of money;
- **PKR.no. 652/15:** Sequestration of 5000 euros from the defendant;
- **PKR.no. 190/14:** Bill 4.200 euro; Bill 3000 euro; Bill 3000 euro; 09.04.2013 - Prove on the temporary taking of items: MAPD decision - NGO; Authorization 02.04.2010; 06.01.2010 - Prove on the temporary taking of items: NGO License; NRF Certificate; Statute; Paragon; 02.05.2013 - Prove on the temporary taking of items: Cash book 2010; Cash book 2010; 28.12.11 - Prove on the temporary taking of items: A block (Receipt of payment); A file of 14 pages;
- **PKR.nr. 305/16:** Computers;

- **PKR.nr.214/13:** Confiscation of money in value of 100 euro;
- **PKR.no.243/13:** Confiscation of the banknote in the amount of 10 euro;
- **PKR.no. 222/15:** Confiscation of the banknote in the amount of 50 euro;
- **PKR.no. 303/16:** Temporary taking of items: Contract VR.no.5687/1997 dated.28.01.1990, purchase of real estate contract dated 20.03.2012.
- **PKR.no. 932/13:** Computer Lodge
- **PKR.nr.178/16:** Confiscation of the banknote in the amount of 50 euro

**BC in PRIZREN:**

KLI during the reporting period monitored 42 corruption cases at the Basic Court in Prizren. Out of 42 cases, KLI monitors identified only **1 case**, where prosecutors submitted request for sequestration and confiscation. Below is presented the concrete case:

- **P P.no. 149/14:** Artificial fertilizer in quantities of 28 tonnes and 125 bags of 50 kg weight.

**BC in GJAKOVA:**

KLI during the reporting period monitored 30 corruption cases at the Basic Court in Gjakova. Out of cases, KLI monitors identified only **2 cases**, where prosecutors submitted request for sequestration and confiscation. Below are presented the concrete cases:

- **PKR.no. 10/14:** Proposal to confiscate 7.800 and 134.753.71 euro for one defendant H.B., while for the other defendant Z.K., 1.835.36 euro.
- **PKR.no. 193/15:** Amount of 6,620 euro.

### 13. SELECTION OF TOP TARGETS

During September 2014, the prosecutorial system of Kosovo presented a Strategic Plan for Interagency Cooperation between the State Prosecutor and law enforcement agencies in Kosovo in fighting organized crime and corruption, as well as Standard Operating Procedures (SOP) for the selection Serious Crimes Targets.<sup>151</sup>

The objective of the SOP has been the prevention, detection, investigation and prosecution of the most serious offenses, through coordination and harmonization of activities of the competent authorities. The purpose of this mechanism was the appointment of 50 more serious cases in the justice system in Kosovo, which will be treated urgently by all law enforcement agencies.

One of the criteria for the application of the selection of targets is to require a joint effort of two or more public institutions for other serious alleged offenses and criminal investigations, in order to be able to arrest the suspects, the prohibition of criminal activity, taking, sequestration and confiscation of profits of crime.

In order to monitor the cases targeted by SOP, KPC had built the electronic database where are registered all the targeted cases which database is updated with information regarding any action taken by the relevant institutions during the investigation, prosecution and adjudication of these cases.

Currently in database, are identified 34 targeted cases<sup>152</sup>, of which 4 (four) cases have been completed, where in two (2) cases, investigations were terminated, while in two (2) cases indictments were dismissed.

Out of 29 targeted cases at work, 4 cases are under investigation, while in 25 cases indictments are filed in courts.

Of the cases filed in the courts, currently are in this phase of the procedure:

- for two cases the initial hearing is not scheduled;
- for three cases the initial hearing is scheduled;
- three cases continue with the second hearing;
- eleven cases are at the instance of the main trial;
- two cases are completed in the first instance
- four cases are final.

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<sup>151</sup> Miftaraj, E and Musliu B, Kosovo Law Institute, October 2016, page 29, Fighting corruption-Rhetoric in fighting corruption,in: <http://kli-ks.org/ep-content/uploads/2016/10/1.-Retorika-ne-luftimin-e-korrupsionit-27.10.2016.pdf>

<sup>152</sup> Source: Agim Maliqi, Coordinator of Kosovo Judicial Council for targeted cases. March 2017.

Regarding the territorial expansion in the courts, currently cases of this nature with filed indictment are:

- BC in Pristina 15 cases (one completed with a final judgment and one completed at the first instance);
- BC in Prizren four cases (one completed with a final judgment);
- BC in Gjakova two cases (completed with a final judgment)
- BC in Gjilan two cases (one completed at the first instance);
- BC in Mitrovica two cases;

Of the completed cases, 2 cases are completed in the first instance, while four cases are completed with a final judgment. In these cases, there are no cases of high-profile or cases where there has been a success in seizure or confiscation. It is worth mentioning that in the completed cases with a final judgment, included the case nicknamed "Prosecutor," which has to do with the penalty of the prosecutor Vahide Badivuku.

Below are identified the concrete targeted cases:

**"KLLOKOTI 1"**: (Sentencing judgment for a criminal offense - suspended sentence for 10 month with the verification period for two years, and acquittal verdict for two criminal offenses)

**"CONTRACT"**: (Sentencing judgment for two individuals, one is sentenced with six months imprisonment, while the other one with ten months imprisonment, acquittal verdict for one defendant, and rejecting judgment for two defendants);

Four cases are of final judgment:

**"PROSECUTOR"**: (Sentencing judgment for a defendant with 3 years imprisonment and 5000,00 euro fine, sentencing judgment for a defendant with 1 year and 6 months imprisonment, sentencing judgment for a defendant with 3000,00 euro fine)

**"LAWYER 1", "LAWYER 2"**: (Sentencing judgment with 3000,00 euro fine, acquittal verdict for two other criminal offenses);

**"SUHAREKA"**: (Rejecting judgment for five individuals since State Prosecutor withdrew from the charge)

## 14.ANNEX: CONCRETE FAILURES OF PROSECUTORS IN HANDLING CORRUPTION CASES – SECOND SIX MONTHS OF 2016

Following are presented the cases of the dismissal of criminal reports in contradiction with the provisions of the New Criminal Procedure Code. Unlike the old criminal procedure, which has been in force until January 1, 2013, in the new criminal procedure are set strict deadlines for handling criminal reports. KLI has analyzed all the solved cases provided by the data of Tracking Mechanism and prosecutorial legal acts provided by some prosecution offices (*for the period 01.07.2016 - 31.12.2016*) and has identified violations of prosecutors in relation to respecting legal deadlines for the treatment of criminal reports. Violation of the provisions of the Criminal Procedure Code, results with violations of human rights, keeping citizens as subjects on prosecution's criminal evidences in cases when there is no basis to conduct criminal investigations against them. KLI when analyzing prosecutorial legal acts, has identified cases that have reached statutory limitation and violations of deadlines to decide on corruption cases. KLI for the first time, after more than three years of cooperation with Prosecution offices, has received a negative response from some Chief Prosecutors, who have not cooperated to provide prosecutorial acts for the purpose of monitoring and analyzing the meet of legal deadlines by prosecutors in cases of corruption. Through this closing of Prosecution offices, their leaders have demonstrated a lack of will to increase public transparency and accountability through monitoring by external actors of civil society. Moreover, through this form of monitoring and professional analysis of the findings by KLI, it has directly affected the increase of prosecutors' accountability.<sup>153</sup>

### STATUTORY LIMITATION OF CRIMINAL PROSECUTION

#### BASIC PROSECUTION IN PRIZREN

1. Case with number PP/I.nr.47/2016 determined on 15.09.2016. ***Termination of investigation ruling*** submitted by the Bank for Business (BpB) in Pristina. Criminal offence ***“Abusing official position or authority”*** pursuant with Article 422 of the CCRK.<sup>154</sup>

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<sup>153</sup> KLI interview with Mr. Zef Prendrecaj, Director of the Office of Disciplinary Counsel.

<sup>154</sup> Based on the ruling issued on 15.09.2016, BP in Prizren concordant with Article 158 paragraph 1 underparagraph and 1.1 of the CPCRK, had decided to terminate the investigation for the criminal offence “Abusing official position or authority” pursuant with Article 422 paragraph 1 connected with paragraph 2 and “Misuse of economic authorizations” with Article 290 paragraph 1 of the CCRK, in view of the fact that the period of absolute statutory of limitation for the criminal prosecution has expired.

## BASIC PROSECUTION IN MITROVICA

1. Case with number PP.I.nr.314/2015 determined on 14.09.2016. *Dismissal of criminal report ruling* submitted by the Kosovo Police. Criminal offence “*Giving bribes*” pursuant with Article 344, paragraph 1 of the temporary CCRK.<sup>155</sup>
2. Case with number PP.I.nr.232/2012 determined on 29.08.2016. *Dismissal of criminal report ruling* submitted by the Kosovo Police. Criminal offence “*Abusing official position or authority*” pursuant with Article 339, paragraph 2 of the temporary CCRK.<sup>156</sup>
3. Case with number PP.I.nr.360/2015 determined on 29.07.2016. *Dismissal of criminal report ruling* submitted by the Kosovo Police. Criminal offences “*Abusing official position or authority*” pursuant with Article 422 of the CCRK, “*Abusing official position or authority*” pursuant with Article 344, paragraph 1 of the temporary CCRK; “*Trading in influence*” pursuant with Article 345, paragraph 1 of the CCRK; “*Falsifying official document*” pursuant with article 348 paragraph 1 of the CCRK.<sup>157</sup>

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

### SPECIAL PROSECUTION OFFICE OF THE REPUBLIC OF KOSOVO

1. Case with number 43/12-pps, submitted by the citizen, received in the BP on 29 of September 2011, including seven (7) persons for criminal offense “*Abusing official position or authority*”. The decision for *dismissal of criminal report ruling* was taken on 7<sup>th</sup> of July 2016. But in the same time it figures that against this person was taken the decision after investigation.

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<sup>155</sup> Based on the ruling issued on 14.09.2016, BP in Mitrovica concordant with Article 82 paragraph 1 underparagraph 1.2 of the CPCRK, had decided to dismiss the criminal report for the criminal offence “Giving bribes” pursuant with Article 344 paragraph 1 of the CCRK, in view of the fact that the period of absolute statutory of limitation for the criminal prosecution has expired.

<sup>156</sup> Based on the ruling issued on 29.08.2016, BP in Mitrovica concordant with Article 82 paragraph 1 underparagraph 1.2 of the CPCRK, had decided to terminate the investigation for the criminal offence “Abusing official position or authority” pursuant with Article 339 paragraph 1 of the temporary CCRK, in view of the fact that the period of absolute statutory of limitation for the criminal prosecution has expired.

<sup>157</sup> Based on the ruling issued on 29.07.2016, BP in Mitrovica concordant with Article 82 paragraph 1 underparagraph 1.2 of the CPCRK, had decided to terminate the investigation for the criminal offences “*Abusing official position or authority*” pursuant with Article 422 of the CCRK, “*Abusing official position or authority*” pursuant with Article 344, paragraph 1 of the temporary CCRK; “*Trading in influence*” pursuant with Article 345, paragraph 1 of the CCRK; “*Falsifying official document*” pursuant with article 348 paragraph 1 of the CCRK, in view of the fact that the period of absolute statutory of limitation for the criminal prosecution has expired.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the SPORK on 29.09.2011, meanwhile the Prosecution had decided to dismiss the criminal report with on 07.07.2016. Treatment related to this criminal report had lasted for 1743 days from the receipt of the same one. Whereas, with the new Criminal Procedural Code entering into force after January 1<sup>st</sup>, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the SPORK has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1283 days, or 1253 days after the legal deadline.*

2. Case with number 120/15-PPN, submitted by the Kosovo Police, received in the BP on 15<sup>th</sup> of October 2015, including one (1) person for criminal offense **“Abusing official position or authority”**. The decision for **dismissal of criminal report ruling** was taken on 28<sup>th</sup> of November 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the SPORK on 15.10.2015, meanwhile the Prosecution had decided to dismiss the criminal report with report on 28.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup>, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the SPORK has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 410 days, or 380 days after the legal deadline.*

3. Case with number PPS.nr.89/2015, received in the BP on 1<sup>st</sup> of April 2016. **“Dismissal of criminal report ruling”**, submitted by the UIECC. Criminal offence **“Abusing official position or authority”**.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the SPORK on 31.03.2015, meanwhile the Prosecution had decided to dismiss the criminal report with report on 01.04.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the SPORK has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 367 days, or 337 days after the legal deadline.*

## **BASIC PROSECUTION IN PRISHTINA**

1. Case with number 16/13-IPR, submitted by the Agency Against Corruption, received by the Prosecution on December 31 2012, included five (5) persons for criminal

offence ***Abusing official position or authority***. Decision for ***dismissal of criminal report*** was taken on July 21 2016.

***KLI:*** Based on the ruling, it is confirmed that the criminal report was received in the BP in Pristina on 31.12.2012, while Prosecution had decided to dismiss the criminal report on 21.07.2016. Treatment time of the criminal report has lasted 1359 days from the date of receipt of the same one. Whereas with the new Criminal Procedure Code entering into force after 1<sup>st</sup> of January 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1297 days, or 1267 after the legal deadline.

2. Case with number 24/13-IPR, submitted by the injured party, received by the Prosecution on 29<sup>th</sup> November 2011, included three (3) persons for criminal offence ***Abusing official position or authority***. Decision for ***dismissal of criminal report*** was taken on 15<sup>th</sup> of July 2016.

***KLI:*** Based on the ruling, it is confirmed that the criminal report was received in the BP in Pristina on 22.01.2015, while Prosecution had decided to dismiss the criminal report on 01.07.2016. Whereas with the new Criminal Procedural Code entering into force after 1<sup>st</sup> of January 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1322 days, or 1292 days after the legal deadline.

3. Case with number 65/15-IPR, submitted by the injured party, received by the Prosecution on 22<sup>nd</sup> January 2015, included three persons for criminal offence ***Abusing official position or authority***. Decision for ***dismissal of the criminal report*** was taken on 1<sup>st</sup> of July 2016.

***KLI:*** Based on the ruling, it is confirmed that the criminal report was received in the BP in Pristina on 22.01.2015, while the Prosecution had decided to dismiss the criminal report on 01.07.2016. Whereas with the new Criminal Procedural Code entering into force after 1<sup>st</sup> of January 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 526 days, or 496 days after the legal deadline.

4. Case with number 737/14-IPR, submitted by the injured party, received by the Prosecution on 10<sup>th</sup> July 2014, included one (1) person for criminal act **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on 11<sup>th</sup> July 2016.

*KLI: Based on the ruling, it is confirmed that the criminal report was received in the BP in Pristina on 10.07.2014, while the Prosecution had decided to dismiss the criminal report on 11.07.2016. Whereas with the new Criminal Procedural Code entering into force after 1<sup>st</sup> of January 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 732 days, or 702 days after the legal deadline.*

5. Case with number 98/16-IPR-KE, submitted by the Kosovo Police Inspectorate, received by the Prosecution on 15<sup>th</sup> April 2016, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on 13<sup>th</sup> July 2016.

*KLI: Based on the ruling, it is confirmed that the criminal report was received in the BP in Pristina 15.04.2016, while the Prosecution had decided to dismiss the criminal report on 13.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 89 days, or 59 days after the legal deadline.*

6. Case with number 99/16-IPR-KE, submitted by the Kosovo Police, received by the Prosecution on April 19 2016, included three (3) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal charge** was taken on July 4 2016.

*KLI: Based on the ruling, it is confirmed that the criminal report was received in the BP in Pristina on 19.04. 2016, while the Prosecution had decided to dismiss the criminal report on 04.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 76 days, or 46 days after the legal deadline.*

7. Case with number 30/13-IPR, submitted by the Head of property – OP injured party, received by the Prosecution on November 15 2012, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on July 11 2016.

**KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 15.11.2012, while the Prosecution had decided to dismiss the criminal report on 11.07.2016. Treatment time of criminal report lasted 1334 days from the date of receipt of the same one. Whereas, with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline limited to 30 days for treating of the criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1287 days, or 1257 after the legal deadline.

8. Case with number 724/14-IPR, submitted by the Head of Property- OP injured party, received by the Prosecution on July 10 2014 included two (2) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on July 15 2016.

**KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 10.07.2014, while the Prosecution had decided to dismiss the criminal report on 15.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 736 days, or 706 days after the legal deadline.

9. Case with number 114/16-IPR-KE, submitted by the Agency Against Corruption, received by the Prosecution on June 8 2016, included one (1) person for criminal offence **Not reporting or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations**. Decision for **dismissal of criminal report** was taken on September 13 2016.

**KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 08.06.2016, while the Prosecution had decided to dismiss the criminal report on 13.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 97 days, or 67 days after the legal deadline.

10. Case with number 967/13-IPR, submitted by the Agency Against Corruption, received by the Prosecution on October 3 2013, included three (3) persons, 2 persons for criminal offence ***Abusing official position or authority*** and 1 person for criminal offence ***Issuing unlawful judicial decisions***. Decision for ***dismissal of criminal report*** was taken on September 6 2016.

***KLI:*** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 03.10.2013, while the Prosecution had decided to dismiss the criminal report on 06.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, legal deadline limited to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1069 days, or 1039 after the legal deadline.

11. Case with number 667/15-IPR, submitted by the injured party, received by the Prosecution on August 24 2015, included one (1) person for criminal offence ***Abusing official position or authority***. Decision for ***dismissal of criminal report*** was taken on September 22 2016.

***KLI:*** Based on the ruling, it is confirmed that the criminal report was received in the BP in Pristina on 24.09.2015, while the Prosecution had decided to dismiss the criminal report on 22.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 394 days, or 364 days after the legal deadline.

12. Case with number 114/14-IPR, submitted by the Prosecutor on its own initiative, received by the Prosecution on February 3 2013, included one (1) person for criminal offence ***Abusing official position or authority***. Decision for ***dismissal of criminal report*** was taken on September 7 2016.

***KLI:*** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 03.02. 2013, while the Prosecution had decided to dismiss the criminal report on 07.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed

*within 30 days, while the criminal report was dismissed after 1312 days, or 1282 after the legal deadline.*

- 13.** Case with number 898/15-IPR, submitted by the citizen, received by the Prosecution on November 17 2015, included three (3) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on September 15 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 17.11.2015, while the Prosecution had decided to dismiss the criminal report on 15.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 303 days, or 273 days after the legal deadline.*

- 14.** Case with number PPN.409/11-IPR, submitted by the Tax Administration of Kosovo, received by the Prosecution on October 28 2011, included four (4) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on July 12 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 28.11.2011, while the Prosecution had decided to dismiss the criminal report/closed with report on 12.07.2016. Treatment time of the criminal report lasted 1719 days from the date of receipt. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of the criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1288 days, or 1258 days after the legal deadline.*

- 15.** Case with number 419/13-IPR, submitted by the injured party, received by the Prosecution on September 15 2009, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on July 28 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 15.09.2009, while the Prosecution had decided to dismiss the criminal report/closed with report on 28.07.2016. Treatment time of the criminal report has lasted 2507 days from the date of receipt of the same one. Whereas with the new Criminal Procedural Code entering into*

*force after January 1 2013, legal deadline limited to 30 days for treating of the criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1304 days, or 1274 days after the legal deadline.*

16. Case with number PPN.346/15-IPR, received in competence, received by the Prosecution on July 21 2015, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on July 28 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 21.07.2015, while the Prosecution had decided to dismiss the criminal charge/closed with the report on 28.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of the criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal charge had to be dismissed within 30 days, while the criminal report was dismissed after 373 days, or 343 days after the legal deadline.*

16. Case with number PPN.109/15-IPR, submitted by the Kosovo Police, received by the Prosecution on March 2 2015, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on July 1 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 02.03.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 01.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of the criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 487 days, or 457 days after the legal deadline.*

17. Case with number PPN.110/15-IPR, submitted by the Kosovo Police, received by the Prosecution on March 2 2015, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on July 29 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 02.03.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 29.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of the criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 515 days, or 485 days after legal deadline.*

18. Case with number PPN.506/15, submitted by the Kosovo Police, received by the Prosecution on October 28 2015, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on July 27 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 28.10.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 27.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of the criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 273 days, or 243 days after legal deadline.*

19. Case with number PPN.967/13-IPR, submitted by the Kosovo Police, received by the Prosecution on November 8 2013, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on July 22 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 08.11.2013, while the Prosecution had decided to dismiss the criminal report/closed with report on 22.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 987 days, or 957 days after legal deadline.*

20. Case with number PPN.4/13-IPR, submitted by the injured party, received by the Prosecution on January 14 2013, included two (2) persons for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on August 2016.

*KKI: Based on the ruling it is confirmed that criminal report was received in the BP in Pristina on 14.01.2013, while the Prosecution had decided to dismiss the criminal report/closed with report on 25.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1319 days, or 1289 days after legal deadline.*

21. Case with number 110/16-IPR, submitted by the Kosovo Police, received by the Prosecution on March 1 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on August 17 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 03.01.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 17.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 169 days, or 139 days after legal deadline.*

22. Case with number 73/16-IPR, submitted by the Kosovo Police, received by the Prosecution on June 18 2015, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on August 19 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal charge was received in the BP in Pristina on 18.06.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 19.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 428 days, or 398 days after legal deadline.*

23. Case with number PPN.190/15-IPR, submitted by the Kosovo Police, received by the Prosecution on April 7 2015, included one (1) person for criminal offence **Tax evasion**. Decision for **dismissal of criminal report/closed with report** was taken on August 30 2016.

**KKI:** *Based on the ruling it is confirmed that criminal charge was received in the BP in Pristina on 07.04.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 30.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 511 days, or 481 days after legal deadline.*

24. Case with number PPN.228/15-IPR, submitted by the Kosovo Police, received by the Prosecution on July 16 2012, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on August 25 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 16.07.2012, while the Prosecution had decided to dismiss the criminal report/closed with report on 25.08.2016. Treatment time of the criminal report has lasted 1504 days from the date of receipt of the same one. Whereas with the new Criminal Procedural Code entering into*

*force after January 1 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1335 days, or 1305 days after legal deadline.*

25. Case with number PPN.232/16-IPR-K, submitted by the Kosovo Police, received by the Prosecution on June 27 2016 included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on August 17 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 27.06.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 17.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 51 days, or 21 days after legal deadline.*

26. Case with number PPN.571/15-IPR, submitted by the Kosovo Police, received by the Prosecution on November 25 2015 included one (1) person for criminal offence **Accepting bribes**. Decision for **dismissal of criminal report/closed with report** was taken on august 30 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 25.11.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 30.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 274 days, or 244 days after legal deadline.*

27. Case with number PPN.629/15-IPR, submitted by the Kosovo Police, received by the Prosecution on December 15 2015 included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on August 15 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 15.12.2015, while the Prosecution had decided to dismiss the criminal report/close with report on 15.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 244 days, or 214 days after legal deadline.*

28. Case with number PPN.136/15-IPR, submitted by the Citizen, received by the Prosecution on January 1 2015 included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on August 15 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 01.01.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 15.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 592 days, or 562 days after legal deadline.*

29. Case with number PPN.27/16-IPR, submitted by the Citizen, received by the Prosecution on January 21 2016 included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on August 24 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 21.01.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 30.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 216 days, or 186 days after legal deadline.*

30. Case with number 2717/09-IPR, submitted by the injured party, received by the Prosecution on December 11 2009, included one (1) person for criminal offence **Unauthorized use of property**. Decision for **dismissal of criminal report/closed with report** was taken on September 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 11.12.2009, while the Prosecution had decided to dismiss the criminal report/closed with report on 16.10.2016. Treatment time of criminal report has lasted 2471 days from the date of receipt of the same one. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1354 days, or 1324 days after legal deadline.*

31. Case with number PPN.260/16-IPR-K, submitted by the injured party, received by the Prosecution on July 28 2016, included one (1) person for criminal offence **Abusing**

**official position or authority.** Decision for **dismissal criminal report/closed with report** was taken on September 7 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 28.07.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 07.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 71 days, or 41 days after legal deadline.*

32. Case with number PPN.263/15-IPR, submitted by the injured party, received by the Prosecution on April 10 2015, included one (1) person for criminal offence **Abusing official position or authority.** Decision for **dismissal of criminal report/closed with report** was taken on September 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 10.04.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 13.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 522 days, or 492 days after legal deadline.*

33. Case with number PPN.183/16-IPR-K, submitted by the Kosovo Police, received by the Prosecution on April 22 2016, involving one (1) person for criminal offence **Abusing official position or authority.** Decision for **dismissal of criminal report/closed with report** was taken on September 8 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 22.04.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 08.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 505 days, or 475 days after legal deadline.*

34. Case with number PPN.234/16-IPR-K E, submitted by the Kosovo Police, received by the Prosecution on July 22 2016, included one (1) person for criminal offence **Abusing official position or authority.** Decision for **dismissal of criminal report/closed with report** was taken on September 5 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 30.06.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 05.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 67 days, or 37 days after legal deadline.*

35. Case with number PPN.252/16-IPR-K E, submitted by the Kosovo Police, received by the Prosecution on July 22 2016, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on September 27 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 22.07.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 27.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 62 days, or 32 days after legal deadline.*

36. Case with number PPN.258/16-IPR-K E, submitted by the Kosovo Police, received by the Prosecution on July 26 2016, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on September 8 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 26.07.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 08.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 44 days, or 14 days after legal deadline.*

37. Case with number PPN.264/16-IPR-K E, submitted by the Kosovo Police, received by the Prosecution on August 5 2016, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on September 9 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 05.08.2016, while the Prosecution had decided to dismiss the criminal report/closed*

*with report on 09.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 35 days, or 5 days after legal deadline.*

38. Case with number PPN.38/16-IPR, submitted by the Kosovo Police, received by the Prosecution on January 22 2016, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on September 27 2016.

***KKI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 22.01.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 27.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 216 days, or 186 days after legal deadline.*

39. Case with number 291/12-IPR, submitted by the Agency Against Corruption, received by the Prosecution on April 24 2014, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on October 10 2016.

***KKI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 24.04.2014, while the Prosecution had decided to dismiss the criminal report on 10.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 900 days, or 870 days after legal deadline.*

40. Case with number 694/13-IPR, submitted by the injured party, received by the Prosecution on July 25 2013, included one (1) person for criminal offence **Giving bribes**. Decision for **dismissal of criminal report** was taken on October 27 2016.

***KKI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 25.07.2013, while the Prosecution had decided to dismiss the criminal report on*

27.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1190 days, or 1160 days after legal deadline.

41. Case with number 145/11-IPR, submitted by the Kosovo Police, received by the Prosecution on January 25 2011, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report** was taken on October 21 2016.

**KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 25.11.2011, while the Prosecution had decided to dismiss the criminal report on 21.10.2016. Treatment time of the criminal report has lasted 1792 days from the date of receipt of the same one. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1389 days, or 1359 days after legal deadline.

42. Case with number 484/15-IPR, submitted by the Kosovo Police, received by the Prosecution on June 11 2015, included three (3) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on October 13 2016.

**KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 11.06.2011, while the Prosecution had decided to dismiss the criminal report on 13.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 521 days, or 491 days after legal deadline.

43. Case with number 90/16-IIPR, submitted by the other-citizen, received by the Prosecution on July 07 2016, included three (3) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on October 24 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 07.07.2016, while the Prosecution had decided to dismiss the criminal report on 24.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 140 days, or 110 days after legal deadline.*

44. Case with number 73/13-IPR, submitted by the AAC, received by the Prosecution on January 26 2013, included three (3) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on November 14 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 26.01.2013, while the Prosecution had decided to dismiss the criminal report on 14.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1388 days, or 1358 days after legal deadline.*

45. Case with number 15/16-IPR, submitted by the injured party, received by the Prosecution on January 06 2016, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on November 10 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 06.01.2016, while the Prosecution had decided to dismiss the criminal report on 10.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 309 days, or 279 days after legal deadline.*

46. Case with number 77/16-K, submitted by the injured party, received by the Prosecution on February 22 2016, included three (3) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on November 14 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 22.02.2016, while the Prosecution had decided to dismiss the criminal report on 14.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 266 days, or 236 days after legal deadline.*

47. Case with number 1023/14-IPR, submitted by the Kosovo Police, received by the Prosecution on October 3 2016, included five (5) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on November 16 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 03.10.2016, while the Prosecution had decided to dismiss the criminal report on 16.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 44 days, or 14 days after legal deadline.*

48. Case with number 71/07-IPR, submitted by the injured party, received by the Prosecution on January 16 2007, included four (4) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on December 02 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 16.01.2007, while the Prosecution had decided to dismiss the criminal report on 02.12.2016. Treatment time of the criminal report has lasted 3608 days from the date of receipt of the same one. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1431 days, or 1401 days after legal deadline.*

49. Case with number 404/11-IPR, submitted by the injured party, received by the Prosecution on July 05 2011, included four (4) persons for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report** was taken on October 04 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 05.07.2011, while the Prosecution had decided to dismiss the criminal report/closed with report on 04.10.2016. Treatment time of the criminal report has lasted 1918 days from the date of receipt of the same one. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1372 days, or 1342 days after legal deadline.*

50. Case with number PPN.266/13-IPR, submitted by the injured party, received by the Prosecution on March 28 2013, included nine (9) persons for the criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on October 19 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 28.03.2013, while the Prosecution had decided to dismiss the criminal report/closed with report on 19.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1301 days, or 1271 days after legal deadline.*

51. Case with number PPN.418/11-IPR, submitted by the injured party, received by the Prosecution on July 05 2011, included one person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on October 05 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 05.07.2011, while the Prosecution had decided to dismiss the criminal report/closed with report on 05.10.2016. Treatment time of the criminal report has lasted 1919 days from the date of receipt of the same one. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1373 days, or 1343 days after legal deadline.*

52. Case with number PPN.483/11-IPR, submitted by the injured party, received by the Prosecution on March 28 2013, included ten (10) persons for the criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on October 24 2016.

***KKI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 28.03.2013, while the Prosecution had decided to dismiss the criminal report/closed with report on 24.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1306 days, or 1276 days after legal deadline.*

53. Case with number PPN.73/13-IPR, submitted by the injured party, received by the Prosecution on February 08 2013, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on October 10 2016.

***KKI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 08.02.2013, while the Prosecution had decided to dismiss the criminal report/closed with report on 10.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1340 days, or 1310 days after legal deadline.*

54. Case with number PPN.251/16-IPR-KE, submitted, received in competence, received by the Prosecution on July 20 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on October 11 2016.

***KKI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 20.07.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 11.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to*

*be dismissed within 30 days, while the criminal report was dismissed after 83 days, or 53 days after legal deadline.*

55. Case with number PPN.256/16-IPR-KE, submitted, received on competence, received by the Prosecution on July 21 2016, included one (1) person for criminal offence **Abusing official position or authority**. Decision for **dismissal of criminal report/closed with report** was taken on October 18 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 21.07.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 18.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 89 days, or 59 days after legal deadline.*

56. Case with number PPN.259/16-IPR-KE, submitted by the Kosovo Police, received by the Prosecution on July 28 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on October 13 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 28.07.2013, while the Prosecution had decided to dismiss the criminal report/closed with report on 13.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1173 days, or 1143 days after legal deadline.*

57. Case with number PPN.262/16-IPR-KE, submitted by the Kosovo Police, received by the Prosecution on August 02 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on October 13 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 02.08.2013, while the Prosecution had decided to dismiss the criminal report/closed with report on 18.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to*

*be dismissed within 30 days, while the criminal report was dismissed after 77 days, or 47 days after legal deadline.*

58. Case with number PPN/370/14-IPR, submitted by the Kosovo Police, received by the Prosecution on December 10 2014, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on October 12 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 10.12.2014, while the Prosecution had decided to dismiss the criminal report/closed with report on 12.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 672 days, or 642 days after legal deadline.*

59. Case with number PPN.106/16-IPR, submitted by others – citizen, received by the Prosecution on February 26 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on October 11 2016.

**KKI:** *Based on the ruling it is confirmed that criminal report was received in the BP in Pristina on 26.02.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 11.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 228 days, or 198 days after legal deadline.*

60. Case with number PPN.312/14, submitted by others-citizen, received by the Prosecution on October 13 2014, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on October 11 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 13.10.2014, while the Prosecution had decided to dismiss the criminal report/closed with report on 11.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 729 days, or 699 days after legal deadline.*

61. Case with number PPN.120/16-IPR, submitted by the injured party, received by the Prosecution on March 3 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 11 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 03.03.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 11.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 253 days, or 223 days after legal deadline.*

62. Case with number PPN.420/15-IPR, submitted by the injured party, received by the Prosecution on August 05 2015, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 11 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 05.08.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 11.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 464 days, or 434 days after legal deadline.*

63. Case with number PPN.420/15-IPR, submitted by the injured party, received by the Prosecution on December 14, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 10 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 14.12.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 10.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 332 days, or 302 days after legal deadline.*

64. Case with number PPN.196/16-IPR, received on competence, received by the Prosecution on May 13 2016, included one (1) person for the criminal offence **Abusing official position or**

**authority.** Decision for *dismissal of the criminal report/closed with report* was taken on November 11 2016.

*KLI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 13.05.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 11.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 182 days, or 152 days after legal deadline.*

65. Case with number PPN.251/16-IPR-KE, received on competence, received by the Prosecution on July 20 2016, included one (1) person for the criminal offence **Abusing official position or authority.** Decision for *dismissal of the criminal report/closed with report* was taken on October 11 2016.

*KLI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 20.07.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 11.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 83 days, or 53 days after legal deadline.*

66. Case with number PPN.50/15-IPR-KE, received on competence, received by the Prosecution on December 26 2013, included one (1) person for the criminal offence **Abusing official position or authority.** Decision for *dismissal of the criminal report/closed with report* was taken on November 15 2016.

*KLI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 26.12.2013, while the Prosecution had decided to dismiss the criminal report/closed with report on 15.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1414 days, or 1384 days after legal deadline.*

67. Case with number 190/10-IPR, submitted by the Kosovo Police, received by the Prosecution on April 14 2010, included one (1) person for the criminal act **Abusing official position or authority.** Decision for *dismissal of the criminal report/closed with report* was taken on November 10 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 14.04.2010, while the Prosecution had decided to dismiss the criminal report/closed with report on 10.11.2016. Treatment time of the criminal report has lasted 2402 days from the date of receipt of the same one. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1409 days, or 1379 days after legal deadline.*

68. Case with number ppn.127/140-IPR, submitted by the Kosovo Police, received by the Prosecution on January 31 2014, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 04 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 31.01.2014, while the Prosecution had decided to dismiss the criminal report/closed with report on 04.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1008 days, or 978 days after legal deadline.*

70. Case with number PPN.136/14-IPR, submitted by the Kosovo Police, received by the Prosecution on May 07 2014, included two (2) persons for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 01 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 07.05.2014, while the Prosecution had decided to dismiss the criminal report/closed with report on 01.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 909 days, or 879 days after legal deadline.*

71. Case with number PPN.198/16-IPR, submitted by the Kosovo Police, received by the Prosecution on May 17<sup>th</sup> 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 24 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 17.05.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 24.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 191 days, or 161 days after legal deadline.*

72. Case with number PPN.238/16-IPR-KE, submitted by the Kosovo Police, received by the Prosecution on July 08 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 14 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 08.07.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 14.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 129 days, or 99 days after legal deadline.*

73. Case with number PPN.265/16-IPR-KE, submitted by the Kosovo Police, received by the Prosecution on August 09 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 01 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 09.08.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 01.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 84 days, or 54 days after legal deadline.*

74. Case with number PPN.266/16-IPR-KE, submitted by the Kosovo Police, received by the Prosecution on August 10 2016, included six (6) persons for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 29 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 10.08.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 29.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article*

82), results that BP in Pristina has violated this legal deadline since the criminal charge had to be dismissed within 30 days, while the criminal report was dismissed after 111 days, or 81 days after legal deadline.

75. Case with number PPN.268/16-IPR-KE, submitted by the Kosovo Police, received by the Prosecution on August 26 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 15 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 26.08.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 15.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 81 days, or 51 days after legal deadline.*

76. Case with number PPN.632/11-IPR, submitted by the Kosovo Police, received by the Prosecution on October 19 2011, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 23 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 19.10.2011, while the Prosecution had decided to dismiss the criminal report/closed with report on 23.11.2016. Treatment time of the criminal report has lasted 1862 days from the day of receipt of the same one. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1422 days, or 1392 days after legal deadline.*

77. Case with number PPN.65/16-IPR, submitted by the Kosovo Police, received by the Prosecution, on February 03 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 24 2016.

*KKI: Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 03.02.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 24.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to*

*be dismissed within 30 days, while the criminal report was dismissed after 295 days, or 265 days after legal deadline.*

78. Case with number PPN.106/15-IPR, submitted by other-citizen, received by the Prosecution on February 26 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 10 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 26.02.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 10.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 258 days, or 228 days after legal deadline.*

79. Case with number PPN.567/15, submitted by the other-citizen, received by the Prosecution on November 24 2015, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on November 14 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 24.11.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 14.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 356 days, or 326 days after legal deadline.*

80. Case with number 217/16-IIPR, submitted by the injured party, received by the Prosecution on June 10 2016, included two (2) persons for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on December 07 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 10.06.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 07.12.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to*

*be dismissed within 30 days, while the criminal report was dismissed after 180 days, or 150 days after legal deadline.*

81. Case with number PPN.253/16-IPR-KE, submitted by the Kosovo Police, received by the Prosecution on July 22 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on December 06 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 22.07.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 06.12.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 137 days, or 107 days after legal deadline.*

82. Case with number PPN.273/15-IPR-KE, submitted by the Kosovo Police, received by the Prosecution in June 25 2015, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on December 05 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 25.06.2015, while the Prosecution had decided to dismiss the criminal report/closed with report on 05.12.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 529 days, or 499 days after legal deadline.*

83. Case with number PPN.370/14-IPR, submitted by the Kosovo Police, received by the Prosecution on December 10 2014, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on October 10 2016.

***KLI:** Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 10.12.2014, while the Prosecution had decided to dismiss the criminal report/closed with report on 10.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to*

*be dismissed within 30 days, while the criminal report was dismissed after 670 days, or 640 days after legal deadline.*

84. Case with number PPN.82/16-IPR, submitted by the Kosovo Police, received by the Prosecution on February 24 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on December 09 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 24.02.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 09.12.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 289 days, or 259 days after legal deadline.*

85. Case with number PPN.199/16-IPR, submitted by the other- citizen, received by the Prosecution on May 18 2016, included one (1) person for the criminal offence **Abusing official position or authority**. Decision for **dismissal of the criminal report/closed with report** was taken on December 09 2016.

**KKI:** *Based on the ruling it is confirmed that the criminal report was received in the BP in Pristina on 18.05.2016, while the Prosecution had decided to dismiss the criminal report/closed with report on 09.12.2016. Whereas with the new Criminal Procedural Code entering into force after January 1 2013, limited legal deadline to 30 days for treatment of criminal report (article 82), results that BP in Pristina has violated this legal deadline since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 205 days, or 175 days after legal deadline.*

## **BASIC PROSECUTION IN PRIZREN**

1. Case number 83/16-IPZ, accepted in competence, received by the BP on 24<sup>th</sup> March 2016, including three (3) persons for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 5<sup>th</sup> August 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 24.03.2016, meanwhile the Prosecution had decided to dismiss the criminal report on*

05.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 134 days, or 134 days after the legal deadline.

2. Case number 1410/16 – IIPZ, submitted by the Kosovo Police, received by the BP on 13<sup>th</sup> June 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 1<sup>st</sup> August 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 13.06.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closure report on 01.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 49 days, or 19 days after the legal deadline.*

3. Case number 265/14-IPZ PPN, submitted by the injured party, received by the BP on 24<sup>th</sup> June 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 28<sup>th</sup> August 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 24.06.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 28.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 765 days, or 735 days after the legal deadline.*

4. Case number 484/15-IPZ PPN, submitted by the injured party, received by the BP on 9<sup>th</sup> November 2015, including four (4) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 20<sup>th</sup> July 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 09.11.2016, meanwhile the Prosecution had decided to dismiss the criminal*

*report/closed with report on 20.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 254 days, or 224 days after the legal deadline.*

5. Case number 88/15-IIPZ, submitted by the injured party, received by the BP on 6<sup>th</sup> February 2015, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 1<sup>st</sup> July 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 06.02.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 01.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 511 days, or 481 days after the legal deadline.*

6. Case number 464/14-IPZ PPN, submitted by the Kosovo Police, received by the BP on 11<sup>th</sup> December 2014, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed report** was taken on 15<sup>th</sup> July 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 11.12.2014, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 15.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 582 days, or 552 days after the legal deadline.*

7. Case number 137/16-IPZ PPN, submitted by the injured party, received by the BP on 25<sup>th</sup> March 2016, including two (2) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 12<sup>th</sup> August 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 15.03.2016, meanwhile the Prosecution had decided to dismiss the criminal*

*report/closed with report on 12.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 140 days, or 110 days after the legal deadline.*

8. Case number 185/16-IPZ PPN, submitted by the Kosovo Police, received in the BP on 3<sup>rd</sup> March 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed** was taken on 10<sup>th</sup> August 2016

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 03.03.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 10.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 99 days, or 69 days after the legal deadline.*

9. Case number 34/16-IPZ PPN, submitted by the Kosovo Police, received by the BP on 26<sup>th</sup> January 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 9<sup>th</sup> August 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 26.01.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 09.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 196 days, or 166 days after the legal deadline.*

10. Case number 35/16-IPZ PPN, submitted by the Kosovo Police, received by the BP on 2<sup>nd</sup> February 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed** was taken on 23<sup>rd</sup> September 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 02.02.2016, meanwhile the Prosecution had decided to dismiss the criminal*

*report/closed with report on 23.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 234 days, or 204 days after the legal deadline.*

11. Case number 404/16-IPZ PPN, submitted by the injured party, received by the BP on 16<sup>th</sup> May 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 26<sup>th</sup> October 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 16.05.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 26.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 163 days, or 133 days after the legal deadline.*

12. Case number 170/16-IPZ PPN, submitted by the injured party, received by the BP on 19<sup>th</sup> April 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 14<sup>th</sup> November 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 19.04.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 14.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 209 days, or 179 days after the legal deadline.*

13. Case number 370/15-IPZ PPN, submitted by the injured party, received by the BP on 14<sup>th</sup> Septemeber 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 1<sup>st</sup> November 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 14.09.2016, meanwhile the Prosecution had decided to dismiss the criminal*

*report/closed with report on 01.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 414 days, or 384 days after the legal deadline.*

14. Case number 388/16-IPZ PPN, submitted by the injured party, received by the BP on 26<sup>th</sup> Septemeber 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 2<sup>nd</sup> November 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 26.09.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 02.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 37 days, or 7 days after the legal deadline.*

15. Case number 96/16-IPZ PPN, submitted by the injured party, received by the BP on 2<sup>nd</sup> March 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 7<sup>th</sup> November 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 02.03.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 07.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal prescribed period of time, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 250 days, or 220 days after the legal deadline.*

16. Case number PP/I.nr.83/2016 determined on 5<sup>th</sup> of August 2016. **Dismissal of criminal report ruling** submitted by the citizen. Criminal offence “**Abusing official position or authority**”.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 16.10.2014, meanwhile the Prosecution had decided to dismiss the criminal report on 05.08.2016. Whereas with the new Criminal Procedural Code entering into force after January*

*1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 659 days, or 629 days after the legal deadline.*

17. Case number PPN/I.nr.484/15 determined on 20<sup>th</sup> July 2016. **Dismissal of criminal report ruling** submitted by the citizen. Criminal offence “**Abusing official position or authority**”.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Prizren on 09.11.2015, meanwhile the Prosecution had decided to dismiss the criminal report on 20.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 254 days, or 224 days after the legal deadline.*

18. Case number PP.nr.1410-1/2016 determined on 1<sup>st</sup> August 2016. **Dismissal of special report ruling** received by the Kosovo Inspectorate Police. Criminal offence “**Abusing official position or authority**”.

**KKI:** *Based on the ruling, it is confirmed that the special report was received in the BP in Prizren on 10.06.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 01.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Prizren has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 52 days, or 22 days after the legal deadline.*

19. Case number PPN.I with numer 35/2016 determined on 23<sup>rd</sup> September 2016. **Official note on closure of the case** submitted by the citizen. Criminal offence “**Abusing official position or authority**”.

**KKI:** *Based on the official note, it is confirmed that the report was received in the BP in Prizren on 24.01.2015, meanwhile the same official note was closed with a report on 23.09.2016. The treatment related to this report has lasted for 608 days. Characteristic for the dismissal of this report is the fact that the Prosecution did not refer to any legal provision related to the closure of the case. However, based on Article 82 of the CPCK, it results that BP in Prizren had dismissed the report 578 days after the legal deadline.*

20. Case number PPN.I with numer 210/2016 determined on 20<sup>th</sup> September 2016. **Official note on closure of the case** submitted by the citizen. Criminal offence “**Abusing official position or authority**”.

**KLI:** Based on the official note, it is confirmed that the report was received in the BP in Prizren on 23.05.2015, meanwhile the same official note was closed with a report on 20.09.2016. The treatment related to this report has lasted for 120 days. Characteristic for the dismissal of this report is the fact that the Prosecution did not refer to any legal provision related to the closure of the case. However, based on Article 82 of the CPCK, it results that BP in Prizren had dismissed the report 90 days after the legal deadline.

21. Case number PPN.I with numer 464/14 determined on 15<sup>th</sup> July 2016. **Official note on closure of the case** submitted by the UIECC in Prizren. Criminal offence “**Abusing official position or authority**”.

**KLI:** Based on the official note, it is confirmed that the report was received in the BP in Prizren on 11.12.2015, meanwhile the same official note was closed with a report on 15.07.2016. The treatment related to this report has lasted for 582 days. Characteristic for the dismissal of this report is the fact that the Prosecution did not refer to any legal provision related to the closure of the case. However, based on Article 82 of the CPCK, it results that BP in Prizren had dismissed the report 552 days after the legal deadline.

## **BASIC PROCECUTION IN GJILAN**

1. Case number 90/2016-I-Gji, submitted by the injured party, received by the BP on 8<sup>th</sup> April 2016, including one (1) person for criminal offense “**Misuse of economic authorizations**”. The decision for **dismissal of criminal report ruling** was taken on 28<sup>th</sup> July 2016.

**KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 08.04.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 28.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 111 days, or 81 days after the legal deadline.

2. Case number 92/2016-I-Gji, submitted by the injured party, received by the BP on 5<sup>th</sup> April 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 4<sup>th</sup> July 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 05.04.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 04.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 90 days, or 60 days after the legal deadline.*

3. Case number 116/2016-PPN-Gji, accepted in competence, received by the BP on 2<sup>nd</sup> May 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 7<sup>th</sup> July 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 02.05.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 07.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 66 days, or 36 days after the legal deadline.*

4. Case number 195/2015-PPN-Gji, accepted in competence, received by the BP on 22<sup>nd</sup> July 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 7<sup>th</sup> July 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 02.05.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 07.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 358 days, or 328 days after the legal deadline.*

5. Case number 47/2016-I-Gji, submitted by the injured party, received by the BP on 15<sup>th</sup> February 2016, including six (6) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 31<sup>st</sup> October 2016.

**KLI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 15.02.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 31.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 259 days, or 229 days after the legal deadline.*

6. Case number 221/2016-I-Gji, submitted by the injured party, received by the BP on 17 of August 2016, including three (3) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 25 of November 2016.

**KLI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 17.08.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 25.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 100 days, or 70 days after the legal deadline.*

7. Case number 159/16-I-Gji, accepted in competence, received by the BP on 28<sup>th</sup> June 2016, including three (3) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 7<sup>th</sup> November 2016.

**KLI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 28.06.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 07.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 132 days, or 102 days after the legal deadline.*

8. Case number 159/16-I-Gji, accepted in competence, received by the BP on third of June 2016, including three (3) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 14<sup>th</sup> November 2016.

**KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 03.06.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 14.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 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 Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 164 days, or 134 days after the legal deadline.

9. Case number 201/2016-I-Gji, submitted by the citizen, received by the BP on 8<sup>th</sup> April 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 11<sup>th</sup> November 2016.

**KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 08.04.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 11.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 217 days, or 187 days after the legal deadline.

10. Case number 178/2016-I-Gji, submitted by the injured party, received by the BP on 27<sup>th</sup> July 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 12<sup>th</sup> December 2016.

**KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 27.07.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 12.12.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed

*within 30 days, while the criminal report was dismissed after 138 days, or 108 days after the legal deadline.*

11. Case number 279/2016-I-Gji, submitted by the injured party, received by the BP on 4<sup>th</sup> November 2016, including three (3) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 9<sup>th</sup> December 2016.

**KLI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 04.11.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 09.12.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 35 days, or 5 days after the legal deadline.*

12. Case number 198/2016-I-Gji, submitted by the citizen, received by the BP on 8<sup>th</sup> April 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 12<sup>th</sup> December 2016.

**KLI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 08.04.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 12.12.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82)), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 248 days, or 218 days after the legal deadline.*

13. Case number 135/2016-PPN-Gji, accepted in competence, received by the BP on 13<sup>th</sup> September 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 7<sup>th</sup> November 2016.

**KLI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjilan on 13.09.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 07.11.2016. Whereas with the new Criminal Procedural Code*

*entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjilan has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 117 days, or 87 days after the legal deadline.*

## **BASIC PROSECUTION IN MITROVICA**

1. Case number 85/12-IMI, submitted by the citizen, received by the BP on 30<sup>th</sup> January 2012, including one (1) person for criminal offense **“Abusing official position or authority”**. The decision for **dismissal of criminal report ruling** was taken on 23<sup>rd</sup> September 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Mitrovica on 30.01.2012, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 23.09.2016. The treatment related to this criminal report had lasted for 1636 days from the receipt of the same one. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 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 deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1299 days, or 1269 days after the legal deadline.*

2. Case number 48/14-IMI, submitted by the Kosovo Police, received by the BP on 18<sup>th</sup> February 2014, including one (1) person for criminal offense **“Abusing official position or authority”**. The decision for **dismissal of criminal report ruling/closed with report** was taken on 30<sup>th</sup> August 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Mitrovica on 18.02.2014, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 30.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Mitrovica has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 924 days, or 894 days after the legal deadline.*

3. Case number 315/15-IMI, submitted by the Kosovo Police, received by the BP on 10<sup>th</sup> September 2015, including three (3) persons for criminal offense **“Abusing official position or authority”**. The decision for **dismissal of criminal report** was taken on 19<sup>th</sup> October 2016.

**KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Mitrovica on 10.09.2015, meanwhile the Prosecution had decided to dismiss the criminal report on 19.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Mitrovica has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 405 days, or 375 days after the legal deadline.

4. Case number 171/10-IIIM, accepted in competence, received by the BP on 12<sup>th</sup> February 2015, including five (5) person for criminal offense “**Accepting bribes**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 5<sup>th</sup> December 2015.

**KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Mitrovica on 12.02.2015, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 05.12.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Mitrovica has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 296 days, or 266 days after the legal deadline.

## **BASIC PROSECUTION IN PEJA**

1. Case number 181/16- I- PE, submitted by the citizen, received by the BP on 20<sup>th</sup> June 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 22<sup>nd</sup> September 2016.

**KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Peja on 20.06.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 22.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Peja has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 94 days, or 64 days after the legal deadline.

2. Case number 134/16- I- PE- PPN, submitted by the Kosovo Police, received by the BP on 9<sup>th</sup> June 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 31<sup>st</sup> August 2016.

**KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Peja on 09.06.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 31.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Peja has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 83 days, or 53 days after the legal deadline.

3. Case number 161/16- I- PE-PPN, submitted by the Kosovo Police, received by the BP on 25<sup>th</sup> May 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 18<sup>th</sup> July 2016.

**KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Peja on 25.05.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 18.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Peja has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 54 days, or 24 days after the legal deadline.

4. Case number 213/16 -I - PE, accepted in competence, received by the BP on 4<sup>th</sup> May 2016, including four (4) persons for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 7<sup>th</sup> October 2016.

**KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Peja on 04.05.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 07.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Peja has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 156 days, or 126 days after the legal deadline.

5. Case number 137/16-I-PE, submitted by the citizen, received by the BP on 22<sup>nd</sup> July 2016, including five (5) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 18 of November 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Peja on 22.07.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 18.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Peja has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 119 days, or 89 days after the legal deadline.*

6. Case number 197/16 -I- PE, submitted by the citizen, received by the BP on 1<sup>st</sup> July 2016, including two (2) persons for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 12<sup>th</sup> December 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Peja on 01.07.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 12.12.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Peja has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 164 days, or 134 days after the legal deadline.*

7. Case number 236/16-I-PE-PPN, accepted in competence, received by the BP on 27<sup>th</sup> September 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 23<sup>rd</sup> November 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Peja on 27.09.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 23.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Peja has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 57 days, or 27 days after the legal deadline.*

8. Case number 116/16-I-PE-PPN, submitted by the Kosovo Police, received by the BP on 27<sup>th</sup> May 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 17<sup>th</sup> November 2016.

**KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Peja on 27.05.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 27.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Peja has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 174 days, or 144 days after the legal deadline.

9. Case with number 162/16 determined on 21<sup>st</sup> September 2016. **Termination of investigation ruling**. Criminal offence “**Abusing official position or authority**”.

**KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Peja on 24.05.2016, meanwhile the Prosecution has initiated investigation on 27.06.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Peja has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 34 days, or 4 days after the legal deadline.

10. Case with number 161 /2016 determined on 16<sup>th</sup> August 2016. **Official note on closure of the case** submitted by the UIECC in Peja. Criminal offence “**Abusing official position or authority**”.

**KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Peja on 11.07.2016, meanwhile the Prosecution has initiated investigation on 16.08.2016. The treatment related to this report has lasted for 36 days. Characteristic for the dismissal of this report is the fact that the Prosecution did not refer to any legal provision related to the closure of the case. However, based on Article 82 of the CPCK, it results that BP in PPeja had dismissed the report 6 days after the legal deadline.

## **BASIC PROSECUTION IN GJAKOVA**

1. Case number 44/2016-Gja-I-PP, submitted by the Forestry Authority of Kosovo, received by the BP on 31<sup>st</sup> March 2016, including one (1) person for criminal offense **“Abusing official position or authority”**. The decision for **dismissal of criminal report ruling** was taken on 1<sup>st</sup> July 2016.

**KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjakova on 31.03.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 01.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjakova has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 92 days, or 62 days after the legal deadline.

2. Case number 33/2016-Gja-I-PP, submitted by the injured party, received by the BP on 14<sup>th</sup> March 2016, including one (1) person for criminal offense **“Abusing official position or authority”**. The decision for **dismissal of criminal report ruling** was taken on 15<sup>th</sup> August 2016.

**KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjakova on 14.03.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 15.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjakova has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 154 days, or 124 days after the legal deadline.

3. Case number 33/2016-Gja-I-PP, submitted by the Municipal Administration body, received by the BP on 25<sup>th</sup> March 2016, including two (2) person for criminal offense **“Abusing official position or authority”** and one (1) person for criminal offense **“Unauthorised use of property”**. The decision for **dismissal of criminal report ruling/closed with report** was taken on 15<sup>th</sup> August 2016.

**KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjakova on 25.03.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 15.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjakova has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 174 days, or 144 days after the legal deadline.

4. Case number 60/16-Gja-I-PPN, submitted by the injured party, received by the BP on 6<sup>th</sup> of March 2016, including two (2) person for criminal offense “**Abusing official position or authority**” and one (1) person for criminal offense “**Unauthorised use of property**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 14<sup>th</sup> October 2016.

**KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjakova on 06.03.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 14.10.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjakova has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 130 days, or 100 days after the legal deadline.

5. Case number 33/16-Gja-I-PPN, submitted by the Municipal Administration body, received by the BP on 25<sup>th</sup> March 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 9<sup>th</sup> November 2016.

**KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Gjakova on 25.03.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 09.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Gjakova has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 229 days, or 199 days after the legal deadline.

## **BASIC PROSECUTION IN FERIZAJ**

1. Case number 153/14-IFE, submitted by the injured party, received by the BP on 31<sup>st</sup> March 2014, including three (3) persons for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 21<sup>st</sup> July 2016.

**KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Ferizaj on 31.03.2014, meanwhile the Prosecution had decided to dismiss the criminal report on 21.07.2016. Whereas with the new Criminal Procedural Code entering into force after January

*1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Ferizaj has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 721 days, or 691 days after the legal deadline.*

2. Case number 6/16-IFE, accepted in competence, received by the BP on 2<sup>nd</sup> March 2016, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 14 of September 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Ferizaj on 31.03.2014, meanwhile the Prosecution had decided to dismiss the criminal report on 21.07.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Ferizaj has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 225 days, or 195 days after the legal deadline.*

3. Case number 32/16-IFE submitted by the Kosovo Police, received by the BP on 22<sup>nd</sup> March 2016, including two (2) persons for criminal offense “**Accepting bribes**”. The decision for **dismissal of criminal report ruling** was taken on 28<sup>th</sup> September 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Ferizaj on 22.03.2016, meanwhile the Prosecution had decided to dismiss the criminal report on 28.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 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 Ferizaj has violated this legal prescribed period of time, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 190 days, or 160 days after the legal deadline.*

4. Case number 215/13-IFE-PPN submitted by the injured party, received by the BP on 23<sup>rd</sup> December 2013, including one (1) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling** was taken on 24<sup>th</sup> August 2016.

***KLI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Ferizaj on 23.12.2013, meanwhile the Prosecution had decided to dismiss the criminal report on 24.08.2016. Whereas with the new Criminal Procedural Code entering into force after January*

*1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Ferizaj has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1006 days, or 976 days after the legal deadline.*

5. Case number 131/16-IFE-PPN submitted by the Kosovo Police, received by the BP on 6<sup>th</sup> July 2016, including one (1) person for criminal offense **“Accepting bribes”**. The decision for **dismissal of criminal report ruling/closed with report** was taken on 19<sup>th</sup> August 2016.

***KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Ferizaj on 06.07.2013, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 19.08.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Ferizaj has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 44 days, or 14 days after the legal deadline.*

6. Case number 148/16-IFE-PPN submitted by the Kosovo Police, received by the BP on 4<sup>th</sup> August 2016, including one (1) person for criminal offense **“Abusing official position or authority”**. The decision for **dismissal of criminal report ruling/closed with report** was taken on 5<sup>th</sup> September 2016.

***KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Ferizaj on 04.08.2013, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 05.09.2016. Whereas with the new Criminal Procedural Code entering into force after January 1<sup>st</sup> 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Ferizaj has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 32 days, or 2 days after the legal deadline.*

7. Case number 86/16-IFE-PPN submitted by the Kosovo Police, received by the BP on 27<sup>th</sup> July 2016, including one (1) person for criminal offense **“Falsifying official document”**. The decision for **dismissal of criminal report ruling/closed with report** was taken on 2<sup>nd</sup> September 2016.

***KKI:** Based on the ruling, it is confirmed that the criminal report was received in the BP in Ferizaj on 27.07.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 02.09.2016. Whereas with the new Criminal Procedural Code*

*entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Ferizaj has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 37 days, or 7 days after the legal deadline.*

8. Case number 265/08-IIFE-PPN submitted by citizen, received in the BP on 17<sup>th</sup> November 2016, including three (3) person for criminal offense “**Abusing official position or authority**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 21<sup>st</sup> September 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Ferizaj on 17.11.2013, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 21.09.2016. The treatment related to this criminal report had lasted for 2865 days from the receipt of the same one. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Ferizaj has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 1359 days, or 1329 days after the legal deadline.*

9. Case number 199/16-IFE submitted by the Kosovo Police, received by the BP on 7<sup>th</sup> of October 2016, including one (1) person for criminal offense “**Falsifying official document**”. The decision for **dismissal of criminal report ruling/closed with report** was taken on 23<sup>rd</sup> November 2016.

**KKI:** *Based on the ruling, it is confirmed that the criminal report was received in the BP in Ferizaj on 07.10.2016, meanwhile the Prosecution had decided to dismiss the criminal report/closed with report on 23.11.2016. Whereas with the new Criminal Procedural Code entering into force after January 1, 2013, limited legal deadline to 30 days for treating of criminal report (article 82), results that the BP in Ferizaj has violated this legal deadline, since the criminal report had to be dismissed within 30 days, while the criminal report was dismissed after 47 days, or 17 days after the legal deadline.*

## 15.RECOMMENDATIONS

### RECOMMENDATIONS FOR JUDICIAL SYSTEM:

- KLI recommends to KJC to invite Basic Court Presidents to report on the implementation of the Action Plan and the handling of corruption cases, in particular on handling high-profile cases. Reporting to include, the current situation in any court, legal and practical obstacles, problems and other important issues related to the handling of corruption cases.
- KLI recommends to KJC Court Presidents to unify the practices and procedures of handling corruption cases in accordance with the obligations arising from the CPCK, including the implementation of legal deadlines set in the Code.
- KLI recommends to KJC to consider the possibility that the number of judges in the Department for Serious Crimes at the Basic Court of Pristina to be increased in accordance with the number of cases gathered in this court, especially corruption cases.
- 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.

### RECOMMENDATIONS FOR PROSECUTORIAL SYSTEM:

- KPC in accordance with obligations arising from the applicable law to amend, supplement and publish in order to make it accessible to the public the Strategic Plan (2016-2018) and the Action Plan to Increase the Efficiency of the Prosecutorial System in Fighting Corruption and Economic Crimes, including Seizure and Confiscation of Illegal Assets adopted by KPC on December 1, 2015.
- KLI recommends to KPC to provide access to statistics regarding the treatment of targeted cases and information which do not obstruct the investigation process in these cases, including the results on seizure and confiscation of illegal assets in targeted cases.
- KLI recommends to KPC to urgently treat the phenomenon of the large number of decisions to dismiss criminal reports and terminate investigation in cases of corruption and failure of more than 60% of indictments in courts for corruption cases.

- KLI recommends to the KPC to continue fulfilling the allowed positions for prosecutors at the SPRK.
- Chief State Prosecutor and Chief Prosecutor of SPRK are recommended to fulfill legal obligations regarding requests for access to public documents in the prosecutorial system.
- KLI recommends to BP in Pristina, to treat with priority the cases (information) of corruption in PPN register.
- KLI recommends to KPC to urgently organize trainings for prosecutors through KJI, on the implementation of legal provisions for the seizure and confiscation of property acquired by criminal offense.