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INTEGRITY OF JUSTICE SYSTEM IN THE FIGHT AGAINST CORRUPTION



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ABOUT KLI

KLI, Kosovo Law Institute, is a nongovernmental and non-profit organization on public policy, think-tank specialized in in the justice sector.

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I. Executive summary

As a result of endemic corruption in Kosovo and the lack of political will to respond to this phenomenon that is threatening the rule of law and European integration, Kosovo in reports of certain European Union mechanisms has started to be called a captured state. The legal framework and policies to fight corruption in the country are rated among the most advanced, but there is lack of their implementation in practice. Political impacts and those of interest groups, have produced a justice system, which instead of producing justice and legal certainty, has become a persecution mechanism for certain individuals, in the name of the fight against corruption and an effective tool to provide impunity and amnesty for certain officials within the justice system, politics and interest groups. Fighting high-level corruption in Kosovo starts and ends with political statements to report corruption to the Prosecution office or Police.

KLI is the only organization, which systematically monitors the justice system regarding handling corruption cases. Based on the analysis of last three years of handling high-profile corruption, it turns out that there is not yet a high-profile official who has been punished to effective imprisonment by a final judgement. KLI findings show that for three years (January 1, 2016 - December 1, 2018), courts have handled 58 indictments against 67 high-profile individuals, filed earlier or during this period. Among them, 12 senior officials have been charged more than once. It is worth mentioning that 7 indictments are filed against the former Mayor of Kllokot, Sasha Mirkoviq.

KLI findings prove that high-profile indictments are almost always filed after senior public officials no longer exercise their positions and only after they have no major political influence. Among 67 officials, only 12 of them are charged while they have been in power or held senior leading positions, while 55 of them are charged only after they have finished their mandate or after they became “former's”.

Out of 67 high-profile officials charged, Basic Courts as the first instance have dismissed the indictments for seven senior officials, for 16 officials have announced judgements of acquittal, for 5 officials have announced rejection judgments, whereas for 10 high profile officials the courts have imposed punishments. Meanwhile for 28 high-profile officials the court proceedings in the first instance are still ongoing.

Of the 10 convicted officials, the courts have announced punishments of suspended imprisonment for seven senior officials, while an official was fined. Meanwhile only two punishments have been imposed with effective imprisonment, both three years of effective imprisonment, one against the former President of the PRB, Hysni Hoxha and the other against the former Mayor of Lipjan, Shukri Buja. Hoxha was acquitted by the Court of Appeals, while the case of Shukri Buja is in the appellate procedure on the abovementioned Court.

In all these cases of judgments announced by the Basic Courts as first instance, in the cases processed with appeals to the Court of Appeals in Kosovo as the second instance, there are

altogether 30 cases of high-profile officials, for which this court has already decided, while the processes are still continuing against 7 high-profile officials.

From 30 cases for which the Court of Appeals in Kosovo has decided, it results that judges in nine (9) cases have affirmed the dismissal of indictments for which have decided the Basic Courts in the first instance, while have announced four (4) rejection judgments. Of these, they have affirmed three (3) first instance rejection judgments, while a judgement of conviction of two years of imprisonment against the former Minister of Culture Astrit Haraqija has been converted into a rejection judgment.

Judges of the Court of Appeals decided to return for retrial the case against former Mayor of Dragash Salim Jenuzi, who was punished to 10 months of suspended imprisonment, that in the meantime, has been completed again in the first instance but now with rejection judgment, acquitting the accused because of reaching the statutory limitation period.

Judges of the Court of Appeals have announced 15 judgements of acquittal, out of which six (6) judgements of acquittal of the Basic Courts have been affirmed, while four (4) first instance judgements of conviction have been amended, converting them into judgements of acquittal. In this regard, the Court of Appeals acquitted the former Minister of Culture Valton Beqiri, who was convicted by the first instance with 1-year of suspended imprisonment, the former Mayor of Partesh Dragan Nikoliq, who was convicted by first instance with six (6) months of suspended imprisonment, the former Rector of University of Pristina Enver Hasani, who was convicted from the first instance with 12 months of suspended imprisonment and the former President of the PRB Hysni Hoxha, who was convicted by the first instance with three (3) years of effective imprisonment.

The only punishment affirmed by the Court of Appeals is the 10-month suspended punishment imposed against Sresko Spasiq, former Mayor of Klllokot.

In addition to the special analysis of the handling of high-profile corruption cases in the last three years, in this report the KLI presents detailed findings of systematic monitoring of the handling of corruption cases in prosecutorial system and judicial system during the nine-month period of this year (*January 1 - September 30, 2018*).

During this reporting period, it results that prosecutorial system has had in work 429 cases with 939 individuals as suspects related to corruption offences. Out of these, they have inherited 316 cases with 773 individuals, while during the reporting period have received 113 new corruption cases involving 166 individuals. During this nine-month period, prosecution offices have solved 114 corruption cases against 185 involved individuals, where against 33 individuals the criminal report has been dismissed, against 70 individuals the investigations have been terminated, while against 82 individuals they have filed indictments. In percentage, it turns out that prosecutors against 55% of individuals have closed cases, whereas against 45% of individuals they have filed

indictments. At the end of this reporting period, on September 30, 2018, the prosecutorial system remained with 315 unsolved corruption cases with 754 individuals involved.

Based on the data of KJC Tracking Mechanism, it results that the judiciary has inherited 305 corruption cases on January 1, 2018, while during this reporting period (nine-month period 2018) has received 105 new cases or had a total of 410 cases of corruption in work. It results that during this nine-month period the judges have announced judgements in 145 corruption cases. Out of them, in 68 cases, judges announced judgements of conviction, out of which punishments of effective imprisonment in 17 cases, punishments of a fine in 25 cases and suspended punishments in 26 cases. While, they have announced 45 judgements of acquittal and 15 rejection judgments.

These cases handled by the judicial system have been monitored by KLI, including all the Basic Courts and the Court of Appeals in Kosovo. For the nine-month period of 2018, KLI has monitored 848 court hearings, including 255 corruption cases involving 777 individuals. Of these monitored court hearings, 597 were held, while 251 were postponed.

The profile of 777 charged individuals in these 255 corruption cases monitored by KLI during this nine-month period is mainly low, involving 364 individuals, and middle-profile involving 383 individuals, while only 30 individuals belong to high-profile.

From corruption cases monitored by KLI, it results that the Basic Courts during this nine-month period have announced 111 judgements, involving 232 individuals. Of them, 204 people are charged with various corruptive offences, while 28 of them are involved in these cases, but are charged with other criminal offences. 98 of 204 individuals have been convicted, while 106 have been acquitted of corruption charges.

KLI findings, from the monitoring process of corruption cases, show that in cases against 204 individuals to whom a first-instance judgement has been announced, against 50 individuals or 24.6% of them have been imposed punishments of effective imprisonment, against 32 individuals or 15.8% of them have been imposed suspended punishments, against 16 individuals or 7.9% of them have been imposed punishments of a fine, while 106 individuals or 51.7% of them have been acquitted. In these corruption cases, regarding which announcements of judgements can be found, 48 individuals belong to low-profile, 146 individuals belong to medium-profile and 10 individuals belong to high-profile. In 9 judgements, all high-profile defendants were acquitted, and only one was punished to two years of suspended imprisonment (MP Etem Arifi).

In the monitoring process from January 1 to September 30, 2018, KLI has made a total of 325 requests for access to public documents regarding the fulfilment of legal obligations. Of these, 285 requests for access to public documents, KLI addressed to the judicial and prosecutorial system, where for 133 requests had received positive responses, while for 152 requests did not receive any response or has received negative responses.

Assessing the disputed integrity of the justice system in handling high-profile corruption cases, KLI recommends the executive and the legislative to begin with the initiation of constitutional and legal amendments, in order to be prepared for the deep vetting process in the judicial and prosecutorial system, as well as police.

II. Methodology

In order to compile a more comprehensive and analytical report on the handling of corruption cases by the prosecutorial and judicial system, KLI has used mixed research methodology. The main reason of using such methodology is because the prosecutorial system and the judicial system still face problems in unifying the data. Therefore, the research of the handling of corruption cases by the prosecutorial and judicial system is based on direct monitoring of the performance of prosecution offices and courts regarding law enforcement, policies and action plans on handling of priority corruption cases.

KLI based on legal obligations and action plans has created clear indicators to measure the progress of their implementation by the prosecutorial system and judicial system. The research includes monitoring of corruption cases in seven Basic Prosecution Offices, Special Prosecution of the Republic of Kosovo, seven Basic Courts and their Branch Courts, as well as the Court of Appeals. KLI has provided statistical data from the Prosecution Performance Review Unit and the Statistics Department of the Judicial Council, as well as has collected individual data throughout the monitoring process on all prosecution offices and courts.

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

The database has been used to identify the most disturbing issues related to the implementation of legal obligations and obligations of the action plans, respectively related to the solution, the way of solving and non-solving of corruption cases by prosecutors and judges. Using statistics, KLI, has analyzed some aspects that are presented and remarked over tables and graphics, including all specifics of corruption cases for each prosecutor and court, for each submitter of the corruption case, and the solution of a case.

In this report, KLI did not include monitoring of prosecutorial acts regarding the decisions to dismiss criminal reports and decisions on termination of investigations. To date there are many prosecution offices that have not provided prosecutorial acts, which have been repeatedly demanded in accordance with the provisions of the Law on Access to Public Documents and the Law on the Protection of Personal Data. Therefore, KLI insists on providing them in order to increase transparency and accountability to the public, regarding the handling of corruption cases by the prosecutorial system. The refusal to provide these prosecutorial acts, of which several cases of violations by the prosecutors have been sent to the Disciplinary Commission, testifies to the utmost efforts of these prosecutorial offices to avoid monitoring, transparency and public accountability regarding the handling of corruption cases. The rights guaranteed by the applicable legislation on securing legal prosecutorial acts, KLI is going to provide using legal channels.

KLI researchers, from January 1 to September 30, 2018, monitored 848 court hearings, including 255 corruption cases involving 777 people. Of these monitored court hearings, 597 have been held,

while 251 have been postponed. KLI has created clear indicators to analyze the handling of corruption cases throughout all phases of the criminal proceedings, including the phase from the filing of a criminal report until the announcement of the judgement by the first instance courts.

KLI has continuously monitored the activities of the Review Committees regarding corruption cases of KPC and KJC, Basic Prosecutions, Special Prosecution of the Republic of Kosovo, Basic Courts, Court of Appeals, Kosovo Prosecutorial Council and Kosovo Judicial Council. With all prosecutorial and judicial function bearers, throughout the year, KLI has conducted in-depth interviews, based on indicators determined in accordance with legal obligations and obligations of the action plans. Conducted interviews have been codified so the issues and information that emerged from them are included in the report.

As usual, in order to be as precise as possible in identifying problems and suggesting recommendations to solve problems in fighting corruption, respectively in the most efficient and effective implementation of the legal obligations and obligations of the action plans, KLI has analyzed the legal basis, and has analyzed in detail relevant national and international documents related to the fight against corruption in Kosovo.

III. Transparency and public accountability of the judicial and prosecutorial system

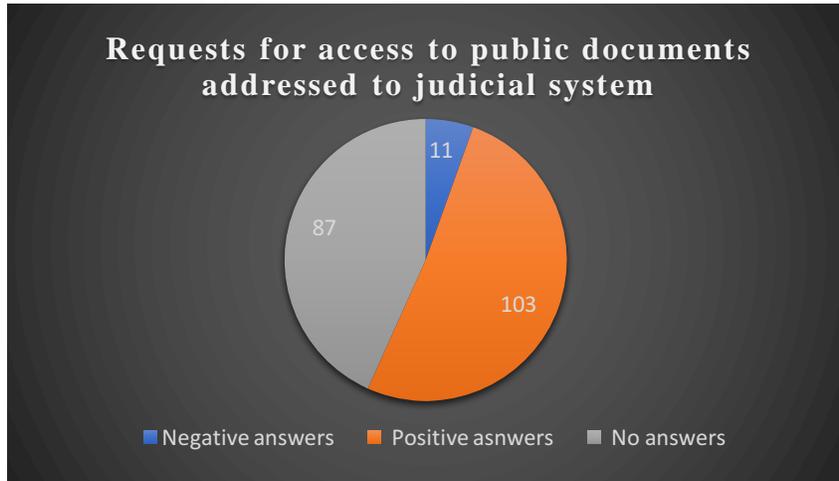
The failure to implement legal obligations and policies adopted by the two Councils, strengthens the findings of KLI and assessments from national and international reports, regarding the lack of will of the judicial and prosecutorial system to be transparent and accountable to the public. The failure to fulfill obligations proves that law in Kosovo does not apply the same to all. In all the cases where senior officials fail to fulfill their obligations and responsibilities, the culture of impunity continues to be cultivated.¹

KLI in the process of systematic monitoring of the justice system, from January 1 to September 30, 2018 has addressed a total of 325 requests for access to public documents regarding the fulfillment of legal obligations, providing information, statistics and other available and permissible data under the Law on Access to Public Documents, including courts, prosecution offices, KJC, KPC and other institutions.

Out of these, KLI addressed 285 requests for access to public documents only to the judicial and prosecutorial system, where for 133 requests received positive response, while for the other 152 did not receive any response or received negative responses.

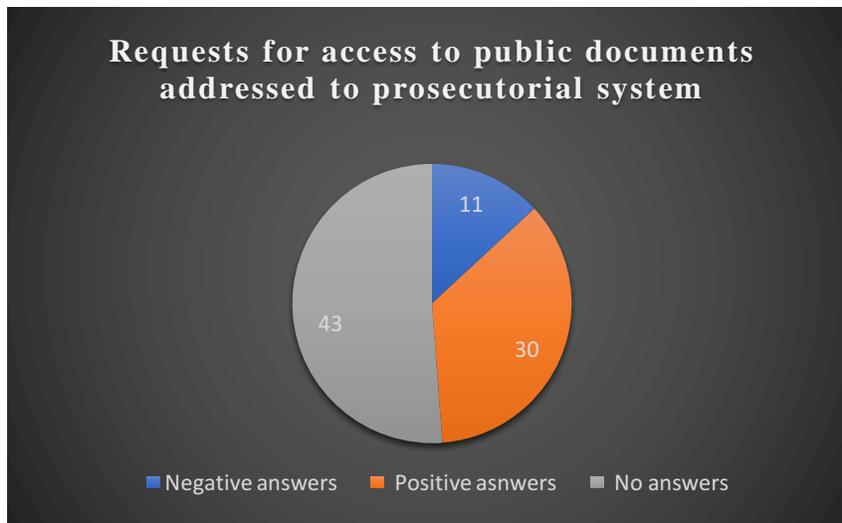
¹ Miftaraj E. and Musliu B. “*Sea of corruption in Kosovo: Small fishes get caught, the big ones are let free*”. March. 2017. Page 15. (Follow link: <http://kli-ks.org/wp-content/uploads/2017/04/1.1.-Raporti-i-Korrupsionit-IKD28.03.2017-Compressed.pdf>)

Respectively, in the Courts of Kosovo, KLI has submitted a total of 172 requests, of which 10 negative responses have been received, 89 positive responses and 73 requests did not receive an answer. Whereas, in the Judicial Council, KLI addressed a total of 29 requests, for which one negative response was received, 14 positive responses and regarding 14 requests received no response at all. (See table below)



Graphic 1 – Requests of KLI for access to public documents in judicial system

On the other hand, in the Kosovo Prosecution Offices, KLI has submitted 56 requests for access to public documents, of which 9 responses have been negative, 17 positive responses and regarding 30 requests has received no response. While in the Prosecutorial Council, KLI has addressed a total of 28 requests, regarding which two responses have been negative, 13 responses have been positive and regarding 13 requests has received no answer.



Graphic 2 - Requests of KLI for access to public documents in prosecutorial system

KPC on May 31, 2016 has adopted the Regulation on Public Communication². Its purpose is to regulate the approach of communication between the prosecutorial system and the public. KPC through this regulation proclaims transparency of the prosecutorial system in relation to public, as well as it forces the KPC and the SP to provide timely information regarding issues of interest to the public. Also, this regulation defines disciplinary responsibility for all officials of the prosecutorial system, when found on violation of the provisions of this regulation.

While the Chief State Prosecutor, in the concept – document presented to the KPC, during the candidacy for Chief State Prosecutor, stated that “transparency of the State Prosecution should be raised to a higher level in order to promote the work of the prosecutors. The increase of transparency should be done by communication among prosecution offices and the media and public, always respecting the Law on Protection of Personal Data and the Law on Access to Public Documents, and by maintaining the confidentiality of cases, in order not to harm investigations and rights and freedoms of the defendant in the proceedings.”³

The biggest problems to access public documents within the prosecutorial system are related to requests for publication of decisions to dismiss criminal reports and decisions to terminate the investigations. At this stage, KLI in the report “Fighting Corruption Without Judicial Control: *Persecution and Amnesty Legitimized in the Name of Corruption*”, published in March 2018, has proven that prosecutors in cooperation with the police have full and uncontrolled power to initiate and close cases. Consequently, in this way, prosecutors and police officers abused their legal powers by persecuting or amnestying anyone they intended to. Opening these decisions for the public would prove the selective application of the law, on one hand to persecute certain individuals without proof and evidence by listing them in criminal records as suspected individuals, and on the other hand, by amnestying certain individuals, against whom may have proof and evidence, but are interpreted in such way that the case fails. KLI since 2013 when it started systematic monitoring of the prosecutorial system, has published several illegal offences of this nature, where prosecutors have unlawfully amnestied suspects. As a result of the publication of the findings by KLI, the Office of the Disciplinary Prosecutor has initiated hundreds of investigative and disciplinary cases, where a part of them have been completed by imposing disciplinary measures against prosecutors. Therefore, in this regard, the prosecutorial system should fulfill legal obligations and be open to the public in relation to these closed cases, the publication of which does not create any consequence, but rather brings accountability of prosecutors to the level required by law.

² “Regulation Nr. 06/2016 on Public Communication”. Kosovo Prosecutorial Council. Approved on May 31, 2016. (Follow link: <http://kpk-rks.org/legjislacionii/196/rregulloret2016/196>)

³ “Concept paper of the Chief State Prosecutor, Aleksandër Lumezi”. Page 7. (Follow link http://www.pshks.net/repository/docs/koncept_dokumenti_janar_2015_7_MAJ.pdf)

IV. Corruption cases handled by the prosecutorial system

SP during the reporting period January – September 2018, has had in total 429 cases in work, with 939 individuals involved in corruption offences. Out of these cases, SP from previous years has inherited 316 corruption cases with 773 individuals involved, while during the reporting period has received at work 113 new corruption cases, with 166 individuals involved.

a. Investigations by the prosecutorial system in corruption cases

Prosecution office	Unsolved cases in the beginning	Individuals whose cases have remained unsolved in the beginning	Accepted cases – new (including severance of proceedings)	Suspects whose cases are accepted in work and suspects with extension of investigations	Total cases in work	Total individuals whose cases are in work	% of suspects for criminal offences by the prosecution offices	Unsolved cases and cases delegated to competence					
								Solved cases	Individuals whose cases are solved	Cases delegated to competence	Individuals whose cases have been delegated to competence	Cases unsolved at the end	Individuals whose cases have remained unsolved at the end
SPRK	18	76	1	6	19	82	8.73	2	15			17	67
Pristina	131	378	41	64	172	442	47.07	58	91	10	13	114	351
Prizren	19	43	22	29	41	72	7.67	11	12	1	1	30	60
Peja	5	8	4	4	9	12	1.28	4	4			5	8
Gjilan	23	39	15	21	38	60	6.39	10	13			28	47
Mitrovica	80	139	10	13	90	152	16.19	10	23	1	1	80	129
Ferizaj	23	63	6	9	29	72	7.67	8	8	2	2	21	64
Gjakova	17	27	14	20	31	47	5.01	11	19			20	28
Total	316	773	113	166	429	939	100	114	185	14	17	315	754

Table 1 – Corruption cases handled by the prosecutorial system during nine-month period of 2018

SP during this reporting period has solved 114 corruption cases against 185 involved individuals, respectively this institution has managed to solve one case more than it has received, while it has solved corruption cases for 19 more people than it has received during the same period of time.

At the end of this reporting period, the SP had 315 cases left in work with 754 individuals involved in corruption offences. The largest number of cases solved during this period belongs to the Basic Prosecution in Pristina, with 58 cases and 91 individuals, while SPRK has solved 2 cases with 15 individuals.

BP in Pristina is still the prosecution office with the greatest number of corruption cases, which has 114 cases in work with 351 individuals involved, followed by BP in Mitrovica with 80 cases with 129 individuals, while SPRK has 17 cases in work with 67 individuals. The Prosecution in Peja has only 5 corruption cases in work, with 8 people involved.

Submitters of criminal reports

During this reporting period the largest number of criminal reports filed in the SP came from Kosovo Police, against 49 individuals, ACA with criminal charges against 39 individuals, the injured parties filed criminal reports against 29 individuals. Distinctive during this nine-month period is the fact that criminal reports against 28 individuals have been delegated to competence.

Prosecution offices	SPRK		Pristina		Prizren		Peja		Gjilan		Mitrovica		Ferizaj		Gjakova		Total	
	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals
ACA			24	24	3	3	2	2	3	3			2	2	4	5	38	39
PAK			1	1													1	1
Injured party			1	10	2	2			7	12					4	5	14	29
PIK			3	3											2	6	5	9
Admitted/comp.			4	15	3	4	2	2	2	2	4	4	1	1			16	28
FIU																		
Municip. Adm.													1	1			1	1
KP			6	7	12	18			3	4	5	7	2	5	4	4	32	45
Prosec. Self-init.			1	1													1	1
Citizen	1	6	1	3	2	2					1	2					5	13
Total	1	6	41	64	22	29	4	4	15	21	10	13	6	9	14	20	113	166

Table 2 – Submission of criminal reports regarding corruption in prosecutorial system

The manner of selecting corruption cases by the SP

SP during this reporting period has resolved cases of corruption against 185 individuals, where against 33 individuals the criminal report was dismissed, against 70 individuals the investigation was terminated, whereas against 82 individuals was filed indictment. Based on the percentage it appears that SP against 55% of individuals has closed cases, while against 45% of individuals has filed indictments. (See the table below).

Prosecution office	Individuals whose cases have been solved in a manner of solving cases								
	Total individuals	Criminal report was dismissed/ Criminal report was closed	or %	The investigation is terminated	or %	Direct indictment was filled	or %	Indictment filed after conducting investigations	or %
PSRK	15							15	100
Pristina	91	5	5.5	55	60	2	2.2	29	32
Prizren	12	3	25	4	33	1	8.3	4	33
Peja	4	1	25	2	50	1	25		
Gjilan	13	2	15	5	38	3	23	3	23
Mitrovica	23	19	83	1	4.4	1	4.4	2	8.7
Ferizaj	8	2	25	3	38	1	13	2	25
Gjilan	19	1	5.3			1	5.3	17	89
Total	185	33	17.8	70	37.8	10	5.41	72	38.9

Table 3 – The manner of solving cases of corruption by the prosecutorial system

SPRK has filed indictments against 15 individuals during this period, whereas it has not dismissed criminal reports or terminated investigations regarding any received criminal report. SP in Pristina has closed corruption cases against 60 individuals when filing indictments against 31 individuals, which in percentage points out that this prosecution office against 66% of individuals has closed cases, whereas against 34% has filed indictments. BP in Gjilan has closed corruption cases against 5 individuals and filed indictments against 6 individuals. BP in Prizren has closed corruption cases against 7 individuals and filed indictments against 5 individuals. BP in Peja has closed corruption

cases against 3 individuals and filed indictments against 1 person. BP in Mitrovica has closed corruption cases against 20 individuals and filed indictments against 3 individuals. BP in Ferizaj has closed corruption cases against 5 individuals and filed indictments against 3 individuals. Meanwhile, BP in Gjakova has closed corruption cases against 1 person and filed indictments against 18 individuals.

b. Preliminary investigations of corruption by the prosecutorial system

SP started the year 2018 with 642 corruption cases with 1108 individuals involved in the preliminary procedure. While during the reporting period SP has received 135 new cases with 259 individuals involved, which in total means that the Prosecution office during this year, until the end of September has had a total of 777 cases in work, involving 1367 individuals involved.

During this reporting period, the Prosecution office closed 123 cases with 213 individuals, while in work, there were still unsolved 653 cases with 1154 individuals, which is higher than the cases inherited from previous years.

The Prosecution office with the most corruption cases in preliminary procedure is the BP in Pristina, having 367 cases with 601 individuals, SPRK with 73 cases involving 193 individuals. Whereas prosecutors with fewer number of these cases are the BP in Gjilan with 3 cases against 7 individuals and the BP in Prizren with 15 cases against 28 individuals.

Prosecution office	Unclosed – unsolved information at the beginning	Individuals whose cases have remained unsolved at the beginning	Received – new information	Suspects whose cases have been received in work and suspects with extension of the investigation	Total cases – information in work	Total individuals whose cases are in work	% of individuals according to the Prosecution office	Finished information – closed – solved	Individuals regarding whom information are closed	Unclosed – unsolved information at the end	Individuals whose cases have remained unsolved at the end
	PSRK	71	165	13	47	84	212	16	11	19	73
Pristina	374	617	78	140	452	757	55	85	156	367	601
Prizren	20	33	10	14	30	47	3.4	15	19	15	28
Peja	17	33	19	34	36	67	4.9	8	14	28	53
Gjilan	3	7			3	7	0.5			3	7
Mitrovica	72	109	5	11	77	120	8.8	2	3	75	117
Ferizaj	51	96	4	7	55	103	7.5			55	103
Gjakova	34	48	6	6	40	54	4	2	2	37	52
Total	642	1108	135	259	777	1367	100	123	213	653	1154

Table 4 – Initiation of the cases for preliminary investigations in prosecutorial system

Submitters of corruption cases for preliminary investigations

Kosovo Police during this reporting period has submitted to SP, cases of 75 individuals, citizens have submitted cases against 73 individuals, injured party against 47 individuals, etc. (See table below).

Prosecution offices	SPRK		Pristina		Prizren		Peja		Gjilan		Mitrovica		Ferizaj		Gjinkova		Total	
	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals	Cases	Individuals
ACA			24	24	3	3	2	2	3	3			2	2	4	5	38	39
PAK			1	1													1	1
Injured party			1	10	2	2			7	12					4	5	14	29
PIK			3	3											2	6	5	9
Admitted/comp.			4	15	3	4	2	2	2	2	4	4	1	1			16	28
FIU																		
Municip. Adm.													1	1			1	1
KP			6	7	12	18			3	4	5	7	2	5	4	4	32	45
Prosec. Self-init.			1	1													1	1
Citizen	1	6	1	3	2	2					1	2					5	13
Total	1	6	41	64	22	29	4	4	15	21	10	13	6	9	14	20	113	166

Table 5 – Submission of cases for preliminary investigations in prosecutorial system

I. Filing indictments for corruption and the profile of the accused

KLI has continued to monitor and analyze the profile of perpetrators of corruption offences based on information published by the SP on the official website of the State Prosecutor, regarding indictments against perpetrators of corruption offences during the period January – September 2018.

Although the SP during this reporting period, according to the Tracking Mechanism, found that filed indictments against 82 individuals, this institution informed the public and published on the website only indictments against 27 individuals. This selective approach of the SP has been repeatedly criticized by KLI due to the unequal treatment of citizens by this institution.

The profile of the individuals against whom the indictments have been filed include: two police officers, a former Director of Economic Crimes in the Kosovo Police, twelve Members of the Governmental Commission for the Recognition and Verification of the Statute of the Nation's Martyr, Invalid, Veteran, Member and Interned of the Kosovo Liberation Army's War, an Official in the cabinet of the Mayor of Peja, an owner of a private company, a businessman and nine other individuals.

In this information published on the State Prosecutor's official website, only in two cases there is information on the amount of the damage caused, in one case is 68.153.533.14 Euro, while in the other case 440.000 Euro. In two other cases, no information was given regarding the position of the accused individuals.

Also, there is no information whether prosecutions have filed requests for sequestration or confiscation of property acquired through criminal offence.

The most efficient prosecution during this period results to be SPRK, filing 3 indictments against 17 individuals involved. BP in Prizren filed an indictment against two individuals, an EULEX prosecutor filed an indictment against 6 individuals and the BP in Peja filed an indictment against two individuals. (See the table below).

Date	Position of the accused	Value of the damage caused	Requests for sequestration/confiscation	Number of individuals	Prosecution office
February 28, 2018	Police officer	No information	No information	2	Prizren
April 17, 2018	No information	No information	No information	6	EULEX
May 5, 2018	Former Director of Economic Crimes in Kosovo Police	No information	No information	2	SPRK
	Businessman	No information	No information		
June 20, 2018	Official in the cabinet of the Mayor of Peja	440.000 Euro	No information	2	Peja
	Owner of a private company		No information		
August 17, 2018	No information	No information	No information	3	SPRK
September 14, 2018	Member of the Governmental Commission for the Recognition and Verification of the Statute of the Nation's Martyr, Invalid, Veteran, Member and Interned of the Kosovo Liberation Army's War	68.153.533.14 Euro	No information	12	SPRK

Table 6 – Profile of the accused of corruption and the amount of sequestrations and confiscations.

V. Corruption cases handled by the judicial system

a. Court judgements on corruption cases according to the KPC's Tracking Mechanism

The KPC's Tracking Mechanism data indicate that Kosovo Courts during this reporting period (1 January - 30 September 2018) have decided against 22 accused individuals by the SP, regarding corruption offences, of which, against 18 individuals the courts have rendered a judgement of conviction, against three individuals the court dismissed the indictment before the main trial and one accused was found not guilty by a judgement of acquittal.

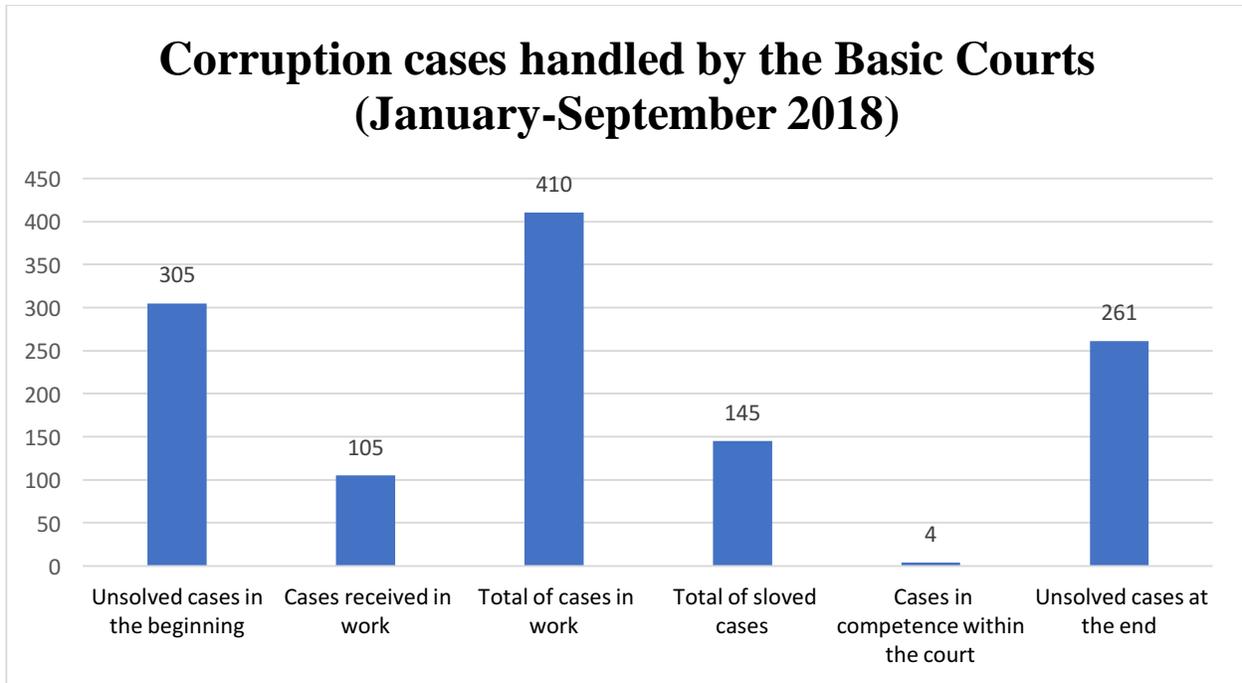
Out of 18 convicted individuals, courts found guilty 11 individuals against whom the indictment was filed by the SPRK, three (3) against whom the indictment was filed by the BP in Pristina and three (3) against whom the indictment was filed by BP in Ferizaj. These data do not comply with the KJC data and also with the KLI's monitoring data. (See also the table below.)

Prosecution office	Amended indictments according to article 252 of CPC	Number of individuals for whom the Court has rendered a decision based on indictments	The indictment was dismissed before the main trial	The accused was found GUILTY	The accused was ACQUITTED
PSRK		11		11	
Pristina		4	2	1	1
Prizren		4	1	3	
Peja					
Gjilan					
Mitrovica					
Ferizaj		3		3	
Gjakova					
Total		22	3	18	1

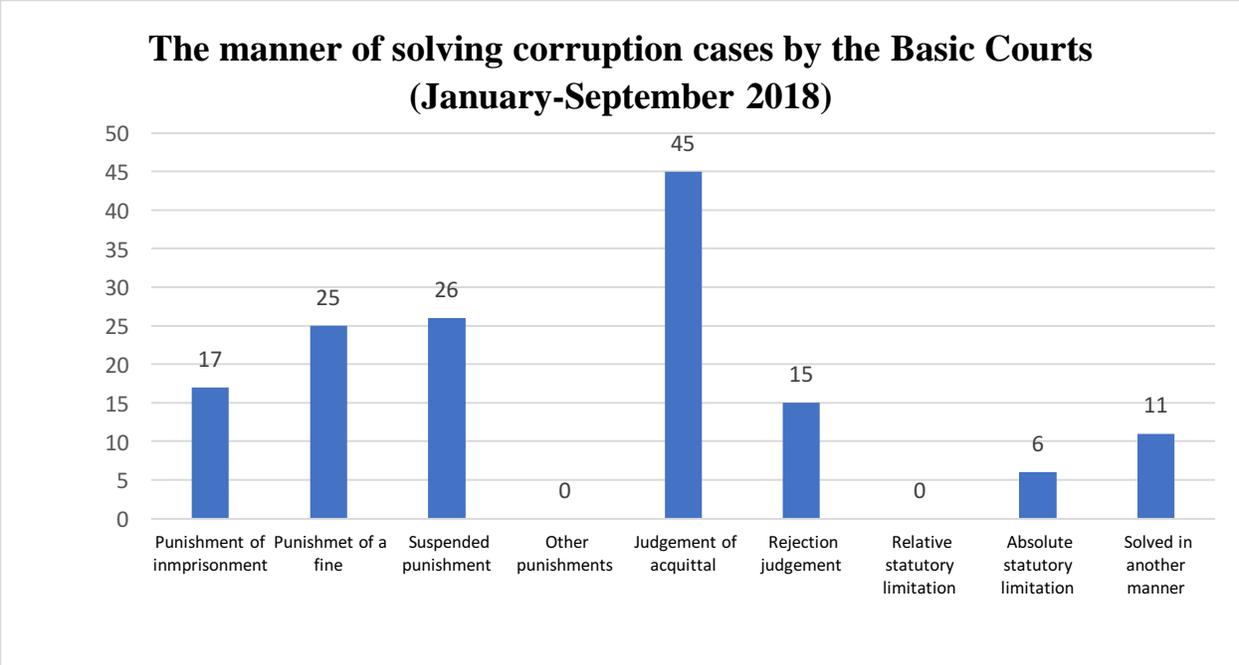
Table 7 – Court judgements regarding corruption cases according to the Tracking Mechanism of KPC

b. Court judgements in corruption cases according to the KJC

KLI has analyzed the data provided by the Prosecutorial Council and the Judicial Council regarding the cases solved during the reporting period. Distinctive is the fact that the data of these institutions do not match and there is an enormous difference regarding the number of solved cases. Based on the data of the KJC, it appears that there is a much larger number of individuals against whom the courts have rendered judgments, in relation to the data published by KPC.



Graphic 3 – Corruption cases handled by the Basic Courts (January - September 2018)



Graph 4 – The manner of solving corruption cases by the Basic Courts during the nine-month period of 2018 (January – September)

Kosovo courts in early 2018 have inherited 305 cases of corruption, whereas during the reporting period (January 1, 2018 – September 30, 2018) have received 105 new cases, that in total means that these courts have had a total of 410 corruption cases.

Articles providing criminal offences	Cases unsolved at the beginning	Cases received in work	Total cases in work	With Judgement									Total cases solved	Cases in competence within the Court	Cases unsolved in the end
				Out of cases solved by a Judgement of Conviction				Judgement of Acquittal	Rejection Judgement	Absolute Statutory Limitation	Solved in other manner				
				Punishment of imprisonment	Punishment of a fine	Suspended sentence	Other punishments								
422/339	168	65	233	7	7	16	0	32	13	5	8	88	1	144	
424	2	3	5	0	1	0	0	1	0	0	0	2	0	3	
425/340	55	13	68	3	4	4	0	2	1	1	0	15	0	53	
426/341	5	0	5	0	0	0	0	3	0	0	0	3	0	2	
428/343	42	10	52	5	3	3	0	6	1	0	2	20	1	31	
429/344	13	8	21	1	7	0	0	0	0	0	1	9	0	12	
430	2	0	2	0	0	0	0	0	0	0	0	0	0	2	
431/345	3	2	5	1	0	0	0	0	0	0	0	1	2	2	
432/346	1	0	1	0	0	0	0	0	0	0	0	0	0	1	
433/347	4	0	4	0	1	0	0	1	0	0	0	2	0	2	
434/348	9	4	13	0	2	3	0	0	0	0	0	5	0	8	
435/349	1	0	1	0	0	0	0	0	0	0	0	0	0	1	
	305	105	410	17	25	26	0	45	15	6	11	145	4	261	

Table 8 – Court decisions on corruption cases according to KJC.

According to the KJC data, it appears that Kosovo courts during this reporting period have rendered judgements in 145 corruption cases, where in 68 cases the courts have rendered a judgement of conviction, out of which in 17 cases have imposed punishment of imprisonment, in 25 cases have imposed punishment of a fine and in 26 cases have imposed suspended punishments.

The courts during this reporting period have rendered 45 judgements of acquittal and 15 rejection judgements.

The court with the most corruption cases is the BC in Pristina with a total of 227 cases in work during the reporting period, out of which 183 cases inherited from the previous year and 44 cases received during the first nine-month period of 2018. BC in Pristina during this reporting period has rendered judgement of conviction in 28 cases, out of which 7 have imposed punishment of imprisonment, in 9 cases imposed fine, and in 12 cases suspended punishment. This court, during this reporting period, in 31 cases has rendered judgment of acquittal or rejection Judgment.

BC in Gjilan has had a total of 58 cases in work during the reporting period, out of which 44 cases inherited from previous years and 14 cases received during the first nine-month period of 2018. This court during this reporting period has rendered judgement of conviction in 9 cases, of which in two cases has imposed a punishment of imprisonment, in 6 cases the court imposed a punishment of a fine and in one case imposed suspended punishment. This court during this reporting period in 14 cases has rendered judgement of acquittal or rejection judgement.

BC in Prizren has a total of 24 cases in work during the reporting period, out of which 14 cases inherited from previous years and 10 new cases received during the first nine-month period of 2018. This court during this reporting period rendered judgement of conviction in 14 cases, out of which in 4 cases has imposed punishment of imprisonment, in 4 cases the court imposed a fine and in 6 cases imposed suspended punishment. During this reporting period in 6 cases, this court has rendered judgement of acquittal or rejection judgement.

BC in Mitrovica has a total of 34 cases in work during the reporting period, out of which 27 cases inherited from previous years and 7 new cases received during the first nine-month period of 2018. This court during this reporting period rendered judgement of conviction in 2 cases, out of which in 1 case imposed punishment of imprisonment and in 1 case the court imposed a fine. During this reporting period in 5 cases, this court has rendered judgement of acquittal or rejection judgement.

BC in Gjakova has a total of 23 cases in work during the reporting period, out of which 13 cases inherited from previous years and 10 new cases received during the first nine-month period of 2018. This court during this reporting period rendered judgement of conviction in 5 cases, out of which in 1 case it imposed punishment of imprisonment, in 2 cases the court imposed a fine and in 2 cases imposed suspended sentences. During this reporting period in 9 cases, this court has rendered judgement of acquittal or rejection judgement.

BC in Prizren has a total of 28 cases in work during the reporting period, out of which 15 cases inherited from previous years and 13 new cases received during the first nine-month period of 2018. This court during this reporting period rendered Judgement of Conviction in 5 cases, out of which in 1 case it imposed punishment of imprisonment, in 2 cases the court imposed a fine and in 2 cases imposed suspended sentences. During this reporting period in 7 cases, this court has rendered judgement of acquittal or rejection judgement.

BC in Ferizaj has a total of 16 cases in work during the reporting period, out of which 9 cases inherited from previous years and 7 new cases received during the first nine-month period of 2018. This court during this reporting period rendered Judgement of Conviction in 5 cases, out of which out of which in 1 case it imposed punishment of imprisonment, in 1 case the court imposed a fine and in 3 cases imposed suspended sentences. During this reporting period this court has rendered judgement of acquittal or rejection judgement.

VI. Monitoring corruption cases in the judicial system

The daily rhetoric of institutional leaders, starting from the head of state, up to all attorneys and other officials of prosecutorial and judiciary functions does not differ in the area of fighting corruption. All the same, constantly have promised that “no one is above the law” and that “corruption will be fought without compromise”. In practice, the fight against corruption has mainly involved the low and medium profile of corruption, while the high profile of corruption remains with impunity. In some cases of high-profile prosecution, prosecutors have failed to argue their indictments in the courts, turning the fight against corruption into a boomerang for the justice system, losing citizens’ trust.

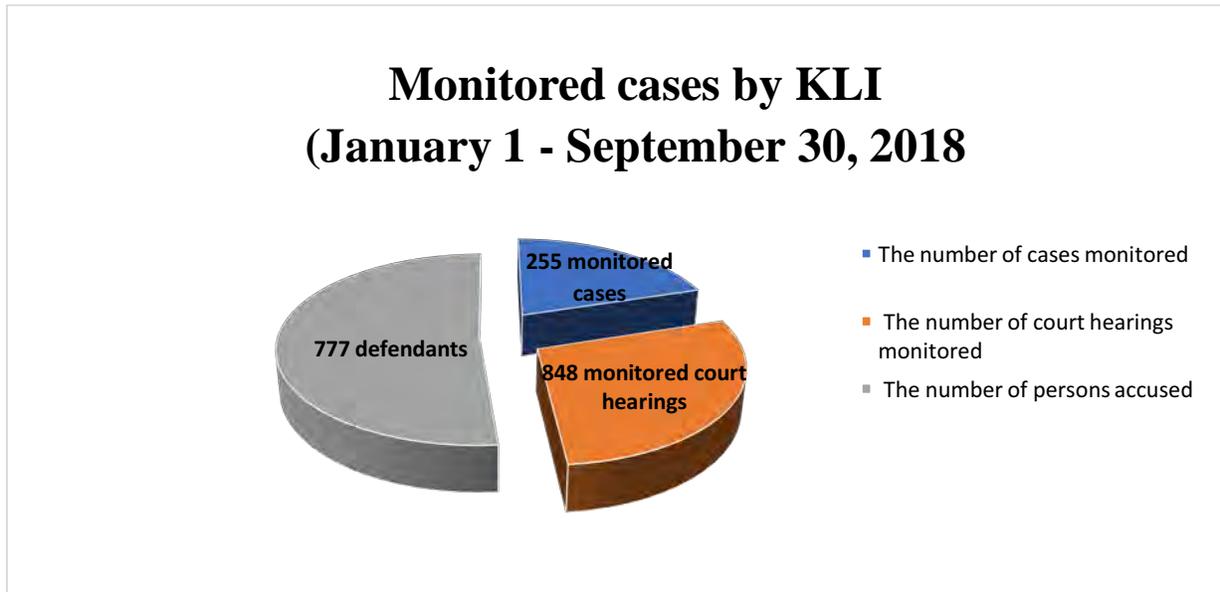
KLI is the only organization that since June 2015 systematically monitors all cases of corruption offences in all Basic Courts of the Republic of Kosovo. The KLI team of monitors, from June 2015, has visited continuously on a day-to-day basis all the Courts and Branches of the Basic Courts to monitor closely each and every court case related to the criminal offences against corruption. The monitoring process included the process of identifying cases of corruption in work, scheduling and case allocation, information regarding what stage of the proceedings these cases are in the courts and reporting them to the public on a daily basis through the website.⁴ Challenges in identifying corruption cases, providing timetable of hearings and providing case data (including case history from the submission of the criminal report, up to the court hearings) have been and still remain constant challenges for KLI monitors.⁵ However, KLI expects to overcome these

⁴ KLI in cooperation with Public Radio Television, co-produce a special program regarding the rule of law “Oath for Justice”. In addition, the portal “Oath for Justice” has been developed, in which, in addition to the research, analysis and debates that take place on the program, KLI publishes day-to-day monitoring reports regarding all corruption cases. The reports are published in the special section of the portal, which can be found in this link <http://betimiperdrejtesi.com/lajme/>

⁵ BC do not yet have an efficient and effective system of updating the database on the timetable regarding the court hearings in general and in particular on corruption cases. Initially, KLI has established communication through the Presidents of the Basic Courts, and then through the spokesperson of these courts, who have informed monitors of KLI regarding the timetable of court hearings on corruption cases. However, this practice did not work in the best way possible, because the spokesperson have sent incomplete and inaccurate information regarding the timetable of court hearings, which has caused problems for the monitoring process conducted by KLI monitors. This communication has progressed every day, but there are still practical problems associated to the schedule of court hearings regarding corruption cases. Observing these challenges, KLI, using specific legislation to access to all the necessary information regarding these cases, has signed a Memorandum of Cooperation with the KJC, enabling better

challenges in practice, as KLI and KJC have a Memorandum of Cooperation⁶, aimed to facilitate the access of KLI monitors in court, as well as a better communication, cooperation and coordination.

KLI monitors, from January 1 to September 30, 2018 have monitored 848 court hearings, including 255 corruption cases with 777 individuals (See table below.)



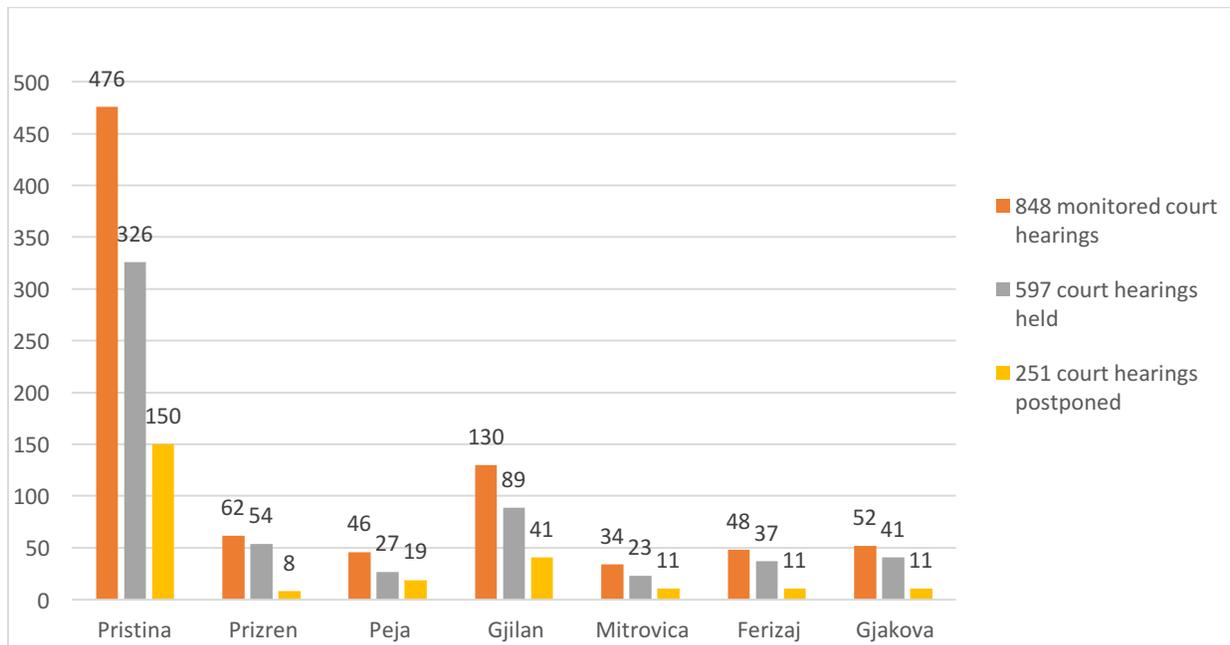
Graph 5 – Corruption cases monitored by KLI (January 1 – September 30, 2018).

a) Analysis of monitored cases during the nine-month period of 2018

In this report, subject of research and analysis are corruption cases monitored during the nine-month period of this year (January, February, March, April, May, June, July, August and September 2018), while other cases will be addressed in the next report. Regarding this nine-month period, KLI has monitored 848 court hearings, including 255 corruption cases with 777 individuals. Of these monitored court hearings, 597 have been held, while 251 court hearings have been postponed. (See the graph below).

access, communication, cooperation and coordination between KLI monitors and KJC, respectively at all levels of the Courts and Presidents of these courts.

⁶ The Memorandum of Cooperation between the KJC and KLI has been unanimously approved by all members of the KJC at the meeting held on April 6, 2016 and has been signed between the KJC and KLI heads on April 7, 2016. Pristina, April 7, 2016.



Graphic 6 – Court hearings monitored during the period January 1 – September 30, 2018.

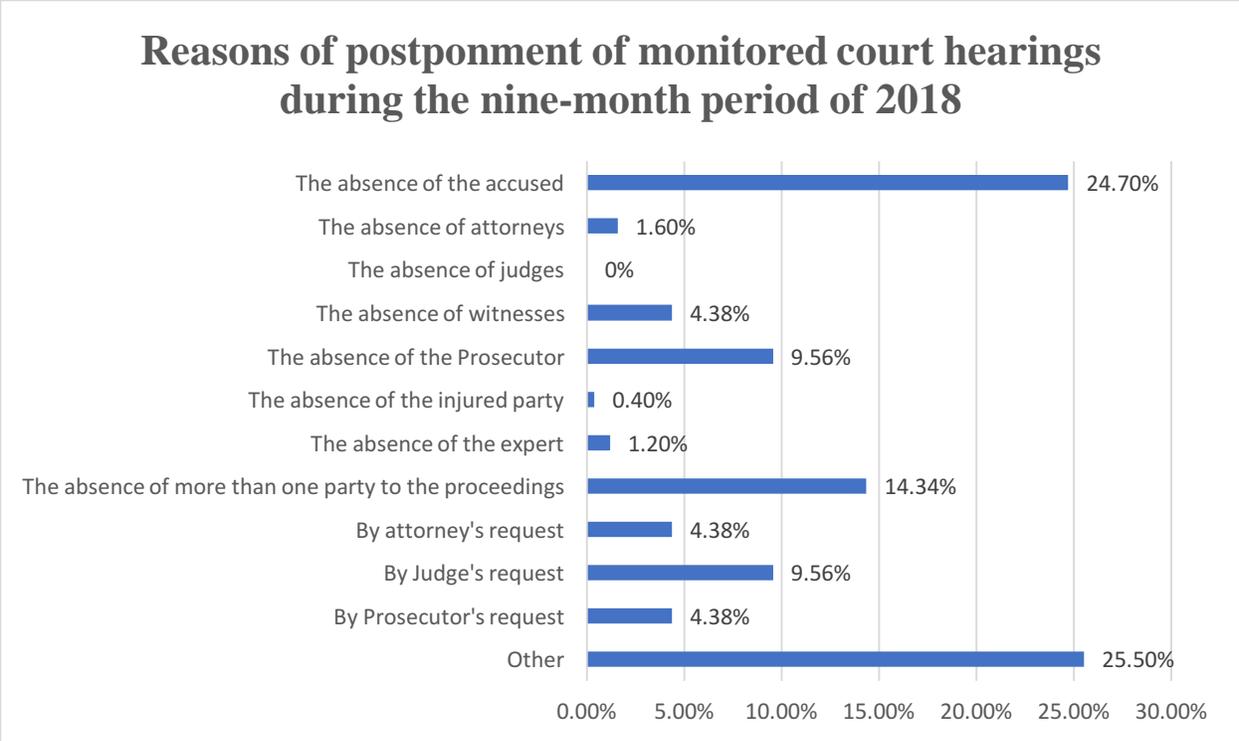
The largest number of monitored court hearings includes BC in Pristina, with 476 court hearings monitored, of which 326 court hearings have been held, while 150 others have been postponed. BC in Gjilan comes next, with 130 court hearings monitored, of which 89 have been held, while 41 others have been postponed. In BC in Prizren, 62 court hearings have been monitored, of which 54 hearings have been held and 8 have been postponed. In BC in Gjilan 52 court hearings have been monitored, out of which 41 hearings have been held, 11 others have been postponed. The smallest number of specific corruption cases belongs to BC in Ferizaj with 48 court hearings monitored, of which 37 have been held, while 11 hearings have been postponed. BC in Peja with 46 court hearings monitored, out of which 27 court hearings have been held, while 11 have been postponed, as well as the BC in Mitrovica with 34 court hearings monitored, 23 of which have been held, while 11 others have been postponed.

KLI has provided the reasons on the non-fulfillment of legal grounds to hold 251 court hearings, in order to find out what is affecting the most in the postponement of court hearings on corruption cases. (See table below).

Reasons of the postponement of court hearings monitored during the reported period	The absence of the accused	The absence of attorneys	The absence of the judge	The absence of witnesses	The absence of the prosecutor	The absence of the injured party	The absence of the expert	The absence of more than one Party to the Proceedings	With the request of the attorneys	With the request of the judge	With the request of the prosecutor	Other	Total
Pristina	44	6	14	4	24	1	1	12	8		3	33	150
Prizren	2				1				1			4	8
Peja	2		2	2	3	1						9	19
Gjilan	9	2	5		5			7			1	12	41
Mitrovica	3	2	2	2	1	1							11
Ferizaj	1	1	1	1	1			4				2	11
Gjakova	3			2	1			1	2			2	11
Total	64	11	24	11	36	3	1	24	11	0	4	62	251

Table 9 – Reasons of postponing court hearings of corruption cases during the nine-month period of 2018.

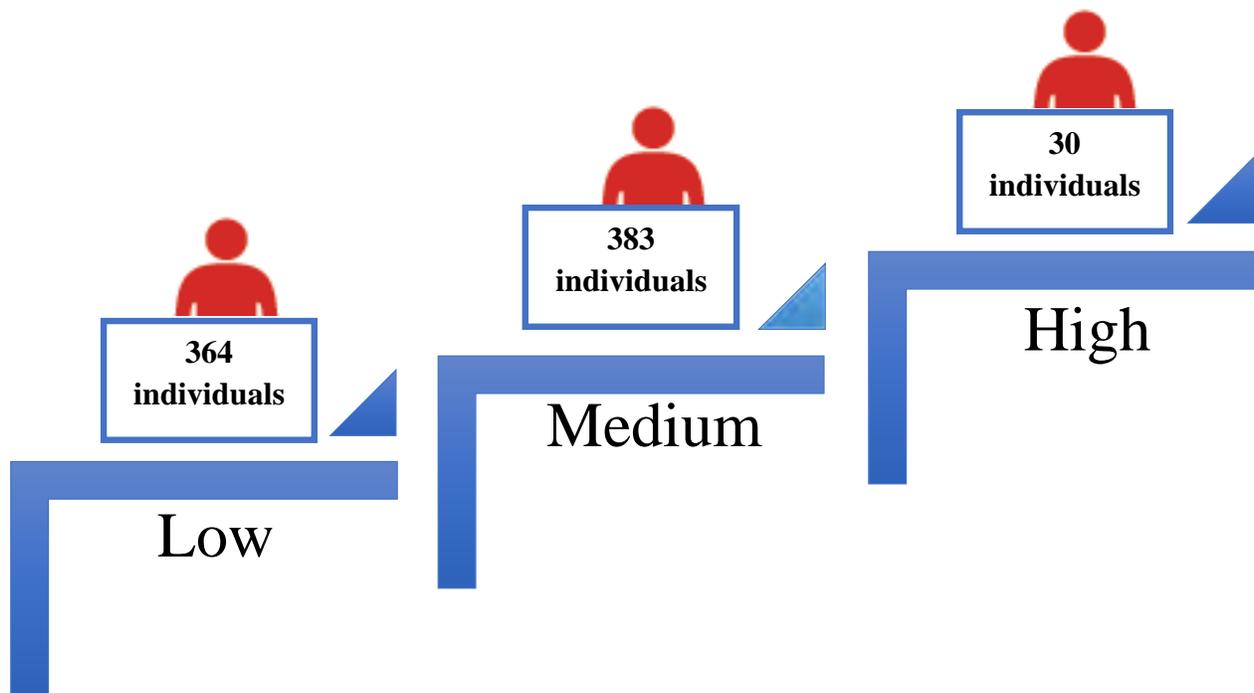
Expressed in percentage, it appears that the largest number of hearings have been postponed due to the absence of the accused, due to the absence of prosecutor, due to the absence of judges and the absence of more than one party to the proceedings. KLI using the following chart shows by percentage the reasons of postponements of 251 court hearings.



Graph 7 - Reasons of postponement of court hearings of corruption cases during the nine-month period of 2018.

a) Profile of accused and adjudicated individuals in corruption cases during the nine-month period of 2018

The profile of 777 individuals accused in these 255 corruption cases monitored by KLI during this reporting period (January-September 2018) is mostly low and medium, and only a limited number of accused individuals belongs to high profile.



Graph 8 – Profile of 777⁷ accused individuals regarding criminal offences of corruption in BC during the reporting period (January-September 2018).

⁷ Of 30 high-profile individuals accused of corruption, several of them are involved in more than one case, such as: former Mayor of Killoot Sasa Mirković, who is involved in seven cases, and former General Secretary of Ministry of Health, Ilir Tolaj, who is involved in two cases.

VII. Special analysis of handling high-profile corruption cases





Case Ukë Rugova, former Member of the Parliament

Untargeted case
BC in Pristina
Case Number: PKR.nr.305/16

Criminal Offence: “Organized crime”, “Smuggling of migrants”, “Unauthorized possession of weapons”, “Trading in influence”, “Fraud”, “Abusing official position or authority”

Presiding Judge: Initially it has been Vitor Pardal, then Vladimir Mikula, whereas now the case has been transferred to locals, and Presiding Judge is Naime Jashanica – Krasniqi

Prosecutor: Initially it has been Andrew Hughes, then Allen Cansick, while now the case has been transferred to the local Prosecutor Florije Salihu – Shamolli

Defendants: 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 November 18, 2013 issued a decision to initiate investigative stage regarding the case against Ukë Rugova and others. On May 18, 2016, SPRK filed an indictment against Ukë Rugova, a former Member of the Parliament of Kosovo, and Astrit Haraqia, former Minister, regarding the suspicion of committing criminal offenses: “organized crime”, “smuggling of migrants”, “unauthorized possession of weapons”, “trading in influence”, “fraud”, “abusing official position or authority”. SPRK’s indictment charges Ukë Rugova that during the period of time May 2011 to February 2014 has managed a criminal group, supplying individuals with EU Schengen visas from the Italian Embassy in Pristina. All these visas are suspected of having been illegally taken through distortion or corruption.

Negligence in handling the case and violations of the legal time limits

The case of Ukë Rugova and others is part of high-level corruption cases. This case was initially prosecuted and adjudicated by EULEX prosecutors and judges, while in January 2018 it has been transferred to locals.⁸

⁸“Ukë Rugova case is transferred to locals, the court hearings will be scheduled after the response of the Supreme Court”. Oath for Justice. January 30, 2018. (Follow link <https://betimiperdrejtesi.com/rasti-i-ukes-rugoves-dorezohet-te-vendoret-aktimi-i-seancave-ne-pritje-te-pergjigjes-nga-supremja/>)

While the indictment was filed on May 18, 2016, based on Article 242 paragraph 4 of the CPCK, the single trial judge or presiding judge shall immediately schedule the initial hearing, which shall be held within thirty (30) days after the indictment has been filed. This legal time limit has been continuously violated by the trial panel led by the EULEX Judge.

The initial hearing regarding this case was scheduled on August 25, 2016, or more than three months after filing the indictment. The holding of this hearing has been postponed several times, respectively on August 30, October 6, November 29, 2016 and January 18, 2017. Article 245 paragraph 5 of the CPCK stipulates that during the initial hearing, the single trial judge or presiding judge shall schedule the second hearing no earlier than thirty (30) days after the initial hearing and no later than forty (40) days after the initial hearing. Otherwise, the single trial judge or presiding judge may only request the submission of proposals by the scheduled date, which may not be later than thirty (30) days after the initial hearing.

BC in Pristina, on March 27, 2017, rejected the appeals of defendants' attorneys for dismissal of the indictment and objections to evidence. This ruling of the Court of first instance was affirmed on September 25, 2017 by the Court of Appeals.⁹ A Request for Protection of Legality in the Supreme Court had been filed by defendants' attorneys Izet Beqiri and Visar Beqiri, but these requests have been rejected by the Supreme Court in February 2018.¹⁰

The last hearing regarding this case, after the confirmation of the indictment, has been held on November 22, 2017, and since then no other court hearing has been held, as according to the court, this case does not fall into the priority group of cases.¹¹

The alleged damage: 1,668.000 to 2,224.000 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

⁹ "Court of Appeals decides that *Ukë Rugova, Astrit Haraqija and others are going to be adjudicated regarding the case of Italian visas*". Oath for Justice. October 12, 2017. (Follow link <https://betimiperdrejtesi.com/gjykata-e-apelit-vendos-qe-uke-rugova-astrit-haraqija-dhe-te-tjeret-te-gjykohen-per-rastin-e-vizave-italiane/>)

¹⁰ "The Supreme Court rejects the requests for protection of legality in the case of *Ukë Rugova and others*, soon the court hearings are going to be scheduled". Oath for Justice. March 21, 2018. (Follow link <https://betimiperdrejtesi.com/supremja-refuzon-kerkesat-per-mbrojtje-te-ligjshmerise-ne-rastin-e-uke-rugoves-dhe-te-tjereve-se-shpejti-caktohen-seancat/>)

¹¹ "*The case against Ukë Rugova and others is not a priority for the Court, about eight months and there still is no court hearing scheduled regarding it*". Oath for Justice. June 12, 2018. (Follow link <https://betimiperdrejtesi.com/gjykata-nuk-e-ka-prioritet-gjykimin-e-uke-rugoves-dhe-te-tjereve-per-rreth-tete-muaj-nuk-caktohet-asnje-seance/>)



Case “Stent 1”: Ferid Agani, former Minister of Health and Gani Shabani, former secretary of Ministry of Health

Targeted case
BC in Pristina
Case number: PKR.nr.369/16

Criminal offence: “Abusing official position or authority”

Presiding Judge: Shadije Gërguri

Prosecutor: Florije Salihu-Shamolli

Defendants: Ferid Agani and Gani Shabani

On June 15, 2016, the Office of the Chief State Prosecutor filed an indictment against the former Minister of Health, Ferid Agani, the General Secretary of MH, Gani Shabani and 62 other individuals, for the criminal offences of “Abusing official position or authority”, “Accepting 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 individuals and 4 legal individuals. After the investigation, for 56 natural individuals, the legal conditions were not met to be included in this indictment, therefore the investigations were terminated for them. Distinctive of this case is that the indictment has been filed by the Prosecutor of the Office of the Chief State Prosecutor, in violation of the law and judicial precedent in Kosovo, a finding that KLI has established in previous reports.¹²

So far, four prosecutors have been replaced while working on “Stent” case. Another distinctive of the case is that the Prosecutor who filed the indictment does not represent it. The indictment was filed in June 2016, but the reading of charges in indictment had not taken place for a period of time, since the prosecution had failed to provide evidence to all defendants in the language they understand. This resulted in 5 postponed court hearings.

The initial hearing was held on May 19, 2017, as well as on May 25, 2017 for one of the defendants who was absent in the hearing of May 19. The claims of defendants’ attorneys for the dismissal of the indictment and the objections to evidence have been rejected by the first instance court on July

¹² “War, persecution or amnesty in the name of the fight against corruption?”. Kosovo Law Institute. December 2017. (Follow link <http://kli-ks.org/luftje-persekutim-apo-amnisti-ne-emer-te-luftes-kunder-korrupsionit/>)

31, 2017, while, after the appeals that defendants' attorneys have filed to the Court of Appeals in October 2017, this court, had returned the case for reconsideration.¹³

Upon returning the case for reconsideration, on February 26, 2018, the presiding judge, Shadije Gërguri, for the purpose of efficiency of the case, ordered the severance of proceedings in three parts. Since then, Ferid Agani and Gani Shabani are separately adjudicated as a case, Gani Bajraktari and other accused, mainly doctors, who are part of provisions three and four of the indictment, are being adjudicated separately, while Ali Hocaoglu and other accused included in provisions four to ten of the indictment will be adjudicated separately.¹⁴

None of the defendants pleaded guilty in the initial hearing held on February 26, 2018, whereas their requests for dismissal of the indictment and objections to evidence have been rejected by the first instance court. In the case of Ferid Agani and Gani Shabani, as well as in the other case Gani Bajraktari and others, the indictment has also been affirmed by the Court of Appeals and these cases are already at the phase of main trial, whereas in the case of Ali Hocaoglu and others, the case has been returned for reconsideration by the Court of Appeals after the appeals by the defendants' attorneys. In the meantime, because he is deceased, criminal proceedings have been terminated against one of the accused in this case, Bedri Zaiti.

All three of these cases are targeted for visa liberalization.

Negligence in handling the case and violations of the legal time limits

The criminal report in "Stent" case was filed on May 26, 2014, whereas the decision to initiate investigative stage on June 16, 2014. The indictment was filed on June 14, 2016. The initial hearing regarding the "Stent" case has been scheduled on October 21, 2016, respectively with three months of delay or out of the deadline provided by CPOK. Also distinctive of this case is the postponed hearing on February 28, 2017. At this initial hearing the presiding judge, Shadije Gërguri, explained that the prosecution by a letter informed the court that Afrim Bekteshi had been involved in the investigations regarding this case, but no elements of the criminal offence were found against him and thus he is not part of the indictment anymore.¹⁵ The manner of the indictment filing and the withdrawal from prosecution against Afrim Bekteshi proves the non-seriousness of the prosecution handling corruption cases. Also, the reasoning of the prosecution that there is a technical error in filing this indictment, contradicts the legal obligation of the State Prosecutor

¹³ "The Court of Appeals returns the case "Stent" to reinstatement". Oath for Justice. November 2, 2017. (Follow link <https://betimiperdrejtesi.com/apeli-e-kthen-ne-rivendosje-rastin-stenta/>)

¹⁴ "After the severance of proceedings, former Minister Agani and former Secretary Shabani, again plead not guilty". Oath for Justice. February 26, 2018. (Follow link <https://betimiperdrejtesi.com/pas-vecimit-te-procedures-ndaj-tyre-serish-deklarohen-te-pafajshem-ish-ministri-agani-dhe-ish-sekretari-shabani/>)

¹⁵ "Afrim Bekteshi is mistakenly involved in the indictment regarding "Stent" case, thus is acquitted of prosecution". Oath for Justice. February 28, 2017. (Follow link <http://betimiperdrejtesi.com/perfshihet-gabimisht-ne-aktakuzen-e-rastit-stenta-lirohet-nga-ndjekja-penale-afrim-bekteshi/>)

under Article 48 of the CPCK, which stipulates that it is the obligation of the prosecutor to analyze the evidence as well as inculpatory and exculpatory facts and to ensure that the investigation is conducted, while fully respecting the rights of the defendant.

The alleged damage: 5.000.000 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.



Case Emrush Thaçi, former Director of Prisons, along with 23 other individuals

Untargeted case

BC in Pristina

Case number: PKR.nr.685/16

Criminal offence: “Participation in or organization of an organized criminal group”; “Legalization of false content”; “Intimidation during criminal proceedings”; “Escape of individuals deprived of liberty”; “Obstruction of evidence or official proceedings”; “Abusing official position or authority”; “Facilitating the escape of individuals deprived of liberty”; “Falsifying documents”; “Providing assistance to perpetrators after the commission of criminal offenses”; “Unlawful release of individuals deprived of liberty”

Presiding Judge: Shashivar Hoti

Prosecutor: Initially it has been Romulo Mateus, whereas, now the case has been transferred to the local Prosecutor Florije Salihu-Shamolli

Defendants: Emrush Thaçi, Sami Lushtaku, Mërgim Lushtaku, Shemsi Hajrizi, Sami Gjoka, Nexhip Shatri, Ismajl Dibrani, Agim Ukaj, Ismet Haxha, Rustem Rrukolli, Rexhep Xhota, Fatmir Mjaku, Skender Tahiri, Sheremet Jashari, Bajram Dibrani, Dardan Geci, Mervete Hasani-Lushtaku, Bashkim Dervisholli, Valon Behramaj, Argjent Behramaj, Ylber Blakaj, Gëzim Ahmetaj and Xhevdet Zena

The EULEX Prosecutor in SPRK on November 17, 2016 filed an indictment against Emrush Thaçi and 23 other individuals, regarding criminal offences committed during the trial of “Drenica” case. Twenty-four defendants are charged with several offences related to the treatment of prisoners by the Kosovo Correctional Service, the escape of prisoners from the Pristina Hospital in May 2014, the medical care given to some prisoners, and the threat of witnesses during the trial of “Drenica” case. In this case, 11 members of the Kosovo Correctional Service and one doctor face the charge of “abusing official position or authorization” and the charge of “unlawful release of individuals deprived of liberty”. The escape of prisoners and the misuse of the medical care offered to some prisoners are also included in this attached indictment.¹⁶

¹⁶ “Press release”. State Prosecutor. November 17, 2016. (Follow link <http://www.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>)

Negligence in handling the case and violations of the legal time limits

Although the indictment was filed on November 17, 2016, the initial hearing regarding this case has been scheduled only on September 25, 2017 or ten months after the indictment had been filed, but this hearing had failed to be held on November 7 and 24, 2017, due to the absence of defendants in court hearings. Finally, on December 6, 2017, the initial hearing has been held, where all the defendants had pleaded not guilty to the criminal offence they had been charged with.¹⁷ This initial hearing has been held more than a year after the legal time limit set by the CPCCK. The second hearing regarding this case has been held on February 2, 2018, once more, violating the legal time limit provided by Article 245, paragraph 5 of the CPCCK. The indictment against Emrush Thaqi, Sami Lushtaku and others, has been confirmed by the Basic Court in Pristina in April 2018, as well as by the Court of Appeals in July of the same year.¹⁸ Currently, the case is at the stage of main trial.

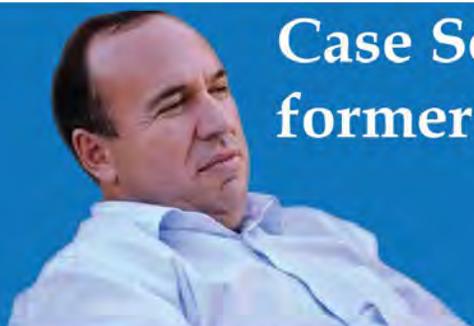
This case was initially prosecuted and adjudicated by EULEX, while in 2018 it has been transferred to the locals.

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.

¹⁷ “Sami Lushtaku pleads not guilty regarding his escape from the UCCK, says that he does not believe in EULEX’s justice”. Oath for Justice. December 6, 2017. (Follow link <https://betimiperdrejtesi.com/sami-lushtaku-deklarohet-i-pafajshem-per-arratisjen-e-tij-nga-qkuk-ja-thote-se-nuk-i-beson-drejtesise-se-eulex-it/>)

¹⁸ “The court of Appeals affirms the indictment regarding the case of the escape of Sami Lushtaku from the UCCK”. Oath for Justice. July 3, 2018. (Follow link <https://betimiperdrejtesi.com/apeli-verteton-aktakuzen-ne-rastin-e-arratisjes-se-sami-lushtakut-nga-qkuk-ja/>)



Case Sokol Bashota, former Mayor of Klina Municipality

Untargeted case

BC in Peja

Case number: PKR.nr.168/16

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

Presiding Judge: Sylë Lokaj

Prosecutor: Sahide Gashi

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

On November 25, 2013, the ACA filed a criminal report regarding allegations of abuse in the Municipality of Klina. On February 24, 2014, the Prosecutor’s Office issued a decision to initiate investigative stage, whereas on August 4, 2016, the EULEX prosecutor filed the indictment against Sokol Bashota, Chairman of Klina and three others for criminal offences such as “abusing official position or authority” and “failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations”.

Based on the indictment, during the process of leasing apartments owned by the Municipality of Klina, they have made political agreements (PDK, LDK, AAK and LDD) for the allocation of these apartments. After this agreement, the defendants have influenced the decision-making process, bypassing the applicants with severe economic conditions and rewarding their political party friends with apartments. According to the prosecution, the two defendants Esat Rraci and Fadil Gashi, using the provisions of the Law on Sale of Apartments in which there is tenure right, had submitted written requests for the purchase of apartments that were allocated to them. But as a result of the investigation, the purchase process was suspended. The Prosecution charges the defendant Sokol Bashota that between January 2009 and June 2016, in the capacity of the Mayor of Klina, deliberately falsified or did not include the data or information when submitting his property declarations to the ACA.

Negligence in handling the case and violations of the legal time limits

The SPRK filed an indictment on August 4, 2016, while the initial hearing has been scheduled to the BC in Peja, on December 12, 2016, or more than three months after the 30 day legal time limit set by the CPCK to hold an initial hearing after filing the indictment. The second hearing regarding

this case has been scheduled on January 23, 2017 but has been postponed because Prosecutor Valeria Bolici stated at the court hearing that she did not receive any other document regarding the objections to evidence submitted by the parties, except those of the accused Bashota.¹⁹ On March 31, 2017, the trial against Bashota and others started from the beginning because of the amendment and extension of the indictment made by Special Prosecutor Valeria Bolici.²⁰

The second hearing regarding this case has been held three months later, on June 30, 2017, once again violating the legal time limit provided by Article 245, paragraph 5 of the CPMK. On November 30, 2017, the first instance court rejected requests for dismissal of the indictment by the defendants, but after the appeals of the defendants' attorneys, the Court of Appeals in March 2018 returned the case for reconsideration.²¹

Even after the case has been returned for reconsideration, the first instance court, on April 19, 2018, decided the same as the first time, again rejecting requests of the accused to dismiss the indictment. This first instance decision has also been affirmed by the Court of Appeals in May 2018.²²

After the confirmation of the indictment by the end of October 2018, six court hearings have been scheduled, of which, three failed to be held. At the hearing of December 3, 2018, the court decided that a financial expertise should be conducted in order to determine the price of the apartments that are subject to this indictment.²³

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.

¹⁹ *The prosecutor has not received all the documents to object to evidence, thus the second hearing is postponed regarding the case of the Mayor of Klina and three other defendants*. Oath for Justice. January 23, 2017. (Follow link <http://betimiperdrejtesi.com/prokurorja-nuk-i-ka-pranuar-te-gjitha-shkresat-per-kundershtimin-e-provave-shytyhet-shqyrtimi-i-dyte-ne-rastin-e-kryetarit-te-klines-dhe-tre-te-akuzuarve-tjere/>)

²⁰ *The trial against the Mayor of Klina, Sokol Bashota, starts from the beginning*. Oath for Justice. March 31, 2017. (Follow link <https://betimiperdrejtesi.com/nis-prej-fillimi-gjykimi-ndaj-kryetarit-te-klines-sokol-bashota/>)

²¹ *The court of Appeals returns to reinstatement the case against former Mayor of Klina, Sokol Bashota*. Oath for Justice. March 10, 2018. (Follow link <https://betimiperdrejtesi.com/apeli-e-kthen-ne-rivendosje-rastin-ndaj-ish-kryetarit-te-klines-sokol-bashota/>)

²² *The Court of Appeals confirms the indictment against former Mayor of Klina, Sokol Bashota and others*. Oath for Justice. May 30, 2018. (Follow link <https://betimiperdrejtesi.com/apeli-konfirmon-aktakuzen-ndaj-ish-kryetarit-te-klines-sokol-bashota-dhe-te-tjereve/>)

²³ *Financial expertise is assigned in the case against Sokol Bashota and others*. Oath for Justice. December 3, 2018. (Follow link <https://betimiperdrejtesi.com/aktahet-ekspertize-financiare-ne-gjykimin-ndaj-sokol-bashotes-dhe-te-tjereve/>)



Case Pal Lekaj, former Mayor of Gjakova Municipality, now Minister of Infrastructure

Untargeted case
BC in Gjakova

Case number: PKR.nr.19/2018

Criminal offence: “Abusing official position or authority”; “Misappropriation in office”; “Subsidy fraud”; “Tax evasion”

Presiding Judge: Shaqir Zika

Prosecutor: Faik Halili

Defendants: Pal Lekaj, Pashk Sylja, Bekim Sylja, Teuta Mejzini, Dafina Thaqi and Veli Hajdaraga

SPRK on April 12, 2016 issued a decision to initiate investigative stage, whereas on April 10, 2018 filed an indictment regarding the criminal offence “abusing official position or authority” and “misappropriation in office”, against the former mayor of Gjakova, Pal Lekaj.

He is accused of giving over 630,000 Euro of subsidies in agriculture without a legal basis.²⁴ Along with Lekaj, Ismet Isufi, Pashk Sylja, Bekim Sylja, Teuta Mejzini and Dafina Thaqi are accused that acting as officials of the Municipality of Gjakova, have abused their official positions throughout the distribution of subsidies.²⁵

Pal Lekaj and Ismet Isufi, are accused that during the period 2008-2014, acting as officials, the first as the Mayor of Gjakova, while the second as Director of the Directorate of Agriculture, have distributed subsidies through the company “UNION-VL”, contrary to the Law on Public Financial Management and Accountability. Based on the indictment, subsidies have been authorized by the accused, without a supervision whether payments have been made to farmers and without having a contract with “UNION-VL” company, where about 40% of over three thousand farmers did not accept any payments that have been authorized for them.

Meanwhile, defendants Pashk Sylja, Bekim Sylja, Teuta Mejzini and Dafina Thaqi are accused that acting as chairmen and members of the commissions supervising the distribution of subsidies, have

²⁴ “Exclusive: An indictment of corruption criminal offence is filed against Pal Lekaj”. Oath for Justice. April 12, 2018. (Follow link <https://betimiperdrejtesi.com/ekskluzive-ngritet-aktakuze-per-korrupsion-ndaj-pal-lekajt/>)

²⁵ “Pal Lekaj is accused of distributing 630 thousand Euro subsidies without a legal ground”. Oath for Justice. April 24, 2018. (Follow link <https://betimiperdrejtesi.com/pal-lekaj-akuzohet-se-ka-dhene-mbi-630-mije-euro-subvencione-pa-baze-ligjore/>)

compiled reports stating that the distribution of subsidies was completed according to plan, although about 40% of applicants have not received subsidies. In this case, Veli Hajdaraga is also accused, and according to the prosecution, during the period 2008-2015, has provided inaccurate information that allegedly all subsidy applicants have received subsidies and he has allowed other people to receive subsidies, instead of the farmers who have been listed to receive subsidies, without having that right.²⁶

Negligence in handling the case and violations of the legal time limits

BC in Gjakova had scheduled the initial hearing regarding this case on May 31, 2018, or 21 days after the 30 day legal time limit set by the CPOK to conduct the initial hearing after filing the indictment.²⁷ On July 16, 2018, the first instance court decided to dismiss the count of the indictment regarding to the criminal offence of “misappropriation in office” against Pal Lekaj, Isuf Isufi, Pashk Sylja, Bekim Sylja, Teuta Mejzini and Dafina Thaqi. The same court confirmed the indictment against Lekaj regarding the offence of “abusing official position or authority”. Regarding the criminal offence of abusing official position or authority and subsidy fraud, the indictment has also been confirmed against other accused Ismet Isufi, Pashk Sylja, Bekim Sylja, Teuta Mejzini, Dafina Thaqi and Veli Hadaraga.²⁸

In November 2018, the Court of Appeals returned to reconsideration the case of Lekaj and others regarding the offence of abusing official position or authority, regarding which, the BC in Gjakova had confirmed the indictment, but according to the assessment of the Court of Appeals, the first instance court did not give sufficient reasons when it confirmed the indictment charging the defendants with the criminal offence of abusing official position and also rejected the appeals of their attorneys. As for the other offence, which the Basic Court had dismissed, the Court of Appeals affirmed the same.²⁹

The alleged damage: Over 630,000 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

²⁷ “Former Mayor of Gjakova, Pal Lekaj and others plead not guilty on corruption charges”. Oath for Justice. May 31, 2018. (Follow link <https://betimiperdrejtesi.com/ish-kryetari-i-gjakoves-pal-lekaj-dhe-te-tjeret-deklarohen-te-pafajshem-per-korrupsion/>)

²⁸ “The indictment against Pal Lekaj is partially dismissed”. Oath for Justice. July 24, 2018. (Follow link <https://betimiperdrejtesi.com/hudhet-pjeserisht-aktakuza-ndaj-ministrit-pal-lekaj/>)

²⁹ “The Court of Appeals returns to reinstatement the case of Pal Lekaj charged of abusing of official position, it affirms the dismissal of indictment regarding the criminal charge of misappropriation in office. Oath for Justice. November 27, 2018. (Follow link <https://betimiperdrejtesi.com/apeli-e-kthen-ne-rivendosje-rastin-e-pal-lekajit-per-keqperdorim-pozite-verteton-hudhjen-e-akuzes-per-pervetesim/>)



Case Sali Asllanaj, former Mayor of Suhareka Municipality

Untargeted case
BC in Prizren
Case number: PKR.nr.87/2018

Criminal offence: “Abusing official position or authority”

Presiding Judge: Artan Serjani

Prosecutor: Ervehe Gashi

Defendants: Salil Asllanaj, Sherif Berisha and Milazim Hajdari

BP in Prizren, on December 26, 2017, initiated investigations against the abovementioned accused and Avni Bytyqi, while on October 22, 2018, filed an indictment against the former Mayor of Suhareka, Sali Asllanaj and Sherif Berisha as the Director of Municipal Educational Directorate in Suhareka and Milazim Hajdari, as the Director of “Bajram Curri” school. Against the defendant Avni Bytyqi, investigations were terminated. Based on the indictment, the defendants are suspected of using their official position to surpass their competencies in order to benefit for another person, regarding the Agreement on Understanding and Co-Financing between the Municipality of Suhareka and the NGO “Kosovo Hope” to implement the project “Transport of students”, in violation of the Public Procurement Law No. 04/L-042, Law on Public Financial Management and Accountability no.03/L-048, as well as the Financial Regulation No. 01/2013, thus damaging the budget of Kosovo in the total amount of 10,556.00 Euro.³⁰

³⁰ “An indictment is filed against former Mayor of Suhareka, Sali Asllanaj”. Oath for Justice. November 5, 2018. (Follow link <https://betimiperdrejtesi.com/ngritet-aktakuze-per-korrupsion-ndaj-ish-kryetarit-te-suharekes-sali-asllanaj/>)

Negligence in handling the case and violations of the legal time limits

This case is still in the initial stage. The initial hearing was held on November 19, 2018, within the 30 day legal time limit set by the CPCK to hold the initial hearing after the indictment filing. In this hearing all of the accused have pleaded not guilty. The second hearing has also been scheduled within the legal time limit, on December 21, 2018.³¹

The alleged damage: 10,556.00 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

³¹ “*Former Mayor of Suhareka, Sali Asllanaj and two others plead not guilty on charges of corruption*”. Oath for Justice. November 19, 2018. (Follow link <https://betimiperdrejtesi.com/ish-kryetari-i-suharekes-sali-asllanaj-dhe-dy-te-tjeret-deklarohen-te-pafajshem-per-korrupsion/>)



Case Qemajl Mustafa 1, former Mayor of Gjilan Municipality

Untargeted case
BC in Peja

Case number: PKR.nr.227/16

Criminal offence: “Organized crime”; “Abusing official position or authority”; “Misuse of economic authorizations”.

Presiding Judge: Sylë Lokaj

Prosecutor: Agron Bajrami

Defendants: Qemajl Mustafa and 38 others

Kosovo Police on December 20, 2013 filed a criminal report against Qemajl Mustafa and others, whereas the decision to initiate investigative stage has been issued by the prosecution on November 6, 2015. On September 16, 2016, SPRK filed an indictment against the defendants: Qemajl Mustafa, Hatixhe Daku, Vehbi Geci, Qefsere Sadriu, Iijaz Rashiti, Musa Nasufi, Muhamet Kastrati, Heset Mahmuti, Fatmir Halili, Drita Bajrami, Agim Hoxha, Ramush Musliu, Selvije Shefkju, Ganimete Kastrati, Shemsedin Qerimi, Merita Canaj-Shabanaj, Ibrahim Foniqi, Behar Mehmeti, Hamdi Ismajli, Fadil Osmani, Heset Asllani, Selver Xhelili, Qemajl Latifi, Enver Biqku, Asllan Mustafa, Naser Sylejmani, Zeqirja Fazliu, Azem Mujku, Nazim Jashari, Basri Kqiku, Avdi Pireva, Rrustem Hajdari, Florim Zuka, Skender Imeri, Naser Mehmeti, Mejdi Ahmeti, Burim Govori, Asllan Asllani and Asllan Sylja, charging them with criminal offences such as “organized crime”; “abusing official position or authority”; “misuse of economic authorizations”. Based on the indictment, officers acting as officials have abused their official position, overcoming their competences or failing to fulfill their official duties. While the other defendants acting as owners or representatives of these economic operators have exercised economic activity for the purpose of obtaining unlawful material benefit for themselves or for another economic operator, when bidding in procurement activities, of that Municipality.

Negligence in handling the case and violations of the legal time limits

Even though the indictment regarding this case has been filed more than two years ago, the case still remains in the initial phase. The initial hearing regarding this case has been scheduled on April 19, 2017 but was postponed because some of the defendants have not had an attorney.³² The initial

³² “The trial against the former Mayor of Gjilan and 38 other defendants is postponed due to the absence of the attorneys. Oath for Justice. April 19, 2017. (Follow link <https://betimiperdrejtesi.com/ne-mungese-te-avokateve-mbrojtes-shtyhet-gjykimi-ndaj-ish-kryetarit-te-gjilanit-dhe-38-te-pandehurve-tjere/>)

hearing scheduled to be held on May 22, 2017 was postponed, because on May 11, 2017, the court had returned the indictment to the SPRK in order to supplement it.³³ On July 25, 2017, the court of first instance dismissed the indictment of SPRK as an irregular one.³⁴ Following the SPRK's appeal, the Court of Appeals, in September 2017 returned the case to reconsideration.³⁵ On November 21, 2017, or about 14 months after the indictment was filed, the BC in Peja held the initial hearing, where all the accused pleaded not guilty.³⁶ In April this year, the court of first instance, once again, only partially, confirmed the indictment, but in September this year, the case has again been returned to reconsideration by the Court of Appeals, thus continuing "the ping-pong game" amongst Basic Court³⁷ – Court of Appeals³⁸.

At the beginning of December 2018, BC in Peja had partially confirmed the indictment against Mustafa and others charging them of abusing official position and other criminal offences, but it found that in this indictment there are no elements of the criminal offence "organized crime".³⁹

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.

³³ "The supplement of the indictment is required regarding the case of former Mayor of Gjilan, otherwise it's dismissal is warned". Oath for Justice. May 22, 2017. (Follow link <https://betimiperdrejtesi.com/kerkohet-plotesimi-i-akuzes-ne-rastin-e-ish-kryetarit-te-gjilanit-dhe-38-te-pandehurve-tjere/>)

³⁴ "The indictment against former Mayor of Gjilan, Qemajl Mustafa and 38 others is partially dismissed". Oath for Justice. August 2, 2017. (Follow link <https://betimiperdrejtesi.com/hudhet-pjeserisht-aktakuza-ndaj-ish-kryetarit-te-gjilanit-qeMayl-mustafa-dhe-38-te-akuzuarve-tjere-ne-kete-rast-dokument/>)

³⁵ "Former Mayor of Gjilan, Qemajl Mustafa is back at the seat of the accused, regarding all counts of the indictment". Oath for Justice. September 22, 2017. (Follow link <https://betimiperdrejtesi.com/ish-kryetari-i-gjilanit-qeMayl-mustafa-kthetehet-ne-banken-e-te-akuzuarve-per-te-gjitha-pikat-e-aktakuzes/>)

³⁶ "Former Mayor of Gjilan, Qemajl Mustafa and 38 others plead not guilty". Oath for Justice. November 21, 2017. (Follow link <https://betimiperdrejtesi.com/ish-kryetari-i-gjilanit-qeMayl-mustafa-dhe-38-te-akuzuarit-e-tjere-deklarohen-te-pafajshem/>)

³⁷ "The indictment against former Mayor of Gjilan, Qemajl Mustafa and 38 others, on charges of corruption, is partially confirmed". Oath for Justice. April 18, 2018. (Follow link <https://betimiperdrejtesi.com/konfirmohet-pjeserisht-aktakuza-per-korrupsion-ndaj-ish-kryetarit-te-gjilanit-qeMayl-mustafa-dhe-te-tjereve/>)

³⁸ "The Court of Appeals returns to reinstatement the case of former Mayor of Gjilan, Qemaj Mustafa and others accused of corruption". Oath for Justice. September 14, 2018. (Follow link <https://betimiperdrejtesi.com/apeli-e-kthen-ne-rivendosje-rastin-e-ish-kryetarit-te-gjilanit-qeMayl-mustafa-dhe-te-akuzuarve-tjere-per-korrupsion/>)

³⁹ "The Court confirms the indictment on corruption charges against Qemajl Mustafa, it does not find organized crime within the activities of the accused". Oath for Justice. December 6, 2018. (Follow link <https://betimiperdrejtesi.com/gjykata-konfirmon-aktakuzen-per-korrupsion-ndaj-qeMayl-mustafes-sgjen-krim-te-organizuar-ne-veprimet-e-te-akuzuarve/>)



Case Qemajl Mustafa 2, former Mayor of Gjilan Municipality

Untargeted case
BC in Gjilan
Case number: PKR.nr.146/2017

Criminal offence: “Abusing official position or authority”

Presiding Judge: Naser Maliqi

Prosecutor: Shaban Spahiu

Defendant: Qemajl Mustafa

Following the submission of a criminal report by a citizen, against the former Mayor of Gjilan, Qemajl Mustafa, on October 25, 2016, the BP in Gjilan issued a decision to initiate investigative stage on November 30, 2016. Following the investigation, the Prosecution on June 28, 2017, filed an indictment charging Mustafa with the criminal offence of “abusing official position or authority”.

Based on this indictment, Mustafa is assumed to have committed the criminal offence such as on May 23, 2012, as the Mayor of the Municipality, on behalf of the public contracting authority former Regional Waste Company “Higjiëna” in Gjilan, signed a public-private partnership agreement to establish a joint stock company “Eco Higjiëna” with the private contracting authority Christian Moser – “Moser Group”, respectively of its branch “ECO Vision” in Gjilan. However, according to the indictment, Mustafa, has acted in violation of the legal provisions in force, because the abovementioned law was abolished on October 21, 2011, after the promulgation of the Law No. 04/L-045 on the Public-Private Partnership.

Negligence in handling the case and violations of the legal time limits

The initial hearing regarding this case has been scheduled on October 24, 2017, but failed to be held because, the accused, Mustafa, had not received the indictment. Thus, the initial hearing has then been held on November 6, 2017 where Mustafa pleaded not guilty, whereas the second hearing has been held on December 7, 2017, within the legal time limit set by the CPOK. After three court hearings regarding this case have been held, on July 20, 2018, the court rendered a rejection judgement against Mustafa, because, prosecutor Shaban Spahiu had withdrawn the charge, arguing that regarding it was once decided upon by the SPRK and as prosecutor Spahiu

said, according to the legal principle, regarding a person cannot be decided twice for the same criminal case, thus he withdrew the prosecution in this case.

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.



Case Naser Osmani, Member of the Parliament

Targeted case
BC in Pristina

Case number: PKR.nr.734/15

Criminal offence: “Abusing official position or authority”

Presiding Judge: Shashivar Hoti

Prosecutor: Fikrije Fejzullahu

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

The case against Naser Osmani begun based on the criminal report filed by the Kosovo Police on April 28, 2014. The SPRK on April 30, 2014 issued a decision to initiate investigative stage, whereas this Prosecuton on February 16, 2016 filed an indictment to the BC in Prishtina, against Member of the Parliament Naser Osmani, deputy Chairman of PAK Board of Directors, Bahri Shabani, against Shkëlzen Lluka, Naim Avdiu, Melita Ymeraga, Agron Kamberi, Adrian Kelmendi, all officials at the PAK, and Agim Deshishku, businessman.

Based on the indictment filed by the SPRK, the accused Naser Osmani, as deputy chairman of the PAK Board of Directors, Bahri Shabani as the Director of the PAK Board of Directors, Shkelzen Lluka as PAK Manager, Naim Avdiu as Deputy Managing Director of PAK and Melita Ymeraga, Ardian Kelmendi, Agron Kamberaj as the head of the PAK Monitoring Unit, in cooperation with other officials as international PAK members: Lisa Brodey, Mohammed Omran and Hubert Warsmann, have exceeded official competencies for the purpose of obtaining unlawful benefits for themselves or for another person, in the amount of 5,400,000.00 Euro.

They are accused of violating the rights of workers of this enterprise, and at the same time have caused damage to the Social Enterprise “FAN” represented by the PAK and to the state budget, regarding the NewCo “FAN-Podujeva”. The latter was privatized in the 7th wave of sales by the KTA, when it was purchased for a price of 2,310,000 Euro from the buyer, and then the accused, Agim Deshishku, under the signed contract had commitments to make investments in the amount of 2,800,000 Euro and employ 236 employees over the two year period.

Negligence in handling the case and violations of the legal time limits

The initial hearing regarding this case has been scheduled on March 17, 2016. This court hearing has been postponed and scheduled for April 4, 2016. At the hearing of April 4, 2016, while Special Prosecutor Admir Shala read the charges in indictment, Naser Osmani and Bahri Shabani, members of the Board of Directors of the PAK, did not plead regarding guiltiness, on the grounds that all members of the board should be present.⁴⁰ The main trial regarding this case was scheduled on April 10, 2017, after more than a year, but the same was postponed twice in a row, while it was held on July 12, 2017.

This case is still ongoing, and from the beginning of the main trial to the last session of this case, which was held on November 15, 2018, 19 court hearings have been scheduled, four of which failed to be held.

Naser Osmani is currently a Member of the Parliament of Kosovo and Member of the Budget and Finance Committee in the Kosovo Parliament.

Otherwise, against Agron Kamberi, the procedure has been terminated, because the prosecution has withdrawn from prosecution.

The alleged damage: Over 5 million Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

⁴⁰ “*The trial starts, Naser Osmani and others regarding the PAK case plead not guilty*”. Oath for Justice. April 4, 2016. (Follow link <http://betimiperdrejtesi.com/fillon-gjykimi-naser-osmani-dhe-te-tjeret-ne-rastin-e-akp-se-deklarohen-te-pafajshem/>)



Case Sami Lushtaku, former Mayor of Skenderaj Municipality

Targeted case
BC in Pristina

Case number: PKR.nr.18/15

Criminal offence: “Abusing official position or authority”; “Falsifying documents in co-perpetration”; “Incitement to abusing official position or authority”; “Fraud”; “Entering into harmful contracts”

Presiding judge: Initially this case has been adjudicated by the EULEX Judge Vladimir Mikula, but then it has been transferred to the local Judge Beqir Kalludra

Prosecutor: Initially this case has been prosecuted by the EULEX Prosecutor Paul Flynn, but then it has been transferred to local Prosecutor Florie Salihu-Shamolli

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

On September 2, 2012, a criminal report was filed against Sami Lushtaku, Mayor of Skenderaj. On October 5, 2012, the EULEX prosecutor issued a decision to initiate investigative stage, and on January 16, 2015, he filed an indictment in BC in Prishtina against Sami Lushtaku, Esat Tahiri, Milazim Lushtaku, Driton Pruthi, Arben Gjukaj, Hysni Hoxha and Azem Duraku, for the criminal offences “abusing official position or authority”, “falsifying documents in co-perpetration”, “incitement to abusing official position or authority”, “fraud”, “entering into harmful contracts”.

They are accused of a tender by the Kosovo Energy Corporation (KEK), which includes the Mayor of Skenderaj, Sami Lushtaku, the Director of KEK, Arben Gjukaj and five other defendants. All seven accused are charged because of a tender of millions of euros, on physical security of KEK facilities, where Sami Lushtaku is charged with the criminal offence of “incitement to abusing official position or authority”, Arben Gjukaj and Hysni Hoxha for the criminal offence of “abusing official position or authority”, Esat Tahiri and Milazim Lushtaku for criminal offences “fraud” and “falsifying documents in co-perpetration”. Driton Pruthi for the criminal offences of “abusing official position or authority” and “entering into harmful contracts”, while Azem Duraku for the criminal offence of “incitement to abusing official position or authority”.

Negligence in handling the case and violations of the legal time limits

The indictment regarding the case against Sami Lushtaku and others was filed on January 16, 2015. The initial hearing regarding this case has been scheduled and held in record time, only after four days of filing the indictment, respectively on January 20, 2015 and the second hearing on February

11, 2015. While the first and second hearing have been scheduled and held within the legal time limits set by the CPOK, while the main trial in this case has been postponed for more than a year, on February 24, 2016.

Although this case had begun procedurally well, its handling in the first instance was continued, whereas during this time, this case was transferred from the EULEX Judge Vladimir Mikula to local Judge Beqir Kalludra. Also, from the EULEX prosecutor Paul Flynn, to prosecutor Florie Salihu-Shamolli. From February 24, 2016, when the first hearing of the main trial was held, so far, 38 court hearings have been scheduled, six of which have failed to be held. The last hearing regarding this case has been held on September 14, 2018.⁴¹

The alleged damage: 6,182, 609.76 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

⁴¹ “Former Director of KEK says that he wasn’t threatened by Sami Lushtaku to sign the tender of over 6 million Euro”. Oath for Justice. September 14, 2018. (Follow link <https://betimiperdrejtesi.com/ish-drejtori-i-kek-ut-thote-se-nuk-ishte-i-kercenuar-nga-sami-lushtaku-per-nenshkrimin-e-tenderit-mbi-6-milion-euro/>)



Case Azem Sylja, former Member of the Parliament, along with 21 other individuals

Targeted case
BC in Pristina

Case number: PKR.nr.610/16

Criminal offence: “Organized crime”, “Accepting bribes”, “Money laundering”, “Fraud in office”, “Fraud”, “Abusing official position or authority”, “Issuing unlawful judicial decisions”, “Legalization of false content” and “Tax evasion”

Presiding Judge: Initially this case has been adjudicated by the EULEX Judge Arccadius Sedeck, but then it has been transferred to the local Judge Beqir Kalludra

Prosecutor: Initially this case has been prosecuted by the EULEX Prosecutor Danilo Ceccareli, but then it has been transferred to the local Prosecutor Naim Abazi

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, Sami Maqedonci, Ndue Palushi, Ramadan Mavraj and Mustafë Haliti.

The EULEX Prosecutor on April 30, 2014, issued a decision to initiate investigative stage against Azem Sylja, Nuhi Uka and others. On October 24, 2016, the Prosecution filed an indictment against Azem Sylja, Nuhi Uka and 20 others for the offences of “organized crime”, “accepting bribes”, “money laundering”, “fraud in office”, “fraud”, “abusing official position or authority”, “issuing unlawful judicial decisions”, “legalization of false content” and “tax evasion”. Also, based on the indictment, the defendants are accused that in co-perpetration, through criminal activities, have deprived Kosovo’s social properties, including the falsification of official decisions and documents, fraud and other corruptive actions. Investigations in this case have also been conducted in cooperation with the Special Department of Organized Crime of the Prosecution Office in Belgrade.

Negligence in handling the case and violations of the legal time limits

The initial trial regarding the case against Azem Sylja, Nuhi Uka and others has been scheduled on December 12, 2016, but the hearing was postponed due to the absence of the accused Hajrullah

Berisha.⁴² The second hearing regarding the initial hearing in this case was held on December 15, 2016. Also, at this hearing, the absence of two defendants Hajrullah Berisha and Mustafa Halili caused a long-lasting discussion in the courtroom. Despite the request of the defense attorneys to severance the proceedings against these two defendants, this did not pose a problem for the judge, Arccadius Sedeck, to continue the proceedings even in the absence of the defendant Berisha, who is in the Republic of Macedonia and defendant Halili in the USA.⁴³ Article 245, paragraph 1 of the CPCK stipulates that during the initial hearing the Prosecutor, defendant or defendants and their attorneys should be present.

Judge Sedeck had decided not to hold a second hearing, but outside the hearing, he had rejected the defense requests for the dismissal of the indictment and the objections to evidence. The main trial has been scheduled after more than a year, respectively on January 9, 2018. On Tuesday, January 9, 2018, although all parties came to court, the main trial has not started, because the presiding judge Arcadius Sedeck, had stated that the Trial Panel is not in full composition. He had stated that to complete the trial panel they requested from the KJC to allow judge Nora Bllaca, who has then been transferred to the Court of Appeals, to be a member of this trial panel.⁴⁴

According to Judge Sedeck, the justification of this request was to not repeat the testimonies of two protected witnesses, that had been taken in the procedure of special investigative opportunity in 2016, prior to the filing of the indictment, procedure in which, part of the trial panel has also been Judge Bllaca.

The CPCK stipulates that in cases where a procedure of special investigative opportunity has been conducted, so that the evidence obtained in that proceeding are valid at the main trial, one of the members of the panel of special investigative possibility should also be a member of the panel in the main trial.

EULEX did not wait for the response of the KJC and withdrew the request for Bllaca's return to the trial panel of this case and then assigned EULEX Judge Vladimir Mikula as a member this trial panel, who along with Bllaca has been part of special investigation opportunity panel.

At the court hearing of January 24, 2018, the composition of the trial panel had changed, where instead of Arccadius Sedeck as the Presiding Judge was Petko Petkov, then local judge Nora Bllaca was substituted by Judge Vesel Ismajli, while the other member was Vladimir Mikula. Although

⁴² "Case "Land" becomes public, the hearing is postponed due to the absence of one of the accused". Oath for Justice. 13 December 2016. (Follow link <http://betimiperdrejtesi.com/hapet-per-media-rasti-toka-shtyhet-seanca-nemungese-te-njerit-nga-te-akuzuarit/>)

⁴³ "Case "Land" – Azem Syla and others plead not guilty". Oath for Justice. December 15, 2016. (Follow link <http://betimiperdrejtesi.com/rasti-toka-deklarohen-te-pafajshem-azem-syla-dhe-te-tjeret/>)

⁴⁴ "The incomplete Trial Panel adjourns the court hearings scheduled for this week against Azem Syla and others in the case "Land". Oath for Justice. January 9, 2018. (Follow link <https://betimiperdrejtesi.com/trupi-gjykues-jo-i-plate-shtyhen-seancat-e-kesaj-jave-ndaj-azem-syles-dhe-te-tjereve-ne-rastin-toka/>)

EULEX judges had not held any main trial hearing, Judge Petkov had briefed the parties at the hearing on February 20, 2018 that this case should be transferred to local judges. However, prosecutor Danilo Ceccarelli did not agree with this decision, and called this a shame, considering it as a major failure of the EULEX mission in Kosovo.⁴⁵

From January 9, to September 3, 2018, 7 court hearings had failed, while at the court hearing of September 3, Judge Kalludra had ordered severance of proceedings against Ilaz Sylja, Hajrullah Berisha and Mustafë Haliti, who did not respond to court invitations, as well as against Nuhi Uka, who was in poor health condition.⁴⁶ Nuhi Uka on September 28, 2018 had died and thus the procedure against him has been terminated.

The court hearing expected to be held on November 16, 2018, has been postponed upon the request of the accused Shaban Sylja, as his attorney was not present at the hearing. The next court hearing has been scheduled on January 16, 2019.⁴⁷

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: Land parcels.

⁴⁵ “EULEX transfers the case of Azem Sylja to locals, the prosecutor calls this decision shameful”. Oath for Justice. February 29, 2018. (Follow link <https://betimiperdrejtesi.com/eulex-i-e-transferon-te-vendoret-rastin-e-azem-syles-prokurori-e-uan-te-turpshem-vendimin/>)

⁴⁶ “Case “Land”, Ilaz Sylja escapes, severance of proceedings is ordered against him and others that were absent in the court hearing”. Oath for Justice. September 3, 2018. (Follow link <https://betimiperdrejtesi.com/rasti-toka-arratiset-ilaz-syla-vecohet-procedura-ndaj-tij-dhe-te-tjereve-qe-munguan-ne-seance/>)

⁴⁷ “Upon the request of one of the accused,, the trial against Azem Sylja and others in the case “Land” is postponed”. Oath for Justice. November 16, 2018. (Follow link <https://betimiperdrejtesi.com/me-kerkese-te-njerit-nga-te-akuzuarit-shtyhet-gjykimi-ndaj-azem-syles-dhe-te-tjereve-ne-rastin-toka/>)



Case “Veterans”: Agim Çeku and 11 others

Targeted case
BC in Pristina

Case number: PKR.nr.230/18

Criminal offence: “Abusing official position or authority”

Presiding Judge: Nushe Kuka-Mekaj

Prosecutor: Afrim Shefkiu

Defendants: Agim Çeku, Nuredin Lushtaku, Sadik Halitjaha, Shkumbin Demaliaj, Qelë Gashi, Shukri Buja, Ahmet Daku, Rrustem Berisha, Faik Fazliu, Smajl Elezaj, Fadil Shurdhaj and Xhavit Jashari

The case known as “Veterans” is considered to be the largest case prosecuted by the local prosecution, because supposedly, former KLA soldiers, Members of the Commission for verification of the status of KLA veterans have abused their official position, adding to the veterans’ list 20,238.00 individuals, who according to the prosecution should not have had this status.

Based on this indictment, the 12 involved individuals are charged because from 2011 to 2017, acting as members of the Governmental Commission for the Recognition and Verification of the Statute of the Nation’s Martyr, Invalid, Veteran, Member and Interned of the Kosovo Liberation Army’s War, have used their official duty and authority, by intentionally surpassing their competencies and by not fulfilling their official duties, in order to unlawfully benefit for another person, consistently, thus damaging the Budget of the Republic of Kosovo.

According to the SPRK, the provided evidence shows that out of the unlawful payments for the KLA veteran fighters, the budget of the Republic of Kosovo was damaged in the amount of 68.153.533.14 Euro.

Negligence in handling the case and violations of the legal time limits

This case, even without starting to be handled at the court, has been involved in a non-serious handling by the SPRK. This indictment was initially compiled by the Special Prosecutor Elez Blakaj, but on August 2018, he resigned.⁴⁸

In his letter of resignation, Blakaj, had stated that on July 11, 2018, he had signed an indictment according to which 19,060.00 individuals have the veteran status unlawfully and that he has handed over that indictment to the Chief Prosecutor of the Special Prosecution of the Republic of Kosovo, Reshat Millaku, but the indictment still was not presented in court.⁴⁹

Millaku, in a press conference, on August 20, 2018, said that one of the reasons why the indictment has not been filed to the court was that the enacting clause of the indictment filed by the resigned Special Prosecutor, Elez Blakaj, does not have written names and surnames of 19,060 veterans, who are considered to be false, even though he admitted that all the evidence was included, but using footnotes. Also, he stated that there has not been initiated any motion to interrupt the payment of pensions of these false veterans.⁵⁰ But SPRK, the indictment regarding veterans, through prosecutor Afrim Shefkiu, filed in court on September 14, 2018, in the same time increasing the number of unlawful veterans from 19,060.00 to 20,238.00.⁵¹

At the time when this indictment was filed in court, the names of 20,238.00 individuals, along with their personal details, became public in the media, which followed with a great public debate, as many people came up with statements that they have been soldiers throughout the wartime but were included in those lists.

Although the accused were waiting for the initial hearing to be scheduled, Judge Nushe Kuka-Mekaj returned this indictment to the SPRK for improvements and clarifications, because,

⁴⁸ “Elez Blakaj speaks, he says he was threatened by the veterans, he mentions the pressure of the Chief Prosecutor Aleksandër Lumezi regarding KLA veterans and “Pronto” case. Oath for Justice. August 20, 2018. (Follow link <https://betimiperdrejtesi.com/flet-elez-blakaj-thote-se-kishte-kercenime-nga-veteranet-permend-presionin-e-kryeprokurori-aleksander-lumezi-per-veteranet-e-uck-se-dhe-rastin-pronto/>)

⁴⁹ “The resigned prosecutor in July filed the high-profile indictment against veterans, where the first in the list is Agim Çeku and the last Xhavit Jashari, this indictment ‘sleeps’ in the Special Prosecution”. Oath for Justice. 15 August 2018. (Follow link <https://betimiperdrejtesi.com/prokurori-i-dorehequr-elez-blakaj-ne-july-e-ka-ngritur-aktakuzen-e-profilite-larte-per-veteranet-te-ciles-i-prin-agim-ceku-dhe-perfundon-me-xhavit-jasharin-aktakuza-flene-ne-pr/>)

⁵⁰ “Chief Prosecutor Millaku does not argue why the indictment has not been sent to the Court, says that its enactment clause is not complete, even though he admits that all evidence is included in the indictment, but using footnotes (Video)”. Oath for Justice. August 20, 2018. (Follow link <https://betimiperdrejtesi.com/kryeprokurori-millaku-nuk-e-argumenton-mos-dergimin-e-aktakuzes-ne-gjykate-thote-se-eshte-e-mangjet-ne-dispozitiv-edhe-pse-pranon-se-te-gjitha-provat-jane-perfshire-ne-aktakuze-por-permes-fusnotave/>)

⁵¹ “The indictment of the resigned prosecutor Elez Blakaj, regarding the case known as “Veterans”, is submitted to the Court”. Oath for Justice. September 14, 2018. (Follow link <https://betimiperdrejtesi.com/dorezohet-ne-gjykate-aktakuza-e-prokurorit-te-dorehequr-elez-blakaj-per-rastin-e-njohur-si-veteranet/>)

according to her, the indictment was not compiled in accordance with the provisions of the CPCK and that the description of the factual situation of the enacting clause was unclear. Judge Kuka-Mekaj had given the SPRK 30 days to make the required improvements.⁵²

Although State Prosecutor Aleksandër Lumezi, in his statements to the media, said that the indictment would be filed in court within the time limit set by the court⁵³, but this did not happen, as the SPRK requested from BC in Pristina to extend this time limit for 30 more days, in order to make the required improvements. This request has been approved on November 9, 2018 by Judge Kuka-Mekaj.⁵⁴

On December 7, 2018, SPRK, finally handed this indictment to the court.⁵⁵

The alleged damage: 68.153.533.14 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

⁵² “The indictment of the case “Veterans” is returned to the Special Prosecution to be improved and clarified”. Oath for Justice. October 10, 2018. (Follow link <https://betimiperdrejtesi.com/aktakuza-e-veteraneve-i-kthehet-prokurorise-speciale-per-permiresim-dhe-qartesim/>)

⁵³ “Chief State Prosecutor Lumezi says that within a few days the veteran’s indictment is going to be re-submitted to Court”. Oath for Justice. October 22, 2018. (Follow link <https://betimiperdrejtesi.com/kryeprokurori-lumezi-thote-se-brenda-pak-ditesh-aktakuza-e-veteraneve-do-te-ridergohet-ne-gjykate/>)

⁵⁴ “The Court extends the legal time limit to 30 more days for the Special Prosecution to improve the indictment on the “Veterans” case. Oath for Justice. November 9, 2018. (Follow link <https://betimiperdrejtesi.com/gjykata-i-jep-edhe-30-dite-afat-prokurorise-speciale-qe-te-plotesoje-aktakuzen-ne-rastin-veteranet/>)

⁵⁵ “Special Prosecution submits to the Court the improved indictment regarding “Veterans” case. Oath for Justice. December 7, 2018. (Follow link <https://betimiperdrejtesi.com/prokuroria-speciale-e-dorezon-ne-gjykate-aktakuzen-e-plotesuar-ne-rastin-e-veteraneve/>)



Case Haki Rugova, Mayor of Istog Municipality

Untargeted case
BC in Peja
Case number: PKR.nr.25/18

Criminal offence: “Conflict of interest”

Presiding Judge: Sylë Lokaj

Prosecutor: Agron Matjani

Defendant: Haki Rugova

On December 7, 2017, ACA filed a criminal report against Haki Rugova, since allegedly the Mayor of Istog Municipality, Haki Rugova, has committed criminal offence of “conflict of interest”, when he signed a tender in this municipality, and his brother, Gani Rugova, was the one who benefited from this.

This criminal report has been the reason that BP in Gjakova, on March 26, 2018 filed an indictment against Rugova, claiming that he gave a tender to his brother Gani Rugova, in the amount of 300,000 Euro. Rugova, it is said, that when acting as the Mayor of Istog Municipality, on August 1, 2014, signed a contract agreement with “Ma-Con” L.L.C., whose director has been Gani Rugova. According to this agreement, the company had to built canalization for the villages Cërca and Lubozhda, with a price of 289,119.85 Euro.

The Prosecution claims that by these actions, the accused, Rugova, made it possible for his brother Gani Rugova, to benefit financially, thus it accuses him for the criminal offence of conflict of interest.

Negligence in handling the case and violations of the legal time limits

Initially the criminal report of the ACA has been sent to the Basic Prosecution in Peja, and has been delegated to Prosecutor Haxhi Sinanaj, but he, on January 17, 2018, sent a letter to the Chief Prosecutor of the Basic Prosecution in Gjakova, Ali Selimaj, and after consulting the Chief Prosecutor of the Appeals Prosecution, Haxhi Dërguti, as well as Agim Kurmehaj, the case has been delegated to the Basic Prosecution in Gjakova, because Sinanaj has said that he had friendly

relationship with Rugova, and the delegation should happen in order for the investigation to be fair and independent.⁵⁶

After the case has been delegated to the Basic Prosecution in Gjakova, after more than 3 months of the filing of the criminal report, the indictment has been filed on March 26, 2018, but this indictment has still not been heard by Rugova, because the initial hearing has failed four times in a row.

BC in Peja had scheduled the first initial court hearing, on May 7, 2018, but it failed to be held because the accused Rugova was absent. Earlier he had notified the court that he still had not assigned a defense attorney, and thus he had not gone to the court.⁵⁷ The other court hearing has been scheduled on May 21, 2018, but it had failed for the same reason, the absence of Rugova. Although, different from the court hearing of May 7, when Rugova notified regarding his absence, on May 21, he did not give any notification regarding his absence. The presiding Judge, Sylë Lokaj, had said that regarding the next court hearing, that had been postponed in an unspecified period of time, the Court will issue an order to force Rugova to be present in the next court hearing.⁵⁸

Haki Rugova, on September 10, has been present in court, in what has been the third attempt scheduled by the court, but like the previous two times, this court hearing, also, did not manage to be held. This time, upon the request of Rugova's attorney Besnik Berisha, who stated that the defense did not accept the case files from the prosecution, thus making Agron Matjani to agree with this request.⁵⁹

After three failed court hearings, it was expected for that to be held on November 5, 2018, but this did not happen. This time, the reason of postponing it, was the absence of the presiding judge Sylë

⁵⁶ "An indictment for conflict of interest is filed against the Mayor of Istog, *Haki Rugova*". Oath for Justice. April 16, 2018. (Follow link <https://betimiperdrejtesi.com/ngritet-aktakuze-per-konflikt-interesi-ndaj-kryetarit-te-istogut-haki-rugova/>)

⁵⁷ "*The Mayor of Istog is absent, the initial hearing regarding the case where he is accused of conflict of interest, fails*". Oath for Justice. May 7, 2018. (Follow link <https://betimiperdrejtesi.com/mungon-kryetari-i-istogut-desh-ton-seanca-fillestare-ne-rastin-ku-ai-akuzohet-per-konflikt-interesi/>)

⁵⁸ "*Haki Rugova is absent again, an order to force him to be present in court is warned*". Oath for Justice. May 21, 2018. (Follow link <https://betimiperdrejtesi.com/serish-mungon-haki-rugova-paralajmerohet-se-ai-mund-te-sillet-me-force-ne-gjykate/>)

⁵⁹ "*Mayor of Istog, Haki Rugova is present in court, but the court hearing is postponed because of the lack of case files*". Oath for Justice. September 10, 2018. (Follow link <https://betimiperdrejtesi.com/kryetari-i-istogut-haki-rugova-paraqitet-ne-gjykate-por-seanca-shtyhet-ne-mungese-te-shkresave-te-lendes/>)

Lokaj, thus making this case to fail starting the initial hearing once again. Also, in the court hearing was absent the accused, Rugova, who had notified the court that is traveling outside the country.⁶⁰

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.

⁶⁰ “*The Judge is in training, Haki Rugova in a business travel, the trial against the Mayor of Istog fails again*”. Oath for Justice. November 5, 2018. (Follow link <https://betimiperdrejtesi.com/gjykatesi-ne-trajnim-haki-rugova-ne-udhetim-zyrtar-serish-deshton-gjykimi-ndaj-kryetarit-te-istogut/>)



Case “Z-mobile”, Agron Mustafa, former Director of PTK and two other individuals

Untargeted case

BC in Pristina

Case number: PKR.nr.202/18

Criminal offence: “Abusing official position”

Presiding Judge: Lutfi Shala

Prosecutor: Florije Salihu-Shamolli

Defendants : Agron Mustafa, Ejup Qerimi and Rexhë Gjonbalaj

On December 22, 2016, the Office of the Chief State Prosecutor, after several media publications, submitted the case PPN.nr.236/16, requesting from the Special Prosecution to deal with the dispute between PTK and “Z-mobile”, in the arbitration process, a dispute that PTK had already lost, thus forcing it to meet the obligation in the amount of 32,856,407.28 euro to the benefit of Z-mobile.

After the SPRK had initiated the investigation, the same, on August 17, 2018, filed an indictment against the Director of PTK Agron Mustafa, former Director of PTK Ejup Qerimi and against the Chairman of the Board of Directors of PTK Rexhë Gjonbalaj, charging them of “abusing official position”, a criminal offence provided by Article 422 of the CCRK.

Based on the indictment, from February 19, 2015, when Agron Mustafa was elected as Chief Executive of PTK until May 24, 2017, although he was not competent in the dispute between PTK and now injured party DARDAFON.net (Z-Mobile) had signed the agreement to execute the final arbitration award. This action, according to the prosecution, caused delays in sending SIM cards, then it had not supplied the numbering block and had not provided 3G and 4G services to the injured party. Although regarding this contract, for the criminal offence of “entering into harmful contracts”, with a final judgment in June 2011, five individuals were acquitted, and even though the regulatory authority of electronic and postal communications, now injured part Z-Mobile had allowed the use of non-geographic numbering 045, this decision had not been implemented by the same. In this way, as the prosecution claims, despite the efforts of the injured party to resolve this agreement and eliminate possible arbitration process, Mustafa had not taken any action in this respect. Based on the indictment, Mustafa, in the arbitration procedure had engaged the company “Studioligji” to represent the company, in which procedure, the International Court of Arbitration decided in favor of the injured party. Based on these actions of Mustafa, the prosecution is claiming that PTK was supposed to pay the injured Z-Mobile the sum of 32.856.407.28 Euro, without

counting the other costs of the arbitral procedure, in the amount of over 500,000 Euro and 65,000 English Pounds.

Regarding this dispute among PTK and Z-mobile, in both domestic and arbitral courts, after which PTK has been damaged in the amount of millions of euros, besides Mustafa, regarding the period 2012-2014, the Chief Executive of PTK Ejup Qerimi, is also being accused, as well as the Chief of the Board of Directors, Rexhë Gjonbalaj. According to the prosecution, they have abused their official duties, damaging the injured party Z-mobile, as well as the PTK.

Negligence in handling the case and violations of the legal time limits

The indictment against Mustafa, Qerimi and Gjonbalaj, had arrived at the Basic Court on Prishtina the same day in which it has been filed, on August 17, 2018, and it has been assigned to the Judge Lutfi Shala.

Shala had scheduled the initial hearing on September 27, 2018, or 10 days after the legal time limit of 30 days from the moment when the indictment had arrived at court, and in this hearing all the three accused have pleaded not guilty.⁶¹

At the second hearing that have been scheduled on November 7, 2018, within the legal time limit since the initial hearing, the accused requested this indictment to be dismissed, whereas Judge Lutfi Shala still has not decided regarding the requests of the defence to dismiss the indictment.⁶²

The alleged damage: Around 30.000.000 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

⁶¹ “Agron Mustafa and others plead not guilty regarding the “Z-Mobile” case”. Oath for Justice. September 27, 2018. (Follow link <https://betimiperdrejtesi.com/agron-mustafa-dhe-te-tjeret-deklarohen-te-pafajshem-per-rastin-e-z-mobile/>)

⁶² “Agron Mustafa and two others request the dismissal of the indictment regarding the “Z-Mobile” case”. Oath for Justice. November 7, 2018. (Follow link <https://betimiperdrejtesi.com/agron-mustafa-dhe-dy-te-tjeret-kerkojne-hudhjen-e-aktakuzes-per-rastin-z-mobile/>)



Case Salim Jenuzi, former Mayor of Dragash Municipality

Targeted case
BC in Prizren

Case number: PKR.nr.10/18

Criminal offence: “Abusing official position or authority”; “Unlawful occupation of real property”

Presiding Judge: Ajser Skenderi

Prosecutor: Genc Nixha

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

Kosovo Police on April 25, 2016 filed a criminal report against Salim Jenuzi, Mayor of Dragash Municipality, and Vetim Hasani and Nexhat Selaj, municipal director, respectively municipal inspector. BP in Prizren on June 1, 2016 issued a decision to initiate the investigative stage regarding this case, whereas on August 10, 2016, filed the indictment against them for the criminal offence “abusing official position or authority” and “failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations”.

Salim Jenuzi is accused that acting as the Mayor of Dragash, during the period 2009-2016, enabled Nexhat Selaj to appropriate municipal property, which he had occupied in advance. Bean Haxhihasani is accused that in capacity of the Director of Urbanism on Dragash Municipality, issued a decision that allowed Nexhat Selaj to build a business building on municipal property. Vetim Hasani is accused that acting as the construction inspector in the Dragash Municipality has not acted to stop the construction of the business building of Nexhat Selaj, using a permanent material.

Nexhat Selaj is accused that during the period 2009-2016 has unlawfully occupied municipal property of Dragash Municipality, in which he built a business building of permanent character, although he had a permit for temporary use.

Negligence in handling the case and violations of the legal time limits

The court in that case assigned the initial hearing on September 2, 2016 and the second hearing on October 4, 2016 in accordance with the legal time limits set by the CPOK.⁶³ The main trial in this case has been held on December 12, 2016.⁶⁴ From that time, until the announcement of the judgement regarding this case, six other court hearings have been held, while two others have been postponed for various reasons.

BC in Prizren, on November 21, 2017, had announced the judgement regarding case, and Salim Jenuzi has been punished with one year of suspended imprisonment, after being found guilty of abusing official duty. So, based on the judgement, the punishment of imprisonment is not going to be executed if Jenuzi does not commit a new criminal offence within a period of two years. However, Nexhat Selaj has been punished to six months of imprisonment because of unlawful occupation of real property, this punishment will not be executed if he does not commit a new criminal offence within a period of two years. While, the accused Bean Haxhihasani and Vetim Hasani have been acquitted of charges of abusing official position, because the factual situation as described in the indictment has not been affirmed.⁶⁵

After the appeals of the parties, the Court of Appeals, in February of this year returned this case to retrial, only regarding defendants Jenuzi and Selaj, whereas regarding the accused Bean Haxhihasani and Vetim Hasani had affirmed the judgement of the first instance.⁶⁶

After the case was returned to retrial, regarding this case five more court hearings have been held, while two others have been postponed because of the strike of court administration employees.

Finally, on October 9, 2018, the BC in Prizren had announced a rejection judgment to the former Mayor of Dragash, Salim Jenuzi, who has been accused of abusing official position, while the

⁶³ “*Dragash Municipality as an injured party, does not join criminal prosecution against the Mayor of the Municipality, Salim Jenuzi and other officials*”. Oath for Justice. February 15, 2017. (Follow link <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/>)

⁶⁴ “*Mayor of Dragash opposes the charge of abusing official position*”. Oath for Justice. October 4, 2016. (Follow link <http://betimiperdrejtesi.com/kryetari-i-dragashit-kundershton-akuzen-per-keqperdorim-te-detyres-zyrtare/>)

⁶⁵ “*Mayor of Dragash Municipality, Salim Jenuzi is sentenced to a suspended punishment (Video)*”. Oath for Justice. November 21, 2017. (Follow link <https://betimiperdrejtesi.com/denohet-me-kusht-kryetari-i-komunes-se-dragashit-salim-jenuzi/>)

⁶⁶ “*The Court of Appeals returns to retrial the case against former Mayor of Dragash Municipality, Salim Jenuzi*”. Oath for Justice. March 1, 2018. (Follow link <https://betimiperdrejtesi.com/kthehet-ne-rigjykim-rasti-kunder-ish-kryetarit-te-komunes-se-dragashit-salim-jenuzi/>)

other accused in this case Nexhat Selaj, has been acquitted of the charge of unlawful occupation of real property.⁶⁷

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.

⁶⁷ “A rejection judgement is announced against former Mayor of Dragash, the accused of unlawful occupation of real property is found not guilty”. Oath for Justice. October 9, 2018. (Follow link <https://betimiperdrejtesi.com/aktgijkim-refuzues-ndaj-ish-kryetarit-te-dragashit-shpallet-i-pafajshem-i-akuzuari-per-uzurpim-prone/>)



Case Shukri Buja, former Mayor of Lipjan Municipality

Targeted case
BC in Pristina

Case number: PKR.nr.53/17

Criminal offence: “Abusing official position or authority”; “Accepting bribes”; “Unlawful construction work”; “Giving bribe”; “Trading in influence”

Presiding Judge: Beqir Kalludra

Prosecutor: Agron Bajrami

Defendants: Shukri Buja, Nebih Zeqiri, Halit Gashi, Edmond Rexhepi, Hasim Vishesella, Fahri Retkoceri, Magbule Sadiku, Burim Kodra, Driton Avdiu and Bajram Rizani

Kosovo Police on September 18, 2014 filed criminal report against Shukri Buja and others, while the decision to initiate investigative stage has been issued by the prosecution on October 21, 2015. The Special Prosecution of the Republic of Kosovo (SPRK) on February 13, 2017 filed an indictment that charged the former Mayor of Lipjan, Shukri Buja, Nebih Zeqiri - property official in the Office of the Mayor of Lipjan, Halit Gashi - in the capacity of director of the Directorate for Geodesy and Cadastre in Lipjan and Mgbule Sadiku - official in Directorate of Geodesy and Cadastre in Lipjan, that in violation of legal provisions acted to expropriate and then have alienated social and municipal properties, in favor of “New Co Ferronikel Complex L.L.C.”.

Fahri Retkoceri is charged with criminal offences of “unlawful construction work” and “giving bribe”. The defendant Retkoceri is accused of commencing the construction of a collective-residential building without being granted a construction permit. Defendant Hasim Visheshella – in the capacity of the Director of of Planning, Urbanism and Environment Protection in Lipjan Municipality, and the defendant Edmond Rexhepi – Director of Planning and Urbanism in Lipjan Municipality are charged with the criminal offences of “abusing official position or authority” and “accepting bribes”, because they issued construction permits for the defendant, Fahri Retkoceri.

The defendants, Driton Avdiu and Burim Kodra, are charged with the criminal offense “abusing official position or authority”. The Prosecution alleges that the two defendants in the capacity of municipal inspectors, when inspecting the construction of the apartment building constructed by the defendant, Fahri Retkoceri, have not taken measures to suspend the construction work. While, the defendant Bajram Rizani - in the capacity of Director of the Directorate of Inspection in Lipjan

Municipality, has not fulfilled his official duties, knowing that the defendant Fahri Retkoceri, was building an object without a construction permit and did not require from his subordinates to suspend the construction of the object, thus is accused of the criminal offence of “abusing official position or authority”.

Negligence in handling the case and violations of the legal time limits

The initial hearing regarding this case has been held on April 28, 2017, or about one and a half month after the 30 day legal time limit set by the CPCCK to conduct the initial hearing after the indictment filing.⁶⁸ Whereas, the second court hearing has been held on May 31, 2017, within the legal time limits provided by the CPCCK.⁶⁹ From that time until the announcement of the judgement regarding this case, seven court hearings have been held, whereas for various reasons, five more have been postponed. Its final judgement, the court rendered on November 5, 2018, where Shukri Buja has been punished to three years of effective imprisonment after being found guilty of the criminal offence of abusing official position in continuity and co-perpetration. For the criminal offence of abusing official position, also the other accused in this case have been found guilty, Nebih Zeqiri, has been punished to two years and six months of imprisonment, Halit Gashi, Edmond Rexhepi and Bajram Rizani have been punished to six months of imprisonment each, while Hasim Vishesella has been found guilty of accepting bribes and has been punished to five months of imprisonment. The accused Gashi, Rexhepi, Rizani and Vishesella may substitute their punishments of imprisonment to punishments of a fine. On the other hand, Magbule Sadiku, Burim Kodra and Driton Avdiu, have been acquitted of charges, while against the businessman Fahri Retkoceri, a judgement of acquittal has been rendered, regarding the criminal offence of “unlawful construction work”, while a rejection judgement has been rendered regarding the criminal offence of giving bribe.⁷⁰

What is worth mentioning regarding this case is the fact that the negligence handling it, has caused the statutory limitation on some criminal offences of which Shukri Buja and Fahri Retkoceri have been charged.

This case upon appeal is ongoing on the Court of Appeals.

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.

⁶⁸ “Former Mayor of Lipjan and other officials of this Municipality plead not guilty”. Oath for Justice. April 28, 2017. (Follow link <https://betimiperdrejtesi.com/deklarohet-i-pafajshem-ish-kryetari-i-lipjanit-dhe-zyrtaret-tjere-tesaj-komune/>)

⁷⁰ “Former Mayor of Lipjan, Shukri Buja is punished to three years of imprisonment regarding corruption criminal offences”. Oath for Justice. November 5, 2018. (Follow link <https://betimiperdrejtesi.com/ish-kryetari-i-lipjanit-shukri-buja-denoht-me-tre-vjet-burgim-per-korrupsion/>)



Case Salih Mekaj, President of the Court of Appeals

Targeted case
BC in Pristina

Case number: PKR.nr.338/16

Criminal offence: “Abusing official position or authority”; “Incitement to commit a criminal offence” and “Giving bribe”

Presiding Judge: Shashivar Hoti

Prosecutor: Drita Hajdari

Defendants: Salih Mekaj, Vlora Gorani, Mentor Seferaj and Ali Seferaj

On May 31, 2016, the SPRK filed an indictment against the former President of the Court of Appeals and member of the KJC, Salih Mekaj, for the criminal offence “abusing official position or authority”.

Based on the indictment, Salih Mekaj, in his capacity as an official person (at that time President of the Court of Appeals in Kosovo) used his official position and authority in order to obtain benefit for himself and for other individuals. Mekaj has promised defendant Vlora Gorani that he will try to schedule the main trial of two cases, as well as re-qualify criminal offences from more serious to “lighter” offences, so that two defendants of those cases be acquitted from detention on remand. Consequently, defendant Mekaj has requested from the judge of one of the cases to schedule the main trial regarding that case, thus violating the Court of Appeals’ ruling.

Defendant Vlora Gorani intentionally incited defendant Salih Mekaj to commit the criminal offence, in order to fast-track scheduling of the main trial and then re-qualify criminal offences for the defendant Mentor Seferaj and another defendant in one another criminal case, in order to acquit these two individuals from detention on remand.

Negligence in handling the case and violations of the legal time limits

In the case against Salih Mekaj, the initial hearing has been scheduled with a delay of five months from the day the indictment had been filed, respectively on October 20, 2016. The court hearing of October 20, 2016 has been postponed due to the absence of the accused Mentor Seferaj, who has been in detention on remand. Judge Shashivar Hoti, has informed the parties that they have sent the invitation to the accused Mentor Seferaj, but they have not received any response. Defense attorney of Vlora Gorani, Besnik Berisha, at this court hearing, requested from the court the

exclusion of the public in this case and the non-publication of photographs. His request has been joined by the defense attorney of the accused Salih Mekaj, Ramë Gashi. The prosecutor of this case, Drita Hajdari, has also agreed to exclude the public. On this occasion, the court based on Article 294 of the CPOK decided that the main trial for the case in question be closed to the public.⁷¹ The initial hearing in this case continued at the court hearing held on November 30, 2016.⁷² The second hearing scheduled for January 10, 2017 has been postponed due to the absence of the accused Vlora Gorani.⁷³ Thus the second hearing in the case against Sali Mekaj has been held on January 30, 2017.⁷⁴ After Judge Hoti confirmed the indictment, the Court of Appeals on May 17, 2017 approved the defense appeals and returned for reconsideration the decision to reject requests to dismiss the indictment and objections to evidence. Even at the second time, the first instance decided likewise, rejecting the requests to dismiss the indictment. When the case had gone back to the second instance, the Court of Appeals had decided to dismiss the indictment, regarding the count of indictment based on which Mekaj has met in March 2015 with the defendant Zef Gruda and his son Pal Gruda to recover a debt for his relative in the amount of 200,000 Euro.⁷⁵ Regarding this decision of the Court of Appeals, the State Prosecutor addressed the Supreme Court with a request for protection of legality, but that request has been rejected.⁷⁶

This judicial proceeding has been a targeted case for visa liberalization but has been kept away from the eyes of the public because of the court's decision to close it to media and public. Whereas, during the main trial, prosecutor Drita Hajdari had re-qualified the criminal offence against Mekaj,

⁷¹ “The trial against former President of the Court of Appeals and three other accused is postponed, the public gets excluded”. Oath for Justice. October 20, 2016. (Follow link <http://betimiperdrejtesi.com/shtyhet-gjykimi-ndaj-ish-kryetarit-te-gjykates-se-apelit-salih-mekaj-dhe-tre-te-akuzuarve-tjere-perjashtohet-publiku/>)

⁷² “Former President of the Court of Appeals, Sali Mekaj and three other accused plead not guilty”. Oath for Justice. November 30, 2016. (Follow link <http://betimiperdrejtesi.com/deklarohen-te-pafajshem-ish-kryetari-i-gjykates-se-apelit-salih-mekaj-dhe-tre-te-akuzuarit-e-tjere/>)

⁷³ “The second hearing against former President of the Court of Appeals, Sali Mekaj and three other accused is postponed”. Oath for Justice. January 10, 2017. (Follow link <http://betimiperdrejtesi.com/shtyhet-shqyrtimi-dytesor-ndaj-ish-kryetarit-te-gjykates-se-apelit-salih-mekaj-dhe-tre-te-akuzuarve-tjere/>)

⁷⁴ “The dismissal of indictment is requested against former President of the Court of Appeals, Sali Mekaj and three other accused”. Oath for Justice. January 30, 2017. (Follow link <http://betimiperdrejtesi.com/kerkohet-hudhja-e-aktakuzes-ndaj-ish-kryetarit-te-gjykates-se-apelit-dhe-tre-te-akuzuarve-tjere/>)

⁷⁵ “The Court of Appeals acquits Salih Mekaj from the criminal offence of abusing official position regarding the case of usury”. Oath for Justice. November 8, 2017. (Follow link <https://betimiperdrejtesi.com/apeli-e-liron-salih-mekaj-nga-keqperdorimi-i-detyres-per-rastin-e-fajdeve/>)

⁷⁶ “The Supreme Court rejects the Prosecution's request for protection of legality in Salih Mekaj's case”. Oath for Justice. April 10, 2018. (Follow link <https://betimiperdrejtesi.com/gjykata-supreme-refuzon-kerkesen-e-prokurorise-se-shtetit-per-mbrojtje-te-ligshmerise-ne-rastin-e-salih-mekaj/>)

from “abusing official position” to “trading in influence”. The Court, on May 28, 2018, announced the judgement based on which the accused has been acquitted of all charges.⁷⁷

The first instance judgement has also been affirmed by the Court of Appeals, which on October 23, had definitively acquitted Mekaj and others of all the charges.⁷⁸

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: 15.000 euro (by a first instance court decision, this amount of Money has been returned to the accused Vlora Gorani).

⁷⁷ “Former President of the Court of Appeals, Sali Mekaj is acquitted of all charges (Video)”. Oath for Justice. May 28, 2018. (Follow link <https://betimiperdrejtesi.com/ish-kryetari-i-apelit-salih-mekaj-lirohet-nga-te-gjitha-akuzat/>)

⁷⁸ “The Court of Appeals affirms the innocence of its former President Salih Mekaj and three others”. Oath for Justice. November 23, 2018. (Follow link <https://betimiperdrejtesi.com/gjykata-e-apelit-verteton-pafajesine-e-ish-kryetarit-te-saj-salih-mekaj-dhe-tre-te-tjereve/>)



Case Fatmir Limaj, former Minister of MTPT, now deputy Prime Minister

Untargeted case
BC in Pristina
Case number: PKR.nr.8/13

Criminal offence: “Organized crime”, “Abusing official position or authority”, “Accepting bribes”, “Giving bribe”

Presiding Judge: Marie Tuma

Prosecutor: Charles Hardaway

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

EULEX Prosecutor on April 23, 2010 issued a decision to initiate investigative stage against Fatmir Limaj, former Minister of Transport, Post and Telecom (“MTPT”) and others. The prosecution regarding this case, on December 5, 2012, filed an indictment against Fatmir Limaj, Nexhat Krasniqi, Endrit Shala, Shpëtim Telaku and Florim Zuka, for the criminal offences of “abusing official position or authority”, “accepting bribes” and “giving bribe”. The indictment of December 5, 2012, against Limaj’s group, by the public is known as the case MTPT 1, because EULEX Prosecutor on February 29, 2014, filed another indictment, regarding the case known as MTPT 2. Whereas on August 31, 2015, has been filed an indictment, considered as a “consolidated indictment”.

Negligence in handling the case and violations of the legal time limits

Case MTPT 1: The initial hearing regarding the case MTPT 1 has been held on March 26, 2014, or more than 15 months after the legal time limit provided by CPCK.

Case MTPT 2: The initial hearing regarding the case MTPT 2 has been held on June 10, 2015 and October 30, 2015, or more than 14 months after the legal time limit provided by CPCK, and one month after the “consolidated indictment” had been filed on August 31, 2015.

The main trial: The main trial has started on November 18, 2015, but has been completed after two years, respectively on November 24, 2017.

The first instance had decided to acquit all accused from the charges they have been accused of, while some of the criminal offences they have been charged of had reached the period of statutory limitation.⁷⁹

After the announcement of the judgement, the EULEX mission needed three months to draft that judgement in writing. The process of drafting the judgement has been followed by a rare precedent for the Kosovo justice system.⁸⁰

Judge Marie Tuma has been assigned as the presiding judge in the case MTPT, however, a request to extend the legal time limit to draft this judgement has been filed by another EULEX judge, Vladimir Mikula, and in the end the Judgment has been signed by Tuma. Mikula, had requested on December 12, 2017, that the legal time limit, in order to draft the judgement in writing, be extended for 60 days. The Criminal Procedure Code stipulates that when a particular case is complicated, the presiding judge may request the President of the Basic Court to extend the legal time limit in order to draft the judgement. The EULEX mission has never provided any explanation regarding this issue.

Against the first instance judgement, prosecutor Charles Hardaway, in March 2018, filed an appeal to the Court of Appeals, which has not yet decided on this appeal.⁸¹

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.

⁷⁹ “*Fatmir Limaj and others are acquitted of all counts of the indictment regarding the MTPT case (Video)*”. Oath for Justice. November 24, 2017. (Follow link <https://betimiperdrejtesi.com/fatmir-limaj-dhe-te-tjeret-lirohen-nga-te-gjitha-pikat-e-aktakuzes-ne-rastin-e-mtpt-se/>)

⁸⁰ “*EULEX compiles the judgement on Limaj case and others in violation of the law and the judicial precedent*”. Oath for Justice. March 27, 2018. (Follow link <https://betimiperdrejtesi.com/eulex-i-perpilon-aktgjykimin-ne-rastin-liMay-dhe-te-tjeret-ne-kundershtim-me-ligjin-dhe-praktiken-gjyqesore/>)

⁸¹ “*EULEX’s Prosecutor files an appeal to the Court of Appeals, requires the annulment of the judgement regarding MTPT case and requires for the case to be returned to retrial*”. Oath for Justice. March 28, 2018. (Follow link <https://betimiperdrejtesi.com/prokurori-i-eulex-it-parashtron-ankese-ne-apel-kerkon-qe-te-anulohet-aktgjykimi-per-mtpt-ne-dhe-rasti-te-kthehet-ne-rigjykim/>)



Case Ilir Tolaj 1, former General Secretary of Ministry of Health

Targeted case
BC in Pristina

Case number: PKR.nr.382/15

Criminal offence: “Abusing official position or authority”

Presiding judge: Valbona Musliu-Selimaj

Prosecutor: Initially it has been Admir Shala, then the case has been transferred to Florije Salihu-Shamolli

Defendants: Ilir Tolaj, Bekim Fusha, Zenel Kuqi, Valentina Haxhija-Pacolli, Remzije Thaçi, Florije Tahiri. In this indictment have been involved also Arion Lleshi and Shpend Agani, but they have entered a plea agreement.

SPRK on April 23, 2013, issued a decision to initiate investigative stage against Ilir Tolaj, former General Secretary of the Ministry of Health, and others. On July 6, 2013, the SPRK filed an indictment to the Basic Court in Pristina, against Ilir Tolaj, Bekim Fusha, Zenel Kuqi, Valentina Haxhijaj, Remzije Thaçi and Florije Tahiri for the criminal offence “abusing official position or authority”.

According to PSRK, Ilir Tolaj as General Secretary of the Ministry of Health, Bekim Fusha as Acting Director of Pharmaceutical Department at Ministry of Health and Zenel Kuqi as Procurement Manager at Ministry of Health, during the period May 23, 2011 until December 31, 2011, in co-perpetration, have obtained benefits for the company “KMI” SHPK Drenas, and its owners Arian Lleshi and Shpend Agani, in the amount of 400,000 Euro. Valentina Haxhijaj, Remzije Thaçi and Florije Tahiri are accused that acting as members of the Contract Execution Review Committee, allegedly have enabled the company “KMI” to manipulate the amount of medicaments. Thus, they are accused of committing the criminal offence “abusing official position” in continuity. Zenel Kuqi is accused that in the capacity of Procurement Manager during the period between 23.05.2011 and 31.12.2011 has surpassed his competencies in order to obtain material benefit from the company “ACG” and company “Standard, regarding the procurement activity “General Renovation of the Annex of the existing Emergency at UCCK”, from the company “Alb Architect” regarding the procurement activity “General Renovation and adaptation of the ground floor in the General Clinic, in the new department of Dialysis at UCCK” and from the company “Life Farm” regarding the procurement activity “Supply with intravenous therapy (IV)”, thus damaging the budget of Kosovo in the total amount of 276,307.97 Euro.

In this indictment have been included also the two businessmen Arion Lleshi and Shpend Agani, but both had entered a plea agreement with the Prosecutor. Consequently, the court found the two businessmen guilty, punishing them with a two-year of imprisonment and a punishment of a fine in the amount of 1,000 Euro each. Based on the Judgment of the BC in Prishtina, they have been forced to repay the damage caused to the state, in the amount of 400,000 Euro.

According to the prosecution, Lleshi and Agani were accused of making false statements or hiding facts, which has resulted in damage of the budget of the Ministry of Health and also, they have avoided paying taxes and other contributions to their employees, as provided by the law.

Negligence in handling the case and violations of the legal time limits

The initial hearing regarding this case against Ilir Tolaj and others has been scheduled by the BC in Pristina with a delay of four months, respectively it has been scheduled on December 8, 2015. This hearing has been adjourned and it has been held only on January 20, 2016. The second hearing regarding this case has been held on February 26, 2016.⁸² The main trial regarding this case has also been scheduled with delays, respectively over six months after the second hearing. The first hearing of the main trial has been scheduled on September 9, 2016, but it has been adjourned to September 15, 2016. Until the end of the main trial, regarding this case, 25 court hearings have been scheduled, five of which had failed. BC in Pristina, on June 6, 2018, announced the judgement, based on which Tolaj and the other five have been acquitted, as according to the Presiding Judge Valbona Musliu-Selimaj, it has not been proven that the accused committed

⁸² “Former officials of Ministry of Health oppose charges against them”. Oath for Justice. February 26, 2016. (Follow link <http://betimiperdrejtesi.com/ish-zyrtaret-e-ministrise-se-shendetesise-kundershtojne-akuzat-ndaj-tyre/>)

“The trial against Tolaj and others for the criminal offence of abusing official position is postponed”. Oath for Justice. September 9, 2016. (Follow link <http://betimiperdrejtesi.com/shtyhet-shqyrtimi-gjyqesor-ndaj-ilir-tolajt-dhe-te-tjereve-per-keqperdorim-te-detyres/>)

“Case Tolaj and others – Attorney Berisha: Within a normal system, my client would have been treated as the injured party”. Oath for Justice. September 15, 2016. (Follow link <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/>)

“Former Minister Ferid Agani testifies in the trial against former Secretary of Ministry of Health, Ilir Tolaj”. Oath for Justice. October 14, 2016. (Follow link <http://betimiperdrejtesi.com/ish-ministri-ferid-agani-deshmon-ne-gjykimin-ndaj-ish-sekretarit-te-msh-se-ilir-tolaj/>)

“The trial against former Secretary of MH, Ilir Tolaj and others is postponed”. Oath for Justice. January 26, 2017. (Follow link <http://betimiperdrejtesi.com/shtyhet-shqyrtimi-gjyqesor-ndaj-ish-sekretarit-te-msh-se-ilir-tolaj-dhe-te-tjereve/>)

“In the trial against Ilir Tolaj, the Director of Budget and Finances in the Ministry of Health says that the whole procurement activity regarding the disposal of medicaments has been done according to the law”. Oath for Justice. February 21, 2017. (Follow link <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/>)

criminal offences of which they had been charged.⁸³ The case is currently ongoing in the Court of Appeals.

The alleged damage: Over 600.000 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

⁸³ “*Ilir Tolaj and others are found innocent on corruption charges regarding the case of the disposal of medicaments (Video)*”. Oath for Justice. June 6, 2018. (Follow link <https://betimiperdrejtesi.com/ilir-tolaj-dhe-te-tjeret-shpallen-te-pafajshem-per-korrupsion-ne-rastin-e-asgjesimit-te-barnave-pa-afat/>)



Case Ilir Tolaj 2, former General Secretary of Ministry of Health

Untargeted case
BC in Pristina
Case number: PKR.nr 737/16

Criminal offences: “Abusing official position or authority”; “Accepting bribes”

Presiding Judge: Naime Krasniqi-Jashanica

Prosecutor: Fikrije Fejzullahu

Defendants: Ilir Tolaj, Bujar Bukoshi, Arbenita Pajaziti, Hajrullah Fejza, Zenel Kuqi and Bekim Fusha

The decision to initiate investigative stage against the defendants in this case has been issued on December 28, 2008, whereas the indictment has been filed on July 16, 2012. The indictment compiled by EULEX Special Prosecutor Maria Bamieh, charges Ilir Tolaj, Arbenita Pajaziti, Ismet Hyseni, Zenel Kuqin, Hajrullah Fejza, Bekim Fusha, Alban Thaçi, Basri Asllani, Bujar Bukoshi, Nexhat Shabani and Imer Ajeti with the criminal offence of “abusing official position or authority”. At the court hearing held on June 5, 2018, the Special Prosecutor Fikrije Fezullahu had amended the indictment regarding this case.⁸⁴ The amended indictment filed to the Court, charges Ilir Tolaj, Arbenita Pajaziti, Zenel Kuqi, Hajrullah Fejza, Bekim Fusha and Bujar Bukoshi to committing the criminal offence “misusing official position or authority” under Article 339 of the Provisional Criminal Code, currently penalized by paragraph 1 of Article 422 and Article 423 in conjunction with Article 81 of the Criminal Code. Zenel Kuqi has allegedly abused his official position by not keeping notes for lots 72 and 73, which contained files of “Sante Pharm”, which based on the indictment meant that it has not been possible to encounter the decision regarding these lots. Hajrullah Fejza, then Chief of Quality Control, is accused that acting as an official of Ministry of Health, on different days requested bribe.

⁸⁴ “The Prosecution amends the indictment against Ilir Tolaj, Bujar Bukoshi and others, the defense says that the statutory limitation period has reached”. Oath for Justice. June 5, 2018. (Follow link <https://betimiperdrejtesi.com/prokuroria-ben-ndryshimin-e-aktakuzes-ndaj-ilir-tolajt-bujar-bukoshit-e-te-tjereve-mbrojtja-thote-se-eshte-arritur-parashkrimi/>)

Negligence in handling the case and violations of the legal time limits

BC in Pristina rendered a judgement on July 19, 2013, thus punishing the former General Secretary of the Ministry of Health, Ilir Tolaj, to 10 months of imprisonment for “incitement to falsify official documents”, while 9 months imprisonment for “tax evasion”. The court has imposed an aggregate punishment of 18 months of imprisonment, where based on the judgement, for the accused, is going to be calculated the time spent in detention on remand and house arrest. Also, he has been punished to a fine in the amount of 1000 Euro, for the criminal offence of “tax evasion”.

This judgment also prohibited him exercising public administration or public service functions for 3 years. Arbenita Pajaziti, has been punished to 6 months of imprisonment for the criminal offence “incitement to falsify official documents”, whereas based on another count of indictment accused of “incitement to falsify official documents” has been sentenced to 6 months of suspended imprisonment. The Court has imposed an aggregate punishment of 8 months, which will not be executed if she does not commit a criminal offence for a period of two years from the moment the judgment becomes final. Pajaziti has also been prohibited of exercising public administration or public service functions for 2 years.

Hajrullah Fejza, has been punished to six months of imprisonment for the criminal offence of accepting bribes. The court has imposed an aggregate punishment to eight months of imprisonment. Based on the judgement, the time spent in detention on remand by the accused, is going to be calculated within his punishment of imprisonment. Fejza has also been prohibited of exercising public administration or public service functions for 3 years

The aforementioned accused have been acquitted of the other counts of the indictment. Bujar Bukoshi, former Minister of Health, has been acquitted of charges with a judgement of the Basic Court in Pristina. Other defendants, Ismet Hyseni, Zenel Kuqi, and Bekim Fusha have been acquitted of the charges. Following the appeals of Ilir Tolaj, Arbenita Pajaziti and Hajrullah Fejza to the Court of Appeals, regarding the judgment of the Basic Court, the Court of Appeals had rendered this judgment: the judgement of the Basic Court of Pristina has been annulled in respect of the counts 1.1, 1.2, 1.3, 1.6, 1.7, 1.8, 1.9, 2, 3.1, 10 and 12 and regarding these counts the case has been returned for retrial. Whereas, the Court of Appeals has affirmed the appealed judgment of the Basic Court in respect of the counts 1.4, 1.5, 11 as well as counts that have not been appealed by the prosecutor 1.7, 1.10, 1.11, 1.12, 1.13, 3.2, 6.8 and 9. The Supreme Court, has granted the request of Ilir Tolaj’s attorney and the charge of committing the criminal offence of tax evasion has been rejected. Hence, the Judgment of the Basic Court and the Court of Appeals has been amended. Also, the Supreme Court annulled the punishment of Hajrullah Fejza, who was convicted of the criminal offence “accepting bribes” and returned the case for reconsideration to the first instance court. Also, on March 6, 2017, the Supreme Court had granted the request for protection of legality regarding Ismet Hyseni, based on its merits. By granting the request for protection of legality, the judgment of the Court of Appeals of Kosovo of September 13, 2016 has been annulled only with respect to count II of the enacting clause, associated to point 2 and only

regarding the defendant Ismet Hyseni, whereas the case for this part has been returned to the same court for reconsideration.

Upon returning the case for retrial to the Basic Court in Pristina, in addition to the session in which Prosecutor Fejzullahu had specified the indictment, no court hearing has yet been held.

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.



Case Valdrin Lluka, former official at the Ministry of Trade and Industry, now Minister of Economic Development

Untargeted case
BC in Pristina

Case number: PKR.nr.629/16

Criminal offence: “Conflict of interest”

Presiding Judge: Hamdi Ibrahim

Prosecutor: Habibe Salihi

Defendants: Valdrin Lluka and Eliana Naka

On October 27, 2016, BP in Pristina filed an indictment against Valdrin Lluka and Eliana Naka, after claiming that while they have been working as officials at the Ministry of Trade and Industry, have provided financial support to the Non-Governmental Organization “Jakova Innovation Center” directed by Naka, while it was founded by Lluka.

Lluka was accused that as a senior official at the Ministry of Trade and Industry (MTI) and at the same time as the Chief Executive of the Investment Promotion Agency, on March 23, 2014, commenced the procedures of fund commitment in the amount of 20,000 Euro addressed to Non-Governmental Organization (NGO) “Jakova Innovation Center”, where he has been the founder.

Meanwhile, MTI General Secretary Eliana Naka, allegedly has issued a decision on June 2, 2014, based on which, the funds in the amount of 20,000 Euro should be allocated as financial support to the NGO “Jakova Innovation Center”, where she has been Head of the Board.

Negligence in handling the case and violations of the legal time limits

Judge Elmaz Zenuni, has been the presiding judge in the phase of indictment control, while he has held the initial hearing on January 26, 2017 – two months past the legal time limit provided by the CPCK. At the initial hearing all the accused pleaded not guilty. At the second hearing, that has been held on March 3, 2017, both the accused requested that the indictment be dismissed, claiming that it is not based on evidence.⁸⁵

⁸⁵ “In the case against MTI’s officials accused of conflict of interest, the defense requests the dismissal of the indictment”. Oath for Justice. March 3, 2017. (Follow link <https://betimiperdrejtesi.com/ne-rastin-ndaj-zyrtareve-te-mti-se-te-akuzuar-per-konflikt-interesi-mbrojtja-kerkon-hudhjen-e-aktakuzes/>)

After the indictment has been confirmed, the main trial has been scheduled by the presiding judge Hamdi Ibrahim, on October 18, 2017, but it has not been held, because the accused Eliana Naka was absent. Her attorney, Teuta Zhinipotoku, had stated that her client is absent due to poor health.⁸⁶ For the same reason, the court hearing of December 12 of last year, also failed. Although Lluka's attorney had requested the severance of proceedings, such proposal had been rejected by Judge Ibrahim.⁸⁷

The first hearing of the main trial has been held on December 18, 2018, but it has been interrupted due to Naka's health condition.⁸⁸ The health condition of Naka once again has been the reason of the postponement of another court hearing, on January 25, 2018, whereas the court hearing scheduled for June 19 had failed because of the annual leave of the member of the Trial Panel, judge Vehbi Kashtanjeva.⁸⁹ On July 23, 2018, the main trial has been held and completed, when the accused also presented their defense.⁹⁰

The court on July 23, 2018 had announced the judgement, declaring Lluka innocent, because as said, the first instance had not proven that he had committed the criminal offence of "conflict of interest", whereas for this criminal offence the accused Eliana Naka had been found guilty, and had been punished to a fine in the amount of 7,000 Euro.⁹¹

The case is currently in the appellate phase at the Court of Appeals.

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.

⁸⁶ "The trial against the Minister of Economic Development Valdrin Lluka fails". Oath for Justice. April 12, 2018. (Follow link <https://betimiperdrejtesi.com/desh-ton-gjykimi-ndaj-ministrit-te-zhvillimit-ekonomik-valdrin-lluka/>)

⁸⁷ "The trial against Minister Valdrin Lluka fails again, the severance of proceedings is rejected". Oath for Justice. December 12, 2017. (Follow link <https://betimiperdrejtesi.com/serish-deshton-gjykimi-ndaj-ministrit-valdrin-lluka-refuzohet-vecimi-i-procedures-ndaj-tij/>)

⁸⁸ "Minister Valdrin Lluka pleads not guilty on charges of conflict of interest". Oath for Justice. December 18, 2017. (Follow link <https://betimiperdrejtesi.com/ministri-valdrin-lluka-deklarohet-i-pafajshem-per-konflikt-te-interesit/>)

⁸⁹ "The member of Trial Panel in annual leave, the trial against the Minister of Economic Development Valdrin Lluka fails". Oath for Justice. June 19, 2018. (Follow link <https://betimiperdrejtesi.com/onetari-i-trupit-gjykues-nepushim-deshton-gjykimi-ndaj-ministrit-te-zhvillimit-ekonomik-valdrin-lluka/>)

⁹⁰ "Valdrin Lluka says that he didn't thought that the action of which is being charged could have caused conflict of interest". Oath for Justice. July 20, 2018. (Follow link <https://betimiperdrejtesi.com/valdrin-lluka-thote-se-nuk-ekamenduar-se-veprimi-per-te-cilin-akuzohet-mund-te-shkaktoj-konflikt-interesi/>)

⁹¹ "Valdrin Lluka is acquitted of the charge of conflict of interest". Oath for Justice. 23 July 2018. (Follow link <https://betimiperdrejtesi.com/valdrin-lluka-lirohet-nga-akuza-per-konflikt-interesi/>)



Case Etem Arifi, Member of the Parliament of Kosovo

Untargeted case
BC in Pristina

Case number: PKR.nr.740/16

Criminal offence: “Trading in influence”, “Subsidy fraud”

Presiding Judge: Vesel Ismaili

Prosecutor: Drita Hajdari

Defendants: Etem Arifi and Bajram Gashi

This case started after the Kosovo Police on June 2, 2014 submitted to the Basic Prosecution in Pristina a criminal report, then on the same day, the Prosecution, issued a ruling to initiate investigative stage regarding the criminal offence “subsidy fraud”. This Prosecution Office handed this case in competence to the Special Prosecution, which on May 4, 2015 extended the investigation against Arifi regarding other criminal offences such as “abusing official position” and “trading in influence”.

The Special Prosecution of the Republic of Kosovo on December 9, 2016 filed an indictment against the Member of the Parliament Etem Arifi and against the director of the NGO “Voice of Ashkali towards Integration”, Bajram Gashi, after claims that during the period from December 2012 to July 2013, Arifi, used his position as a Member of the Parliament to influence the officials of the Ministry of Labor and Social Welfare to grant subsidies to the NGO “Voice of Ashkali towards Integration”, whose director has been Bajram Gashi.

According to the prosecution, they knew that the subsidies received from MLSW and the Office of the Prime Minister have been provided using inaccurate information regarding the NGO “Voice of Ashkali towards Integration”. Two of the accused allegedly benefited from these subsidies of 25,646.00 Euro, because they have not been used for the purposes for which they had been granted but have been appropriated by Arifi, Gashi and other individuals. These monies, according to the prosecution, have not been used for the purposes for which they had been granted, but had been appropriated by Arifi and Gashi to obtain benefit for other individuals.

Arifi and Gashi have been charged of “subsidy fraud”, while Arifi also for “trading in influence”.

Negligence in handling the case and violations of the legal time limits

The initial hearing regarding this case has been held on May 18, 2017, or more than five months after the filing of the indictment. In this hearing all of the accused pleaded not guilty, while the second hearing has been scheduled and held within the legal time limit on June 28, 2017. At the first hearing of the main trial, which has been held on November 24, 2017, the accused Bajram Gashi admitted having appropriated 1070 Euro from the subsidies the NGO received, but not more than that. Such a statement the trial panel did not accept as a guilty plea.⁹²

Eight court hearings have been scheduled regarding this trial, two of which have failed, while it has been completed on April 18, 2018, when Arifi's co-accused Bajram Gashi, had stated that Member of the Parliament Arifi had sent a few individuals to his house and had offered him 30,000 Euro so he would hand them over to the government and admit of committing the criminal offence, and state that Arifi knew nothing regarding this criminal offence. At that hearing, Gashi also had stated that using the individuals that had been sent to his home, he had been threatened to death if he reported the case to the police.⁹³

The court announced a judgement on April 20, 2018, sentencing both the accused for the criminal offence "subsidy fraud", with two years of suspended imprisonment, that would not be executed if they did not commit a criminal offence within 3 years period of time.⁹⁴

The defendants must refund the Ministry of Labor and Social Welfare (MLSW) the amount of 22,900 Euro and the Office for Communities in the Prime Minister's Office the amount of 2,749 Euro. Whereas, if they do not compensate these amounts within six months, the suspended punishment would be revoked. While, based on this judgement, it had not been proven that Arifi had committed the criminal offence of "trading in influence", regarding which a judgement of acquittal has been rendered.

This case currently is ongoing at the Court of Appeals. **The alleged damage:** 25.646.00 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

⁹² "Subsidy fraud, the co-accused in the case of former Member of the Parliament declares of appropriating over one thousand Euro". Oath for Justice. April 12, 2018. (Follow link <https://betimiperdrejtesi.com/mashtrimi-me-subvencione-i-bashkakuzuari-ne-rastin-e-ish-deputetit-thote-se-pervetesoi-mbi-nje-mije-euro/>)

⁹³ "The co-accused says that Etem Arifi threatened him to death if he testified about abusing with money, the Member of the Parliament denies it". Oath for Justice. April 18, 2018. (Follow link <https://betimiperdrejtesi.com/i-bashkakuzuari-thote-se-etem-arifi-e-kercenoi-me-vdekje-nese-do-te-fliste-per-keqperdorimin-e-parave-deputeti-e-mohon/>)

⁹⁴ "Member of the Parliament Etem Arifi, is punished to two years of suspended imprisonment regarding subsidy fraud, is acquitted of the charge of trading in influence (Video)". Oath for Justice. April 12, 2018. (Follow link <https://betimiperdrejtesi.com/deputeti-etem-arifi-denohet-me-dy-vjet-burgim-me-kusht-per-mashtrim-me-subvencione-lirohet-nga-akuza-per-ushtirim-ndikimi/>)



Case Ragip Begaj, Mayor of Malisheva Municipality

Targeted case
BC in Gjakova
Case number: PKR.nr.114/17

Criminal offence: “Abusing official position or authority”

Presiding Judge: Gëzim Pozhegu

Prosecutor: Abdurrahim Islami

Defendant: Ragip Begaj

On August 26, 2015, a citizen filed a criminal report against the Mayor of Malisheva Municipality, Ragip Begaj, while the decision to initiate investigative stage has been issued by the Prosecution office on October 18, 2016. The Special Prosecution of the Republic of Kosovo (SPRK) on December 29, 2017 filed an indictment for the criminal offence of abusing official position or authority, against the Mayor of Malisheva, Ragip Begaj. Based on the indictment of the Special Prosecution, Begaj has been charged that while acting as the Mayor of Malisheva, engaged Labinot Mazreku as the Procurement Manager for about seven months, although the Municipality already had a Procurement Manager.

Based on the indictment, the defendant Begaj had understood that in the Office of the Procurement Manager, Haxhi Krasniqi, has had mismanagement, respectively the file of the economic operator “L.L.C. Albakos & NNSH Korben” Peja-Gjakova, had been lost, and this operator had filed a complaint to the Procurement Review Body (PRB) as a displeased party, and the complaint had been approved by this body. According to the decision of the PRB of August 11, 2014, the decision of the contracting authority has been annulled as ungrounded and it ordered the authority to return the case to re-tender and obliged the Municipality of Malisheva to seek responsibility from the responsible individuals regarding the loss of the offer. In the indictment it is written that the defendant, upon receiving the decision, in a fast-tracked procedure has suspended all procurement officials from work, with a payment of only 50% of the salary, from August 14, 2014 even though the file had been discovered in the Office of the Procurement Manager only two days after receiving the PBR decision.

This indictment against Begaj has been dismissed by the Basic Court in Gjakova on April 3, 2018. The judgement of the BC has been affirmed by the Court of Appeals on May 2018.

Negligence in handling the case and violations of the legal time limits

The initial hearing regarding this case has been held on February 22, 2018, or 24 days after the 30 day legal time limit provided by the CPCR.

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.



Case Ramadan Muja, former Mayor of Prizren and others

Untargeted case
BC in Gjilan

Case number: PKR.nr.189/2011

Criminal offence: “Abusing official position or authority”

Presiding Judge: Agim Ademi

Prosecutor: Fikrije Fejzullahu

Defendants: Ramadan Muja, Sadik Paçarizi, Avni Ademaj, Kadri Ukimeri, Abdullah Tejeci and Minir Krasniqi

The Special Prosecution of the Republic of Kosovo (SPRK) on February 26, 2013 filed an indictment against former mayor of Prizren, Ramadan Muja, former director of the Directorate of Urbanism and Spatial Planning, Sadik Paçarizi and former Director of Geodesy and Cadaster, Avni Ademaj. Officials of the Prizren Municipality, Abdullah Tejeci, Minir Krasniqi and Kadri Ukimeri have been involved in the indictment filed of the criminal offence of abusing official position. Muja and others have been accused by the prosecution that they have misused the municipal properties managed by the Privatization Agency of Kosovo. Also, among the properties are also two parcels where “Mehmet Akif” school and “Kamila” chocolate factory in Prizren have been built, which based on the indictment have not gone through the Municipal Assembly, but with a direct decision of the former Mayor Muja.

Negligence in handling the case and violations of the legal time limits

Even after almost six years since the indictment has been filed, there still isn't a final judgement regarding this case, which is part of high profile cases.

On March 13, 2014, after about 30 court hearings, the BC in Prizren had announced a judgement of conviction against former Mayor Muja and others. Muja has been punished to two years of suspended imprisonment, meaning that the punishment would not be executed if Muja did not commit a criminal offence for the period of three years. The court has also imposed the accessory punishment of prohibition on exercising public administration or public service functions for 30 months.

BC in Prizren, had announced a judgement of conviction also against other accused in this case, Paqarizi, Ademaj, Tejeci, Krasniqi and Ukimeri, prohibiting them to exercise public administration or public service functions for certain periods of time.

The Court of Appeals annulled such judgement and returned the case to a retrial, but upon the prosecution's appeal, the case went to the Supreme Court, and so the Supreme Court decided that the case again should be reconsidered by the Court of Appeals.

The Court of Appeals again in July 2017, decided to return the case to the first instance for reconsideration and reinstatement, but the BC in Prizren requested to be excluded from this case. Such request has been made on the grounds that one of the criminal offences of which Ramadan Muja is charged, relates to the criminal report filed by the BC in Prizren regarding the obstruction of the court work, when forbidding the participation of experts - geodesists in court hearings, where the President of the Court and a Judge have been heard as witnesses.

The Court of Appeals, upon a request of the President of the Basic Court in Prizren, Ymer Hoxha, on August 8, last year, decided that the retrial against Ramadan Muja and five other defendants should be conducted by the BC in Gjilan. Whereas, the court proceedings against Kadri Ukimeri have been dismissed since he has died.

The retrial on Muja and others started on December 14, 2017. From that time until the end of November 2018, seven court hearings have been held, while three others have been postponed for various reasons. The closing statement regarding this case is scheduled to be held on December 17, 2018.

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.



Case “Realtor”: Emin Beqiri, former Director of Economic Crimes at the Kosovo Police and businessman Rrahim Hashimi

Targeted case
BC in Pristina

Case number: PKR.nr.112/18

Criminal offence: “Abusing official position”, “Failure to report criminal offences or perpetrators”, “Obstruction of evidence”, “Trading in influence”, “Fraud”

Presiding Judge: Adnan Isufi

Prosecutor: Fikrije Fejzullahu

Defendants: Emin Beqiri and Rrahim Hashimi

The Special Prosecution of the Republic of Kosovo, on May 4, 2018 published a media statement announcing that regarding the targeted case for visa liberalization, it had already filed an indictment.⁹⁵

Based on the indictment, former Director of Economic Crimes in Kosovo Police, Emin Beqiri, and businessman Rrahim Hashimi, known as “realtor”, allegedly received 100,000 Euro from the leaders of the Center for Advocacy and Diplomacy (CAD) in order to close their case.

The Prosecution claimed that Emin Beqiri, working as the Director of the Directorate for Economic Crimes in Pristina, in December 2016, in order to unlawfully obtain for himself and the other person, through the director of “City Group”, the accused Rrahim Hashimi, requested 100,000 Euro from the injured party Valmir Hajrullahu and Freskim Buqaj, about whom the Directorate had started an investigation regarding the criminal offence of fraud. Based on the indictment, Beqiri, provided Hashimi with information that was considered official secret, and then Hashimi told the injured parties that the search of the premises and their houses would not be carried out based on the court order and he even tried to persuade the injured party to give him the required money so that the proceedings against them would be closed.

⁹⁵ “An indictment is filed against the former Director of Economic Crimes at the Kosovo Police, Emin Beqiri and businessman Rrahim Hashimi”. Oath for Justice. May 4, 2018. (Follow link <https://betimiperdrejtesi.com/ngritet-aktakuze-ndaj-ish-drejtorit-te-krimeve-ekonomike-ne-policine-e-kosoves-emin-beqiri-dhe-biznesmenit-rrahim-hashimi/>)

However, according to the indictment, the accused Hashimi had failed to receive the money required and against the injured party Hajrullahu and Buqaj the procedure had been initiated, and after that, parents of the injured party, Rexhet Hajrullahu and Qazim Buqaj, had given the accused Hashimi 50,000 Euro so the accused Beqiri, could allow them to open the premises, and then they would give him another 50,000 Euro to close this procedure. Thus, in December 2016, Rexhep Hajrullahu had given the accused Hashimi 16,000 Euro, then another 9,000 Euro, while the injured Qazim Buqaj 25,000 Euro. The Prosecution also charged Beqiri with the criminal offence of “obstruction of evidence”, since he, during January-March 2017, despite the court order for examination of the telephone “iPhone 6” of the injured party Valmir Hajrullahu, did not sent it to the lab. While the injured party noticed that the recorded conversations and pictures had been erased from the phone, and Beqiri has also been charged with the criminal offence “failure to report criminal offenses or perpetrators”, since he knew that Hashimi had taken money on his behalf but had not reported the criminal offence.

Meanwhile, the second defendant Rrahim Hashimi is accused that during December 2016, from the family members of the injured Hajrullahu and Buqaj had received the sum of 50,000 Euro and had requested another 50,000 Euro in order to fast-track the procedure against them, and then to influence the decision-making of an official, causing the accused Beqiri to act in violation of the law. He is also is accused that during the years 2009-2017 had deceived several citizens, by using false facts, with the intent to obtain unlawful material benefit for himself, he had used the friendship with the attaché of the Hungarian Embassy, Tamas Gergely, and had applied for visa on behalf of different individuals, presenting them as “City Group” employees.

Negligence in handling the case and violations of the legal time limits

The SPRK indictment, which contained the criminal offences such as “abusing official position or authority”, “obstruction of evidence”, “failure to report criminal offences or perpetrators”, “trading in influence” and “fraud”, in less than six months was halved, because at the indictment control phase, the proceedings against Beqiri have been terminated regarding all the counts of the indictment, whereas Hashimi has been left to be adjudicated only regarding the count on “fraud”.

The Serious Crimes Department had scheduled the initial hearing on May 16, 2018, in a record time limit, only 14 days after the indictment had been filed on May 2, 2018. At that hearing, the two accused pleaded not guilty of all the charges.⁹⁶ After the first instance confirmed the indictment, the case was sent to the Court of Appeals, which on September 21, dismissed the indictment against Beqiri, and the decision that the first instance had used to rejected his request

⁹⁶ “Former Director of Economic Crimes and businessman plead not guilty on closing a case for 100 thousands Euro”. Oath for Justice. April 12, 2018. (Follow link <https://betimiperdrejtesi.com/ish-drejtore-i-krimiveve-ekonomike-dhe-biznesmeni-deklarohen-te-pafajshem-per-mbylljen-e-nje-rasti-per-100-mije-euro/>)

for dismissal of the indictment, returned to reinstatement.⁹⁷ On the same day that the Court of Appeals had notified regarding this decision, the Presiding Judge, Vesel Ismajli, again confirmed the indictment against Hashimi, who was charged of the offences “trading in influence” and “fraud”.

Hashimi’s attorney, again addressed the second instance, demanding that same as to Beqiri, the proceedings against Hashimi be terminated as well. Regarding these claims, the Court of Appeals, on October 18, 2018, had rendered a ruling by which partially approved Hashmi’s appeal. According to this ruling, the proceedings regarding the criminal offence “trading in influence” will be terminated, as there was no well-grounded suspicion that he had committed this criminal offence, while it had confirmed the indictment regarding the criminal offence “fraud”.⁹⁸

After this indictment has been returned for the second time to Judge Ismajli, but in the end containing only one criminal offence, he considered that the General Department was responsible for this kind of criminal offence, rather than the Serious Crimes Department. On October 30, 2018, Ismaili sent this case to the General Department, and has been assigned to Judge Adnan Isufi. According to the memo of Judge Ismaili, such a decision was taken because the criminal offence “fraud”, of which Hashimi is charged, is punished from 3 months to 3 years of imprisonment.

So, according to the current situation, the indictment filed by the SPRK is going to be adjudicated by the General Department of the Basic Court in Pristina, while Judge Isufi has not yet scheduled the main trial.

The alleged damage: 50.000 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

⁹⁷ “The Court of Appeals affirms the acquittal of former Director of Economic Crimes, *Emin Beqiri*”. Oath for Justice. September 21, 2018. (Follow link <https://betimiperdrejtesi.com/gjykata-e-apelit-konfirmon-lirimin-nga-akuza-per-ish-drejtorin-e-krimeve-ekonomike-emin-beqiri/>)

⁹⁸ “*The Court of Appeals “disappears” corruption from the case “realtor”*”. Oath for Justice. October 27, 2018. (Follow link <https://betimiperdrejtesi.com/apeli-e-zhduke-korrupsionin-nga-rasti-sekseri/>)



Case Elez Elezi – 6 years of adjudication for a bribe in the amount of 30 Euro

Untargeted case
BC in Gjilan
Case number: PKR.nr.111/16

Criminal offence: “Accepting bribes”

Presiding Judge: Islam Thaçi

Prosecutor: Shaban Spahiu

Defendant: Elez Elezi

The Kosovo Police on May 23, 2012 filed a criminal report against doctor Elez Elezi, whereas the decision to initiate the investigative stage has been issued by the Prosecution office on May 23, 2012. Six days later, on May 29, 2012, BP in Gjilan had filed an indictment against Elezi regarding the criminal offence of “accepting bribes”. According to the prosecution, Elezi working as an official person, respectively as a doctor at the Regional Hospital in Gjilan, on May 22, 2012, in his office, required benefit for himself, in order to carry out an action that he was not supposed to accomplish. The Prosecution office claims that the defendant requested from the injured party Lirije Hasani, the sum of 10 euros for each specialist report issued by him, thus taking from the injured party the total amount of 30 euros.

Negligence in handling the case and violations of the legal time limits

Initially, against Elezi, on October 19, 2013, the BC in Gjilan had received a judgement of conviction. Later, on November 13, 2013, the Court of Appeals has affirmed the Judgment of the Basic Court. Whereas, based on the request for protection of legality, the Supreme Court on January 16, 2014 had rendered a ruling that annulled the Judgments of the Basic Court in Gjilan and the Court of Appeals, thus returning the case back to retrial. On December 9, 2015, the Trial Panel led by Judge Hasan Sadiku, found the defendant Elez Elezi guilty, hence imposing him a punishment of 3 months of imprisonment. However, upon the appeal of the defense party, the case had been ongoing at the Court of Appeals, which on May 5, 2016 returned the case for retrial. Following the return of the case for retrial, in the period May 2017 - September 2018, upon the request of the accused and his defense attorney, five court hearings have been postponed – specifically, court hearings scheduled to be held on May 16, 2017, July 4, 2017, July 26, 2017,

March 19, 2018 and September 21, 2018. Whereas, the court hearing scheduled on November 9, 2018, has been postponed due to the absence of the judge.⁹⁹

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: Banknotes 1x20 Euro, 2x10 Euro and 1x5 Euro.

⁹⁹ “*The judge is in training, the trial against the doctor accused of accepting bribes in the amount of 30 Euro fails*”. Oath for Justice. November 9, 2018. (Follow link <https://betimiperdrejtesi.com/gjykatesi-ne-trajnim-deshton-seanca-ndaj-mjekut-qe-akuzohet-per-30-euro-ryshfet/>)



Case Kujtim Kryeziu – bribe in the amount of 15 Euro

Untargeted case
BC in Prizren
Case number: PKR.nr.86/17

Criminal offence: “Accepting bribes”

Presiding Judge: Skënder Çoçaj

Prosecutor: Mehdi Sefa

Defendant: Kujtim Kryeziu and Lindita Haxhaj

On April 27, 2017, the Police Inspectorate of Kosovo filed a criminal report against police officers, Kujtim Kryeziu and Lindita Haxhaj, while the BP in Prizren issued a decision to initiate the investigative stage on May 22, 2017. The same prosecution office filed an indictment on August 25, 2017, charging the two accused of the criminal offence of “accepting bribes”. Kryeziu and Haxhaj have been accused that on February 3, 2017 in Prizren, have stopped a citizen for minor offences and they have demanded a bribe in order to not impose a fine. Based on the indictment, the accused Kujtim Kryeziu has told the citizen to put 15 Euro in the car booklet and bring it to him. He was accused that after the citizen had acted according to the instructions, the citizen has been released to continue his way without being punished. Kujtim Kryeziu, always according to the indictment, from the money received, gave five Euro to the accused Lindita Haxhaj.

Negligence in handling the case and violations of the legal time limits

The initial hearing regarding this case has been held on October 2, 2017, or seven days after the legal time limit of 30 days, as provided by the CPOK, whereas the second hearing has been held on November 8, 2017 – within the legal time limit provided by the CPOK.¹⁰⁰¹⁰¹ At the hearing of December 12, 2018, the accused Kryeziu pleaded guilty. This plea has been objected by Prosecutor Mehdi Sefa and the attorney of the other accused Lindita Haxhaj, Labinot Berisha, because in the indictment it was stated that the criminal offence has been committed in co-perpetration. But their objection, the Trial Panel did not consider as a reason to not approve the guilty plea by the accused

¹⁰⁰ “Two police officers accused of accepting bribes plead not guilty”. Oath for Justice. October 2, 2017. (Follow link <https://betimiperdrejtesi.com/deklarohen-te-pafajshem-dy-zyrtare-policore-te-akuzuar-per-marrje-ryshfeti/>)

¹⁰¹ “The police officer accused of accepting bribes opposes the indictment”. Oath for Justice. November 8, 2017. (Follow link <https://betimiperdrejtesi.com/zyrtarja-policore-e-akuzuar-per-marrje-ryshfeti-kundershton-aktakuzen/>)

Kryeziu.¹⁰² After holding one more court hearing on December 26, the first instance court on December 28, punished the accused Kryeziu to six months of imprisonment, as well as prohibited him of exercising its functions in the Kosovo Police during the next two years. The punishment of imprisonment against Kryeziu, upon the request of the defense attorney, has been substituted, with a punishment of a fine in the amount of 3,000 Euro. Whereas, as an aggregate punishment, Kryeziu has been fined in the amount of 4,000 Euro.¹⁰³ While, Haxhaj has been acquitted of charges. This judgment of the Basic Court has been affirmed also by the Court of Appeals, in May of this year.¹⁰⁴

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.

¹⁰² “One of the two accused police officers pleads guilty”. Oath for Justice. December 12, 2017. (Follow link <https://betimiperdrejtesi.com/pranon-fajesine-njeri-nga-dy-policet-e-akuzuar-per-marrje-ryshfeti/>)

¹⁰³ “An aggregate punishment of four thousand Euro for the accused police officer of accepting bribes in the amount of 15 Euro (Video)”. Oath for Justice. December 28, 2018. (Follow link <https://betimiperdrejtesi.com/dënim-unik-prej-kater-mije-eurosh-per-policin-e-akuzuar-se-mori-15-euro-ryshfet/>)

¹⁰⁴ “The Court of Appeals affirms the punishment for the police officer accused of accepting bribes in the amount of 15 Euro, acquits the other accused”. Oath for Justice. June 8, 2018. (Follow link <https://betimiperdrejtesi.com/apeli-verteton-dënimin-ndaj-policit-qe-akuzohej-per-15-euro-ryshfet-liron-perfundimisht-te-akuzuaren-tjeter/>)



Case Abit Kastrati – 11 years of prosecution based on only one evidence

Untargeted case
BC in Pristina
Case number: PKR.nr.392/16

Criminal offence: “Misappropriation in office”

Presiding Judge: Hamdi Ibrahim

Prosecutor: Dulina Hamiti

Defendant: Abit Kastrati

On October 10, 2007, the Kosovo Police had filed a criminal report against Abit Kastrati, Shpresa Spahiu and Vehbi Azemi, after allegations of “misappropriation in office”.

The prosecution needed nearly seven years to issue a decision to initiate investigative stage, and beyond any precedent, nearly 10 years after the criminal report, prosecutor Dulina Hamiti filed an indictment against Abit Kastrati, charging him with the criminal offence of “misappropriation in office”, provided by Article 340 of the Provisional Criminal Code of Kosovo.

Based on the indictment of the Basic Prosecution in Pristina, defendant Abit Kastrati, in early 2007, was a former employee of NTSH “Urata” in Pristina, while as manager of the company NTP “Ajroni Com” in Pristina, started using the premises of NTSH “Urata”, located near the railway in Pristina, in whose yard an excavator was placed. According to the prosecution, Kastrati, has acquired this excavator without a prior agreement with NTSH “Urata”, thus taking it and using it for his own needs, in his firm. According to the Basic Prosecution in Pristina, the damage caused to NTSH “Urata” amounts to 32,000 Euro. On February 4, 2016, Prosecutor Dulina Hamiti temporarily suspended investigations against defendants Shpresa Spahiu and Vehbi Azemi.

Negligence in handling the case and violations of the legal time limits

Although for the accused Abit Kastrati the proceedings at the prosecution office have been ongoing for about 10 years, he had to wait for more than a year until the court held the initial hearing on July 20, 2017, where Kastrati pleaded not guilty. Prior to this court hearing being held, four other scheduled hearings had failed, one of them while this case has been assigned to Judge Elmaz Zenuni and three others while this case has been assigned to judge Hamdi Ibrahim. Out of these

four failed hearings, three of them had failed due to the absence of prosecutor Dulina Hamiti, whereas one due to the absence of the clerk.^{105 106 107 108}

Since this indictment has been confirmed by the first instance, as well as by the second instance, on February 22, 2018, the main trial started and was completed, as the prosecution presented only one evidence, a record of the firm dated June 8, 2007, of the commission of three members of NTSH “Urata”, whereby it is proved that the handover of an excavator has been completed by their former worker.¹⁰⁹ The following day, on February 23, 2018, the court announced the judgement, based on which Kastrati was acquitted, while Judge Ibrahim described the prosecution’s indictment as an unusual case, where the prosecution holds a person with only one evidence, which does not prove any claim of the prosecution.

Following this judgement, there has been a reaction of the Basic Prosecution in Pristina and the Kosovo Judicial Council.

The BP in Pristina, on February 26, 2018, by a press release, reacted to the reasoning of Judge Ibrahim, after the decision to acquit Kastrati from the indictment. According to this Prosecution, this indictment has been grounded on sufficient evidence, and according to them this is also supported by the ruling of the Court of Appeals, PN no. 825/17 dated 06.11.2017, which rejected as ungrounded the appeal of the attorney of the accused Abit Kastrati, as that ruling stated that there is sufficient evidence to prove the well-grounded suspicion that the criminal offence of which the accused is charged, has been committed. In this explanation of the prosecution office, it was stated that this institution has not yet received the judgement of acquittal from the BC in Pristina and once it receives it, they will follow their legal right and will file an appeal. Following the reaction of the Basic Prosecution in Prishtina, regarding this case, on March 1, 2018, KJC has reacted with a response.

¹⁰⁵ “*The prosecutor and the accused are absent, the court hearing regarding misappropriation in office is postponed*”. Oath for Justice. October 10, 2016. (Follow link <https://betimiperdrejtesi.com/mungon-prokurorja-dhe-i-akuzuari-shtyhet-seanca-per-pervetesim-gjate-ushtrimit-te-detyres/>)

¹⁰⁶ “*The court hearing against the accused of misappropriation in office is postponed*”. Oath for Justice. June 8, 2017. (Follow link <https://betimiperdrejtesi.com/shtyhet-seanca-ndaj-te-akuzuarit-per-pervetesim-gjate-detyres-zyrtare/>)

¹⁰⁷ “*The court hearing against the accused of misappropriation of the excavator in the year 2007 is postponed*”. Oath for Justice. June 27, 2017. (Follow link <https://betimiperdrejtesi.com/shtyhet-seanca-ndaj-te-akuzuarit-per-pervetesim-te-ekskavatorit-ne-vitin-2007/>)

¹⁰⁸ “*The court hearing for misappropriation of the excavator is postponed again*”. Oath for Justice. July 13, 2017. (Follow link <https://betimiperdrejtesi.com/serish-shtyhet-gjykimi-per-pervetesim-te-ekskavatorit/>)

¹⁰⁹ “*The prosecution requires the punishment of the accused of misappropriation of the excavator, the defense requires its acquittal*”. Oath for Justice. February 22, 2018. (Follow link <https://betimiperdrejtesi.com/prokuroria-kerkon-dënimin-e-te-akuzuarit-per-pervetesimin-e-ekskavatorit-mbrojtja-lirimin-e-tij/>)

By this response, the KJC requested from BP in Pristina that in order to preserve the image of the judicial system, to be refrained from issuing opinions regarding judicial decisions. “We demand from the BP in Pristina to refrain from issuing opinions/statements regarding court cases during the decision-making process, because such statements/opinions do not contribute to preserving the image building of the judicial system”, was stated on the KJC response.¹¹⁰

The prosecution submitted an appeal against Ibrahimimi’s judgement, but the second instance rejected that appeal, thus affirming the first instance judgement.¹¹¹

The alleged damage: 32.000 Euro.

Sequestration and Confiscation: There has not been any request in the indictment.

¹¹⁰ “*The reasoning of the judgement that dismissed the one evidence based indictment, that brought the State Prosecutor’s and KJC’s reaction*”. Oath for Justice. March 7, 2018. (Follow link <https://betimiperdrejtesi.com/arsyetimi-i-aktgjkimit-qe-rrezoje-aktakuzen-me-vetem-nje-prove-qe-solli-reagimin-e-prokurorit-te-shtetit-dhe-te-kgjk-se/>)

¹¹¹ “*The Court of Appeals affirms the judgement that dismissed the one evidence based indictment, that brought the State Prosecutor’s and KJC’s reaction*”. Oath for Justice. June 22, 2018. (Follow link <https://betimiperdrejtesi.com/apeli-verteton-aktgjkimin-qe-rrezoi-aktakuzen-me-vetem-nje-prove-qe-solli-reagimin-e-prokurorit-te-shtetit-dhe-te-kgjk-se/>)



Case of the police officers Haxhi Vojvoda and Florim Hoxha – accused of accepting bribe in the amount of 10 Euro

Untargeted case
BC in Pristina

Case number: PKR.nr.228/17

Criminal offence: “Accepting bribes”

Presiding Judge: Vehbi Kashtanjeva

Prosecutor: Dulina Hamiti

Defendants: Haxhi Vojvoda and Florim Hoxha

The Police Inspectorate of Kosovo (PIK) on December 20, 2016 filed a criminal report against Haxhi Vojvoda and Florim Hoxha, claiming that they committed criminal offences such as “abusing official position” and “accepting bribes”.

Following this criminal report, on April 11, 2017, the BP in Prishtina issued two decisions to initiate investigative stage, while this investigation resulted in an indictment less than four months later, on July 7, 2017, charging the defendants of criminal offences such as “abusing official position” and “accepting bribes”.

Based on the indictment, Vojvoda and Hoxha, on April 30, 2016, working as police officers of the Kosovo Police, the Highway Control Unit, while on the official duties, had stopped the driver Ardit Ramaj and had requested and accepted bribe in the amount of 10 Euro, in order to release him without imposing a fine.

Negligence in handling the case and violations of the legal time limits

Although the actions of Vojvoda and Hoxha were allegedly committed on April 30, 2016, PIK decided to file a criminal report only after about eight months, on December 20, of that year. After the indictment was filed to the court on July 10, 2017, the case has been assigned to Judge Valon Kurtaj, who had scheduled the initial hearing on October 10, 2017, or 30 days after the legal time limit. In this initial hearing, both defendants had pleaded not guilty.¹¹²

At the initial hearing was decided that the second hearing would be held on November 14, 2017, but this did not happen, since the presiding judge Valon Kurtaj was assigned as Director of the

¹¹² “Police officers accused of accepting bribes, plead not guilty”. Oath for Justice. October 10, 2017. (Follow link <https://betimiperdrejtesi.com/policet-e-akuzuar-per-marrje-ryshfeti-nuk-e-pranojne-fajesine/>)

Academy of Justice, while Judge Vehbi Kashtanjeva, to whom this case had been assigned to, canceled the court hearing, because as he stated, he had another court hearing, scheduled prior to this.¹¹³ The court hearing of February 28, 2018, had the same epilogue as the court hearing of November 14, 2017, even though that day, it was the absence for no reason of prosecutor Dulina Hamiti, that made the court hearing fail.¹¹⁴ The second hearing was held on March 27, 2018, in which hearing, Judge Vehbi Kashtanjeva, rejected the requests of the defense to dismiss the indictment, thereby confirming the indictment of the prosecution.¹¹⁵ The first hearing of the main trial was scheduled on June 8, 2018, but that hearing had failed due to the absence of prosecutor Hamiti and the absence of one of the attorneys of the defendants. The prosecutor had notified the court that she was in training, whereas the attorney notified that he was unable to attend the hearing because of the death of a relative.¹¹⁶

After the hearing of June 8, all court hearings that had been scheduled, respectively, on July 24, September 26, October 11 and November 31 have been held. After four court hearings of the main trial, where four witnesses were heard, BC in Pristina, on November 2, 2018, announced a judgement by which both police officers were acquitted of all charges. According to the trial panel, the prosecution had not proved by any evidence that two officers had taken a bribe from an individual, in the amount of 10 Euro, in order to not impose a fine.¹¹⁷

The alleged damage: There has not been any damage specified in the indictment.

Sequestration and Confiscation: There has not been any request in the indictment.

¹¹³ “The court hearing against police officers accused of accepting bribes is annulled, because of the change of the of the Presiding Judge”. Oath for Justice. November 14, 2017. (Follow link <https://betimiperdrejtesi.com/anulohet-seanca-ndaj-policeve-te-akuzuar-per-marrje-ryshfeti-shkak-nderrimi-i-kryetarit-te-trupit-gjykues/>)

¹¹⁴ “The prosecutor is absent, the trial against police officers accused of accepting bribes in the amount of 10 Euro is postponed”. Oath for Justice. April 12, 2018. (Follow link <https://betimiperdrejtesi.com/mungon-prokurorja-shtyhet-gjykimi-ndaj-policeve-te-akuzuar-se-moren-10-euro-ryshfet/>)

¹¹⁵ “The Court rejects the request to dismiss the indictment in the case against police officers accused of accepting bribes in the amount of 10 Euro”. Oath for Justice. March 27, 2018. (Follow link <https://betimiperdrejtesi.com/gjykata-refuzon-kerkesen-per-hudhje-te-aktakuzes-ne-rastin-e-policeve-te-akuzuar-se-moren-10-euro-ryshfet/>)

¹¹⁶ “The prosecutor and the attorney are absent, the trial against police officers accused of accepting bribes in the amount of 10 Euro is postponed”. Oath for Justice. June 8, 2018. (Follow link <https://betimiperdrejtesi.com/mungon-prokurorja-dhe-avokati-shtyhet-seanca-ndaj-dy-policeve-qe-akuzohen-per-10-euro-ryshfet/>)

¹¹⁷ “Two police officers accused of accepting bribes in the amount of 10 Euro are found not guilty”. Oath for Justice. November 2, 2018. (Follow link <https://betimiperdrejtesi.com/shpallen-te-pafajshem-dy-zyrtaret-policore-qe-akuzoheshin-per-10-euro-ryshfet/>)

VIII. Punishment policy in corruption cases

Based on corruption cases monitored by KLI, it results that Basic Courts of the Republic of Kosovo, from January 1 to September 30, 2018, have announced 111 judgements, involving 232 individuals. Out of them, 204 individuals have been charged with various corruptive offences, while 28 of them have been involved in these cases, but have been charged with non-corruptive offences.

The first-instance judgements against these 204 individuals testify that judges mainly apply mild punitive policy to perpetrators of corruption offences. Therefore, in this regard, KLI estimates that punishment policy in corruption cases continues to be mild and inadequate to achieve the purpose of punishment.

For 98 out of 204 individuals was announced a judgement of conviction, while 106 individuals were acquitted of corruption charges. Below you can find the table, which reflects the details of judgments announced by judges in these 111 judgements regarding corruption cases. (See table.)

Punishment of imprisonment		Suspended punishment		Punishment of a fine		Judgement of Acquittal	Rejection Judgement	Dismissal of Indictment
Individuals	Months	Individuals	Months	Individuals	Amount in Euro	Individuals	Individuals	Individuals
50 ¹¹⁸	804	32 ¹¹⁹	510	16	39,180	71	28	7

Table 10 – Cases monitored by KLI, regarding which were announced judgements.

KLI findings from the monitoring process of corruption cases show that in cases against 204 individuals to whom a first-instance judgement has been rendered, 50 individuals have been sentenced to imprisonment, in a total of 804 months or 67 years for all convicted individuals.

¹¹⁸ Clarification: Out of 50 individuals sentenced to a punishment of imprisonment, 27 of them are the same who have also received a punishment of a fine with a total of 76,300 Euro.

¹¹⁹ Clarification: Out of 32 individuals sentenced to a suspended punishment, 6 of them are the same who have also received a punishment of a fine with a total of 9,200 Euro.

Out of the 50 convicts by effective imprisonment, fourteen individuals¹²⁰ have been punished by effective imprisonment of 6 months, 2 individuals¹²¹ have been punished by effective imprisonment of 8 months, six individuals¹²² have been punished by effective imprisonment of 10 months, five individuals¹²³ have been punished by effective imprisonment of 12 months, six individuals¹²⁴ have been punished by effective imprisonment of 15 months, two (2) individuals have been punished by effective imprisonment of 18 months, seven (7) individuals¹²⁵ have been punished by effective imprisonment of 24 months, one (1) person¹²⁶ has been punished by effective imprisonment of 25 months, two (2) individuals have been punished by effective imprisonment of 30 months, one (1)¹²⁷ person has been punished by effective imprisonment of 31 months, one (1)¹²⁸ person has been punished by effective imprisonment of 36 months, two (2) individuals¹²⁹ have been punished by effective imprisonment of 42 months and one (1) person has been punished by effective imprisonment of 54 months.

Judges against 32 people have imposed suspended punishments of two hundred and ninety-two (292) months. Out of them, against one (1) person¹³⁰ was imposed a suspended sentence of a term of 3 months, against two (2) individuals were imposed suspended sentences of a term of 5 months each, against sixteen (16) individuals¹³¹ were imposed suspended sentences of 6 months each, against one (1) person was imposed a suspended sentence of 7 months, against nine (9)

¹²⁰ *Clarification:* Out of 14 individuals convicted to a punishment of effective imprisonment of 6 months each, 7 of them are the same who have received a punishment of a fine with a total of 5,500 Euro, where 5 of them have been sentenced with 500 Euro more, 1 of them is sentenced with 1000 Euro more, whereas 1 of them is sentenced to 2000 Euro more.

¹²¹ *Sqarim:* One of two individuals punished to effective imprisonment of 8 months, is the same against whom a punishment of a fine in the amount of 1000 euro has been imposed.

¹²² *Clarification:* Ten individuals punished to effective imprisonment of 10 months, are the same who have been punished to a fine of 1000 Euro each.

¹²³ *Clarification:* Out of 5 individuals punished to effective imprisonment of 12 months each, 2 of them are the same who have been fined in the total amount of 2500 Euro, where one has been punished to an extra 1000 Euro, whereas the other has been fined to 1500 Euro.

¹²⁴ *Clarification:* Six individuals punished to effective imprisonment of 15 months, are the same who have been punished to a fine in the amount of 9300 Euro, where one of them has been punished to an extra 300 Euro fine, whereas the other to an extra 1500 Euro fine.

¹²⁵ *Clarification:* One of seven individuals punished to effective imprisonment of 8 months, is the same to whom a punishment of a fine in the amount of 25,000 Euro has been imposed.

¹²⁶ *Clarification:* The individual punished of effective imprisonment of 18 months, is the same to whom a punishment of a fine in the amount of 2500 Euro has been imposed.

¹²⁷ *Clarification:*

The individual punished of effective imprisonment of 31 months, is the same to whom a punishment of a fine in the amount of 3000 Euro has been imposed.

¹²⁸ *Clarification:* The individual punished of effective imprisonment of 36 months, is the same to whom a punishment of a fine in the amount of 7000 Euro has been imposed.

¹²⁹ *Clarification:* One of the two individuals punished of effective imprisonment of 42 months, is the same to whom a punishment of a fine in the amount of 16,000 Euro has been imposed.

¹³⁰ *Clarification:* The individual punished of effective imprisonment of 3 months, is the same to whom a punishment of a fine in the amount of 200 Euro has been imposed.

¹³¹ *Clarification:* Out of 16 individuals punished of suspended imprisonment of 6 months each, one of them is the same to whom a punishment of a fine in the amount of 4,000 Euro has been imposed.

individuals¹³² were imposed suspended sentences of 12 months each, against one (1) person¹³³ was imposed a suspended sentence of 20 months, and against two (2) individuals¹³⁴ were imposed suspended sentences of 24 months each.

The judges against 16 individuals have imposed punishments of a fine in a total of 39,180 Euro. Of them, one person was fined in the amount of 150 Euro, one person was fined in the amount of 200 Euro, one person was fined in the amount of 350 Euro, one person was fined in the amount of 800 Euro, two individuals were fined in the amount of 1000 Euro each, two individuals were fined in the amount of 1700 Euro each, one person was fined in the amount of 2000 Euro, one person was fined in the amount of 2200 Euro, two individuals were fined in the amount of 2500 Euro each, one person was fined in the amount of 3000 Euro, one person was fined in the amount of 3080 Euro, one person was fined in the amount 7,000 Euro and one person was fined in the amount of 10,000 Euro.

Judges against 71 individuals have announced judgement of acquittal, against 28 individuals have announced rejection judgement, whereas against 7 individuals the indictment was dismissed.

Of 204 accused individuals, it results that courts have punished 50 individuals or 24.5% of the accused with a punishment of effective imprisonment. Also, out of these 204 accused individuals, judges against 32 individuals or 15.7% of the accused have imposed suspended punishments. Against 16 individuals or 7.8% of the accused have imposed punishments of a fine, while 106 individuals or 51.7% of the accused were acquitted.

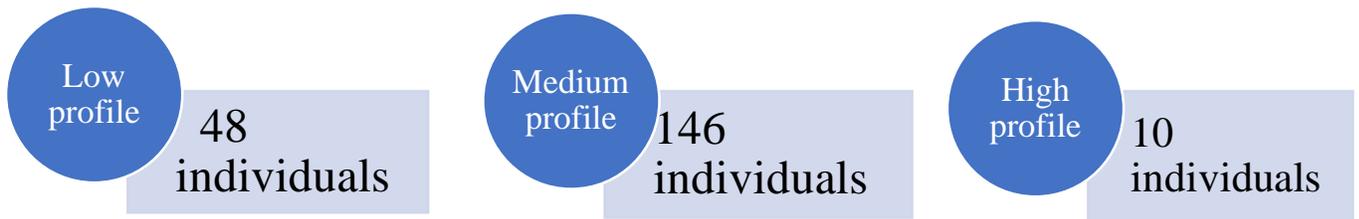
In these cases of corruption in which the judgement was announced, all profiles of the accused individuals were included. Out of these, 48 individuals belong to low profile, 146 medium profile, 10 individuals¹³⁵ belong to high profile.

¹³² *Clarification:* Out of 9 individuals punished of suspended imprisonment of 12 months, two of them are the same to whom a punishment of a fine in the total amount of 3,500 Euro has been imposed, where one of them has been fined to 2000 Euro, whereas the other has been fined to 1500 Euro.

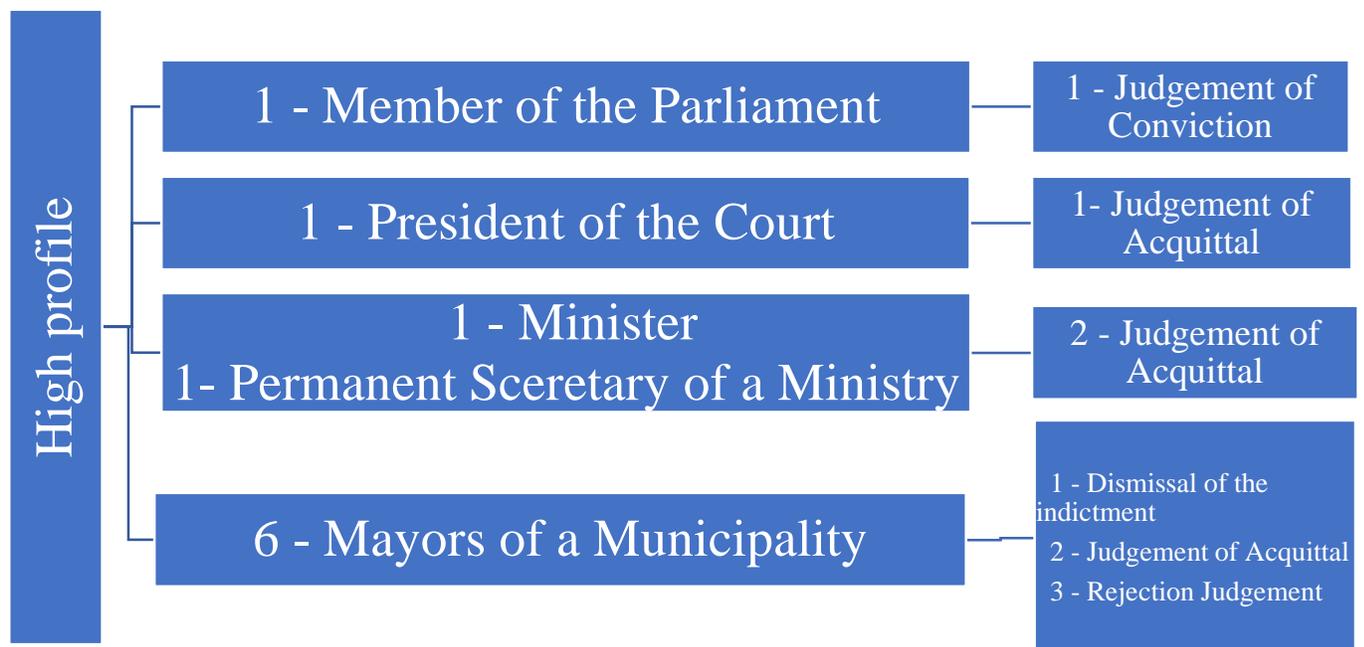
¹³³ *Clarification:* The individual punished of effective imprisonment of 20 months, is the same to whom a punishment of a fine in the amount of 1000 Euro has been imposed.

¹³⁴ *Clarification:* One of the two individuals punished to suspended imprisonment of 24 months, is the same regarding whom a punishment of fine in the amount of 500 Euro has been imposed.

¹³⁵ *Clarification:* Against former Mayor of Kllokot, Sasha Mirkoviq, during this reporting period have been completed 4 cases.



Graph 9- Profile of 204 accused individuals for corruption criminal offences, against whom a Judgement was announced by a BC, during the reporting period (January-September 2018)



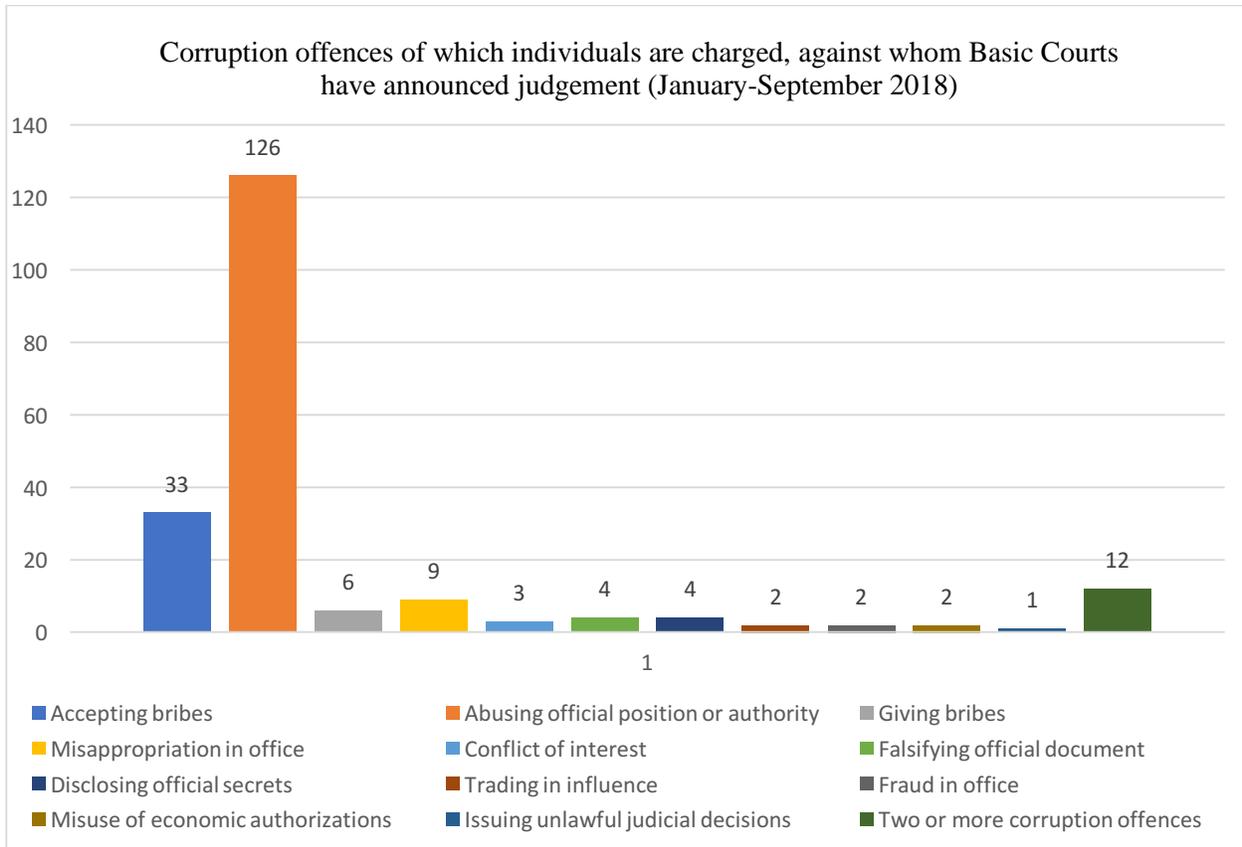
Graph 10 – High profile accused individuals charged with corruptive criminal offences, regarding whom a judgement was announced in BC during the reporting period (January-September 2018).

Among the high-profile individuals against whom the first instance has announced judgements are: the Member of the Parliament Etem Arifi (Judgement of Conviction, punishing him with two years of suspended imprisonment), the former President of the Court of Appeals Salih Mekaj (Judgement of Acquittal), current Minister of Economic Development Valdrin Lluka (Judgement of Acquittal), former General Secretary of Ministry of Health Ilir Tolaj (Judgement of Acquittal), Mayor of Malisheva Ragip Begaj (dismissal of the indictment), former Mayor of Gjilan, Qemajl Mustafa (Rejection Judgement) and former Mayor of Klllokot Sasha Mirkovic (two Judgements of Acquittal and two Rejection Judgements).

KLI without commenting the merits of decision-making in corruption cases, expresses its concern that the punishment policy implemented by judges in corruption cases is not sending a clear message to potential perpetrators of these criminal offences. Such punishment practice, imposing mild punishments of imprisonment, or suspended punishments and punishments of a fine, sends a negative message to citizens and the public. Likewise, these mild punishments imposed cannot accomplish their purpose, for which the punishment has been imposed, whether it's a punitive purpose, to those who have been found guilty of having committed corruption offences, or a preventive purpose, that is intended to send a clear message to individuals who may be subject of committing corruptive criminal offences.

KLI has also analyzed corruption offences for which 204 individuals were charged, against whom the first instance court announced a judgement during the nine-month period of 2018. From the data it results that the largest number of accused individuals are charged with the criminal offence of Abusing official position or authority, followed by the criminal offence of Accepting bribe. Whereas, there are few cases where the accused are charged with other offences such as Giving bribes, Conflict of interest, Disclosing official secret, Fraud in office, Issuing unlawful judicial decisions, Misappropriation in office, Falsifying official document, Trading in influence and Misuse of economic authorizations.

However, several accused are not charged with a single criminal offence of corruption. Some of them are accused of two or more corruptive offences.

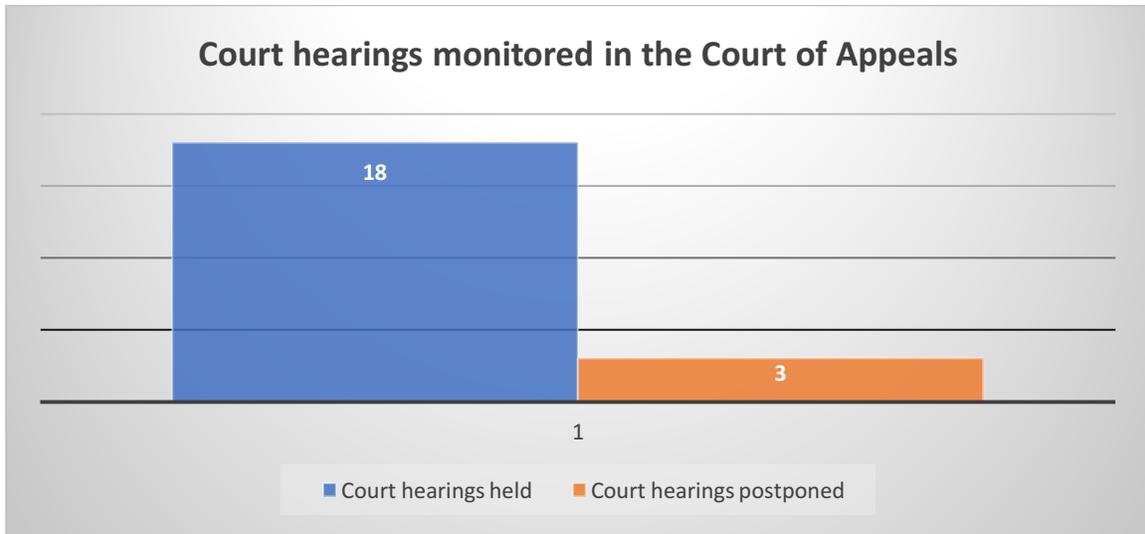


Graph 11 – Corruption offences of which individuals are charged, against whom Basic Courts have announced judgement (January-September 2018)

IX. Corruption cases handled by the Court of Appeals during the nine-month period of 2018

KLI within the systematic monitoring of the justice system in Kosovo, also monitors the Court of Appeals of Kosovo.

KLI monitors from January 1 to September 30, 2018, in the Court of Appeals have monitored a total of 21 court hearings regarding corruption cases, involving 54 accused individuals. Out of these 21 court hearings, 18 hearings were held, while 3 others were postponed.



Graph 12 – Corruption court hearings monitored at the Court of Appelas (January – September 2018).

KLI findings show that the Court of Appeals in Kosovo, in 24 cases affirmed the judgements of the first instance, another 8 returned to retrial, and in the other 2 cases it modified judgements of the first instance.

Also, in two other cases, the Court of Appeals announced rejection judgements against the accused due to statutory limitation.

Deciding on the appeals of the parties in the phase of indictment confirmation, in the cases monitored by the KLI, the Court of Appeals in seven cases rejected appeals of the parties while confirming the indictments, in four other cases it decided to affirm the decisions of the first instance to dismiss the indictment, and in two other cases it returned the case to the first instance for retrial and reinstatement.

In the case known as “the Realtor”, the Court of Appeals modified the decision of the first instance which confirmed the indictment against the accused Emin Beqiri, thus dismissing the indictment against him, while against the other accused in this case, Rrahim Hashimi, it ruled to return the case to the first instance for retrial and reinstatement.

During this nine-month period, the Court of Appeals has ruled in several cases involving high profile individuals.

Thus, on May 2 this year, the Court of Appeals modified the first instance judgement, in the case of former Rector of the University of Pristina, Enver Hasani, who was found guilty by the first instance for the criminal offence of fraud in office and was punished to a year of suspended imprisonment. The Court of Appeals, after reviewing the appeals in this case, concluded that it

was not proven that former Rector Hasani committed the criminal offence mentioned above, so he was acquitted of all charges.

Whereas, for other two accused in this case, Haki Veliu and Albert Rakipi, who were also charged of the criminal offence fraud in office, the Court of Appelas modified the judgement only regarding the punishment, where from 6 months of effective imprisonment, the Court of Appelas punished each with 1 year of effective imprisonment.

In February of this year, another high-profile accused, former mayor of Partesh, Dragan Nikolic, was acquitted by the second instance.

Nikolic was found guilty by the BC in Gjilan, on October 18 of last year, where he was punished to six months of suspended imprisonment, meaning that the punishment would not be executed if the accused did not commit another offence within a year. However, the Court of Appeals had acquitted Nikolic from the charges, on the grounds that the actions of the latter did not fulfill the elements of the criminal offence in question.

Deciding on the appeals, in another high profile case, the Court of Appeals, in February of this year, annulled the Judgment of the Basic Court in Prizren in the case of the former Mayor of Dragash Municipality, Salim Jenuzi who was sentenced to one year of suspended imprisonment for the criminal offence of Abusing official position or authority.

The Court of Appeals decided to return the case of Jenuzi and the other accused Nexhat Selaj, for retrial, while for the other two accused, Bean Haxhihasani and Vetim Hasani, who were acquitted of charges by the first instance, the Court of Appeals had affirmed the latter Judgement.

In this case, the Court of Appeals concluded that the first instance judgement contained essential violations of the criminal procedure, adding that the first instance court failed to justify the decisions punishing the accused Jenuzi and Selaj, while not showing precisely the actions of each person for the purpose of committing the criminal offence they are charged of.

Unlike the above three cases, in two other high-profile cases, the Court of Appeals affirmed the judgements rendered by the first instance court. These two cases include: the case of former Chairman of PRB, Hysni Hoxha and the case of former Mayor of Obiliq, Mehmet Krasniqi.

The Court of Appeals in April of this year affirmed the judgement of the Basic Court in Prishtina, by which the former Chairman of the PRB, Hysni Hoxha and the expert of this body, Hysni Muhadri, were found not guilty of Abusing official position, while Conex's accountant, Arsim Robelli was acquitted of charges of "falsifying documents in co-perpetration". In this way, the Court of Appeals rejected the appeal of the Special Prosecution of the Republic of Kosovo as groundless, which alleged violations of the criminal procedure. According to the Court of Appeals, the decision of the first instance was fair.

The Court of Appeals this year also affirmed the Judgement of Acquittal of the Basic Court in Pristina, announced against the former mayor of Obiliq, Mehmet Krasniqi, who was accused of Abusing official position. Officials of the Municipality Xhavit Krasniqi, Haki Raqi, Nazmi Gashi, Ramadan Hashani, Bajram Paloji, Azem Spanca and Altin Preniqi were acquitted from the charge for the same criminal offence, while Hasnije Dushi was acquitted of charges of Fraud in office. Meanwhile, against the accused of fraud, Emir Sopjani, Sami Kadriu, Bujar Alidema, Shpend Kelmendi and Basri Kqiku, the first instance announced a judgement of conviction. In this case, the Court of Appeals rejected the SPRK's appeal, which had demanded the punishment of former President Krasniqi, or the return of the case to a retrial.

The Court of Appeals handled high-profile cases also in the indictment confirmation phase. Thus, in May of this year, the Court of Appeals affirmed the decision of the Basic Court in Gjakova, which dismissed the indictment against the Mayor of Malisheva, Ragip Begaj, who was accused of abusing his official position.

While in two other cases, the Court of Appeals affirmed the indictment filed regarding the escape of the former Mayor of Skenderaj Sami Lushtaku and others, from the University Clinical Center of Kosovo. Also, the Court of Appeals affirmed the indictment in the case known as "Stent" where the former Minister of Ministry of Health Ferid Agani and former secretary of the Ministry of Health, Gani Shabani are the accused.

In the case of the former Mayor of Klina Sokol Bashota, the Court of Appeals had to decide twice about the appeals against the judgement of the Basic Court.

Initially, in February, the Court of Appeals had decided to return the case of former President Bashota for reinstatement, because according to the assessment of this Court, the judgement of the Basic Court included essential violation of the provisions of the criminal procedure. Whereas, the second time, in May, the Court of Appeals affirmed the judgement of the Basic Court in Peja, which on April 19 of this year rejected requests for dismissal of the indictment as ungrounded, in the case of former Mayor of Klina Sokol Bashota, against the Director of Public Services and Emergencies Esat Raci and Members of the Assembly of this Municipality, Enver Berisha and Fadil Gashi. According to the Court of Appeals, the decision of the first instance is fair.

In September of this year, the Court of Appeals returned for retrial and reinstatement the case of the former Mayor of Gjilan Qemajl Mustafa and 38 other accused, who were charged with criminal offences of "organized crime", "abusing of official position or authority", as well as "misuse of economic authorizations". The first instance court, in April of this year, partially confirmed the indictment regarding this case, thereby approving the dismissal of the indictment for the criminal offence "organized crime", regarding the criminal offences of "misuse of economic authorizations" against the defendants Basri Kqiku, Avdil Pireva, Florim Zuka, Skender Imeri, Naser Mehmeti, Mejdi Ahmeti, Burim Govori, Rrustem Hajdari, Asllan Asllani and Asllan Sylja.

Of the other cases monitored during January-September 2018, which did not include high-profile individuals, KLI found that the Court of Appeals had affirmed the Judgement of Acquittal for the former Director of Education in the Municipality of Prizren, Nexhat Çoçaj, and the Director of “Gjon Buzuku” High School in Prizren, Shaip Buduri. In this case, the Judgement of Acquittal of the Basic Court in Prizren, rendered on February 27, 2017, was affirmed.

Also, during this period, the Court of Appeals had affirmed Judgements of Acquittal against the Education Director in the Municipality of Partesh, Vesna Jovanovic, who was accused of abusing official duty, against an official in Mitrovica’s driving license office, Afrim Geci, who was accused of accepting bribes, then against the former director of the Central Pharmacy at the University Clinical Center of Kosovo (UCCK), Enkelejda Gjonbalaj and the deputy commander of the firefighters in Vitia Municipality, Naser Abazi, who were also accused of abusing official position or authority. Then, the Court of Appeals had also affirmed Judgements of Acquittal against three officials of the Ministry of Agriculture, Forestry and Rural Development, Berat Nika, Krenar Macula and Nehat Veliu, who were accused of abusing official position, as well as against businessman Xhelal Selimi, who was charged with “subsidy fraud”.

Also, during this period, the Court of Appeals affirmed Judgements of Acquittal regarding the case of the doctor Orhan Gafurri, charged with the criminal offence of accepting bribes, two officials of Mitrovica Regional Water supply, Muja Istrefi and Hazir Bala, charged with the criminal offence of misappropriation in office. The Court of Appeals also affirmed the Judgement of Acquittal for the former manager of the micro-financial institution “Lesna” in Gjilan, Abdyl Brestovci, accused of abusing official position, then for former director of the economic school in Ferizaj, Aziz Rexhepi, who was charged with misappropriation in office, then it affirmed the Judgment of Acquittal for three officials of the Regional Waste Company (RWC) “Eco-Higjiena” in Gjilan, Selatin Rashiti, Leonora Ajeti and Sabit Shabani, charged with the criminal offence of abusing official position, then for the KEDS official, Fidan Jashari, who was charged with the criminal offence of accepting bribes. The Court of Appelas, during this period of time, affirmed the Judgement of Acquittal for the Deputy Commander of the Dragash Police, Eljam Seferi, charged with abusing official position, then for the inspector of Municipality of Gjakova, Genc Jetishi, who was also charged with abusing official position, it also affirmed the Judgement of Acquittal for the former director of the Inspectorate in Prizren, Bedri Bytyqi and the construction inspector in this municipality, Bashkim Krasniqi, and the Judgment of Acquittal rendered for Abit Kastrati, charged with the criminal offense of misappropriation in office.

The Court of Appeals affirmed the Rejection Judgement, that BC in Pristina rendered against the official of “Ferronikel”, Nasuf Mjekiqi, since the offence he was charged with “accepting bribes” had reached the absolute statutory limitation. The Court of Appeals also rejected the charges against former director of the company “AgroKosova Holding”, Habib Usaj, because of the absolute statutory limitation of the criminal prosecution, same as against two former officials of the Podujeva Municipality, Tahir Sahiti and Shefqet Maloku, charged of abusing official position. The second instance court, during this monitoring period, affirmed the Judgement of Conviction

against the former prosecutor Vahide Badivuku, who was found guilty of “accepting bribes” and was sentenced to three years of imprisonment. Meanwhile, the Judicial Panel of the Court of Appeals requalified actions of the other two accused in this case, Idriz Kelmendi and Isak Smakolli, from the criminal offence “trading in influence” to “giving bribe”. The first one was punished to one year of imprisonment, while the second one was punished with a fine of three thousand Euro.

Judgements of Conviction, the Court of Appeals had affirmed also against the officer of Kosovo Police, Xhevahir Xhimshiti, who was charged with abusing official position or authority, and punished to 10 months of imprisonment by the first instance court, then against Agim Hoda, the former Manager of “Banka për Biznes”, branch in Kamenica, who was found guilty by the BC in Gjilan, because of the criminal offence of “abusing official position” and was sentenced to six months of effective imprisonment, while this punishment, as requested by the defense, was converted to a punishment of a fine in the amount of 2000 Euro. Then against Kosovo Police officer, Kujtim Kryeziu, who was punished with 4000 Euro for accepting bribes, and also Nazmi Rrustemi, charged of accepting bribes, while acting as Forest Keeper at the Kosovo Forest Agency, who from the first instance was sentenced to six months of imprisonment, a sentence which, with the consent of the accused, was converted to a punishment of a fine in the amount of 2700 euros.

Whereas, cases that have been monitored by KLI during this period and which has been returned for retrial by the Court of Appeals during this period are the case of the former Director of Inspection in the Municipality of Drenas, Hyrije Xhemajlaj-Thaqi and the former Chief Inspector, Halil Vrellaku, who were found guilty of abusing official position by the BC in Pristina, the case of the official of the Government of the Republic of Kosovo, Zahir Bajrami, who was convicted by the BC in Pristina with 1 year and six months of imprisonment for the criminal offence “abusing official position” and his son Adrian Bajrami, who was also found guilty of the criminal offense of “fraud” and was sentenced to 1 year of suspended imprisonment. The case of police officer Hamdi Jashari, convicted by the BC in Pristina with an aggregate punishment of one-year imprisonment and a fine of 500 Euro for the criminal offence “abusing official position”, the case of two Police officers Arben Shala and Tafa Murseli, convicted by the BC in Pristina with six months of effective imprisonment each for the criminal offence “abusing official position”, then the case of Xhavit Bicaj, former member of the evaluation committee for selection of candidates for the position of director of relevant units of University Clinical Center of Kosovo, the case against officials of the Kosovo Agency for Medicinal Products and Medical Devices, Ilir Dushi and Bersan Kolgeci, as well as businessman Edon Hajrullaga, and also the case of the former official of the Municipality of Peja, Naser Kastrati, who in May of this year, was convicted by the BC in Peja, with one year of effective imprisonment after being found guilty of abusing official position.

Deciding on appeals against first-instance decisions regarding requests for dismissal of indictments, the Court of Appeals, during the monitoring period in question, had affirmed the

dismissal of the indictment filed against officials of the Kosovo Agency for Medicinal Products and Medical Devices, Ilir Dushi, Remzie Thaqi, Rifat Muriqi, Lendita Fetahu and Lindita Avdyli, regarding the criminal offence of “abusing official position or authority”, the court also affirmed the dismissal of the indictment against the officials of the micro-financial institution "KosInvest", Avni Biqkaj and Astrit Metaj accused of abusing official position, as well as in the case of the former director of the Inspectorate in the Municipality of Prizren, Bujar Hasani and two construction inspectors in this municipality, Enver Bytyqi and Flurim Islami, charged with the criminal offence of abusing official position.

Whereas, in cases against former Judge of the Basic Court in Peja, Branch Court Decan, Safete Tolaj, her son Fisnik Tolaj and police officer Granit Shehaj, against the case of police officers Ahmet Hasani, Arton Bimbashi, Avdi Beqiri, Avni Mehmeti, Bojan Savic, Esat Haxhiu, Halit Shabani, Jovica Trajkovic, Nazim Hamiti, Rushit Hoti, Sabit Hajdari, Sedat Haxhimehmeti and Zeki Shala, and in the case known as “Stent 2”, the Court of Appeals had affirmed the rulings of the first instance court, which had rejected requests to dismiss the indictment. In another case, the Court of Appeals approved the appeal of the Basic Prosecution in Pristina, filed against the ruling of the Basic Court in Pristina, which dismissed the indictment against Durim Ramadani and Zeqir Fetoshi, after assessing that the first instance court had reached the wrong conclusion regarding this case, thus instructing the first instance court to continue the trial according to the procedural provisions. According to the Court of Appeals, also against the third accused Armend Selimi, against whom the court had rejected the request for the dismissal of the indictment, should continue the court proceedings in the first instance.

X. Special analysis: performance of prosecutors and judges on the handling of high profile corruption cases in past three years

From January 1, 2016 until December 1, 2018, KLI has analyzed all monitored cases of indictments filled regarding high-profile corruption cases. In this three year period, courts have handled 58 indictments against 67 high-profile individuals, filed earlier or during this period. Among them, 12 senior officials have been charged more than once.¹³⁶ It is worth mentioning that 7 indictments are filed against the former Mayor of Klokot, Sasha Mirkoviq. (See the table below.)

¹³⁶ *Note:* KLI based on the monitoring process has found that there are some high-profile officials who have been charged several times. The Prosecution has filed two indictments against the Mayor of Malisheva, Ragip Begaj; The Prosecution has filed two indictments against the former mayor of Partesh, Dragan Nikolic; The Prosecution has filed two indictments against the former mayor of Drenas, Nexhat Demaku; The Prosecution has filed two indictments against the former Mayor of Klokot, Sreqko Spasiq; the Prosecution has filed two indictments against the former Mayor of Gjilan, Qemajl Mustafa, the Prosecution has filed two indictments against the former Mayor of Gjakova, currently Minister of Infrastructure, Pal Lekaj, the Prosecution has filed two indictments against the former Mayor of Lipjan, Shukri Buja; The Prosecution has filed seven indictments against the former Mayor of Klokot, Sasha Mirkoviq; The Prosecution has filed two indictments against former Minister of Culture, Astrit Haraqija; The Prosecution has filed two indictments against former President of the Constitutional Court, former Rector of UP Enver

Individual	Number of indictments
Astrit Haraqija	2
Shukri Buja	2
Ragip Begaj	2
Dragan Nikoliq	2
Enver Hasani	2
Sreqko Spasiq	2
Qemajl Mustafa	2
Pal Lekaj	2
Nuhi Uka	2
Illir Tolaj	2
Hysni Hoxha	4
Sasha Mirkoviq	7

Table 11 – High-profile individuals who have more than one indictment.

KLI has found that distinctive of high-profile accused is that among 67 officials, only 12 of them have been charged and are facing court proceedings while they have been still in power or while holding high-leading positions, while 55 of them have been charged only after they have finished their mandate or after they became “formers”.

Out of them, 60 high profile officials were charged for the criminal offence of “abusing official position or authority” and other offences related to it, while 4 of them are charged with the criminal offence “fraud in office”, two were charged with “conflict of interest” and one is charged with “disclosing official secrets”.

First instance decisions/Basic Courts in the Republic of Kosovo

In all cases of indictments filed against 67 high-profile officials, Basic Courts as the first instance have dismissed the indictments for 8 senior officials, for 16 officials have announced judgements

Hasani; The Prosecution has filed two indictments against the former General Secretary of the Ministry of Health, Illir Tolaj, the Prosecution has filed four indictments against the former President of the Procurement Review Body, Hysni Hoxha and the Prosecution has filed two indictments against the former President of the Municipal Court in Pristina, now the deceased Nuhi Uka.

of acquittal, for 5 officials have announced rejection judgments¹³⁷, whereas for 10 high profile officials the courts have imposed punishments. Meanwhile for 28 high-profile officials court proceedings in the first instance are still ongoing. (See the table below.)

Decisions of Basic Courts from January 1, 2016 until December 1, 2018							
Dismissal	Refusal	Acquittal	Punishment of a fine	Suspended punishment	Punishment of imprisonment	Total cases solved	Ongoing
8	5	16	1	7	2	39	28

Table 12 – Decision of the first instance court regarding the high-profile accused of corruption.

Meanwhile, out of the imposed punishments, 7¹³⁸ senior officials were punished with suspended imprisonment, while one official was fined. Only two sentences have been imposed with effective imprisonment, both three years of effective imprisonment, one against the former President of the PRB, Hysni Hoxha and the other against the former Mayor of Lipjan, Shukri Buja. Hoxha was acquitted by the Court of Appeals, while the case of Shukri Buja is in the appellate procedure on the abovementioned Court.

The Court of Appeals in Kosovo

In all these cases of judgments announced by Basic Courts as first instance, in the cases processed with appeals to the Court of Appeals in Kosovo as second instance, there are altogether 30 cases of high-profile officials, for which this court has decided, while the court proceedings are still continuing against 7 high-profile officials.¹³⁹ (See table below.)

¹³⁷ *Note:* Of the 67 high-profile officials, it results that against two officials, the Basic Courts did not render a judgement, since in the initial stage of the reviewing process of complaints regarding the confirmation or dismissal of the indictment the Court of Appeals in Kosovo, has decided to dismiss these two indictments. These are the cases of former President of the Constitutional Court, Enver Hasani and the Mayor of Mitrovica, Agim Bahtiri.

¹³⁸ *Note:* The Basic Courts have imposed seven suspended punishments, including: Six months of suspended imprisonment for the former mayor of Partesh, Dragan Nikolic; 12 months of suspended imprisonment for the former Mayor of Dragash, Salim Jenuzi, the case against him was returned for retrial in which the court acquitted him by rendering a rejection judgement in October 2018; 10 months of suspended imprisonment for the former Mayor of Kllokot Municipality, Sresko Spasiq; 12 months of suspended imprisonment for former Minister of Culture, Astrit Haraqija; 12 months of suspended imprisonment for former Minister of Culture, Valton Beqiri; 24 months of suspended imprisonment against the Member of the Parliament, Etem Arifi; 12 months of suspended imprisonment for former Rector of UP, Enver Hasani and 4.500 euros fine for former mayor of Novo Brdo, Svetislav Ivanoviq.

¹³⁹ *Note:* KLI during the monitoring process found that in these 7 cases, the Basic Courts have announced the judgements, whereas the cases upon appeal are ongoing at the Court of Appeals in Kosovo. The cases that are still pending in the Court of Appeals are: 1. Shukri Buja former Mayor of Lipjan (punished by the first instance with three years of effective imprisonment); 2. Sasha Mirkoviq former Mayor of Kllokot (first case acquitted by the first instance

Decisions of the Court of Appeals in Kosovo from January 1, 2016 until December 1, 2018								
Dismissal	Refusal	Acquittal	Retrial	Punishment of a fine	Suspended punishment	Punishment of imprisonment	Total	Ongoing
9	4	15	1	0	1	0	30	7

Table 13 – Decisions of the second instance court regarding the high-profile accused of corruption.

Out of 30 cases for which the Court of Appeals in Kosovo has decided, it results that judges in nine (9) cases have affirmed the dismissal of indictments for which have decided the Basic Courts in the first instance.

Judges of the Court of Appeals have announced four (4) rejection judgments. Of these, they have affirmed three (3) rejection judgements of the Basic Courts, while a judgement of conviction imposing two years of suspended imprisonment against the former Minister of Culture Astrit Haraqija has been converted into a rejection judgement.

Judges of the Court of Appeals decided to return for retrial the case against former Mayor of Dragash Salim Jenuzi, who was punished to 10 months of suspended imprisonment, that in the meantime, has been completed again in the first instance but now with rejection judgment, acquitting the accused because of reaching the statutory limitation period, for what the Prosecution withdrew the prosecution.

Judges of the Court of Appeals have announced 15 judgements of acquittal, out of which six (6) judgements of acquittal of the Basic Courts have been affirmed, while four (4) first instance judgements of conviction have been amended, converting them into judgements of acquittal.

In this regard, the Court of Appeals has released:

- the former Minister of Culture Valton Beqiri, who was convicted by the first instance with 1-year of suspended imprisonment;
- the former Mayor of Partesh Dragan Nikoliq, who was convicted by first instance with six (6) months of suspended imprisonment;
- the former Rector of University of Pristina Enver Hasani, who was convicted from the first instance with 12 months of suspended imprisonment;

instance); 3. Sasa Mirkoviq former Mayor of Killokot (second case acquitted by the first instance); 4. Fatmir Limaj Former Minister (acquitted byt first instance); 5. Ilir Tolaj, former General Secretary of MH (acquitted by the first instance); 6. Valdrin Lluka ,Minister (acquitted by the first instance) and 7. Etem Arifi, Member of the Parliament (punished to two years of suspended imprisonment by the first instance).

- the former President of the PRB Hysni Hoxha, who was convicted by the first instance with three (3) years of effective imprisonment.

The only punishment affirmed by the Court of Appeals is the 10-month suspended punishment imposed against Sreqko Spasiq, former Mayor of Kllokot.

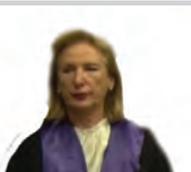
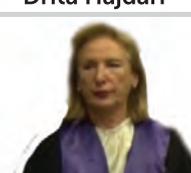
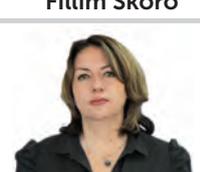
XI. Individual performance of prosecutors and judges regarding the handling of high-profile corruption cases in the past three years

KLI will provide information below regarding the handling of these cases in filing indictments, proceeding and decision-making of first and second instance judges.



The high-profile accused	The Prosecutor who compiled the indictment	The Prosecutor who represented the indictment	The first instance Judge	The Decision	The second instance judge	The Decision
 Muharrem Shabani	 Shyqyri Sylta	 Ismet Ujkani	 Burim Ademi		 Fillim Skoro	
 Ragip Begaj	 Haki Gecaj	 Haki Gecaj	 Artan Sejrani		 Fillim Skoro	
 Ragip Begaj	 Abdurrahim Islami	 Abdurrahim Islami	 Gëzim Pozhegu		 Fillim Skoro	
 Dragan Nikoliq	 Shaban Spahiu	 Shaban Spahiu	 Naser Maliqi		 Fillim Skoro	
 Dragan Nikoliq	 Shaban Spahiu	 Shaban Spahiu	 Agim Ademi		 Xhevdet Abazi	
 Lutfi Haziri	 Ali Rexha	 Ali Rexha	 Afrim Shala		 Xhevdet Abazi	
 Nexhat Demaku	 Feti Tunuzliu	 Feti Tunuzliu	 Valbona Musliu		 Mejreme Memaj	
 Mehmet Krasniqi	 Agron Bajrami	 Agron Bajrami	 Afërdita Bytyçi		 Driton Muharremi	
 Agim Bahtiri	 Agron Bajrami	 Agron Bajrami	 Beqir Halili		 Emine Mustafa	

The high-profile accused	The Prosecutor who compiled the indictment	The Prosecutor who represented the indictment	The first instance Judge	The Decision	The second instance judge	The Decision
 Salim Jenuzi	 Sefer Morina	 Genc Nixha	 Ajser Skenderi		 Driton Muharremi	
 Sreqko Spasiq	 Shaban Spahiu	 Shaban Spahiu	 Afrim Shala		 Fillim Skoro	
 Sreqko Spasiq	 Aqron Uka	 Aqron Uka	 Aziz Shaqiri		 Fillim Skoro	
 Gemajl Mustafa	 Shaban Spahiu	 Shaban Spahiu	 Naser Maliqi			
 Pal Lekaj	 Sylë Hoxha	 Faik Halili	 Gëzim Pozhegu		 Xhevdet Abazi	
 Shukri Buja	 Agron Bajrami	 Agron Bajrami	 Beqir Kalludra			
 Sasha Mirkoviq	 Shaban Spahiu	 Shaban Spahiu	 Agim Ademi			
 Sasha Mirkoviq	 Shaban Spahiu	 Shaban Spahiu	 Naser Maliqi		 Tonka Berishaj	
 Sasha Mirkoviq	 Arben Ismajli	 Arben Ismajli	 Agim Ademi			

The high-profile accused	The Prosecutor who compiled the indictment	The Prosecutor who represented the indictment	The first instance Judge	The Decision	The second instance judge	The Decision
 Sasha Mirković	 Afrim Shefkiu	 Afrim Shefkiu	 Zyhdi Haziri		 Abdullah Ahmeti	
 Sasha Mirković	 Shaban Spahiu	 Shaban Spahiu	 Agim Ademi			
 Svetislav Ivanović	 Rabije Jakupi	 Rabije Jakupi	 Emine Salihu			
 Fatmir Limaj	 Charles Hardaway	 Charles Hardaway	 Marie Tuma			
 Ramë Buja	 Ali Rexha	 Ali Rexha	 Valon Kurtaj		 Fillim Skoro	
 Astrit Haraqija	 Drita Hajdari	 Hivzi Bajraktari	 Suzana Çerkini		 Fillim Skoro	
 Valton Beqiri	 Drita Hajdari	 Hivzi Bajraktari	 Suzana Çerkini		 Fillim Skoro	
 Dalibor Jevtiq	 Sylë Hoxha	 Sylë Hoxha	 Valon Kurtaj		 Mejreme Memaj	
 Valdrin Lluka	 Habibe Salih	 Habibe Salih	 Hamdi Ibrahim			

The high-profile accused

The Prosecutor who compiled the indictment

The Prosecutor who represented the indictment

The first instance Judge

The Decision

The second instance judge

The Decision



Etem Arifaj



Drita Hajdari



Drita Hajdari



Vesel Ismaili

PUNISHMENT
12 MONTHS
OF SUSPENDED
IMPRISONMENT

ONGOING



Salih Mekaj



Drita Hajdari



Drita Hajdari



Shasivar Hoti

ACQUITTAL



Driton Muharremi

ACQUITTAL



Enver Hasani



Drita Hajdari



Drita Hajdari



Arben Hoti

PUNISHMENT
24 MONTHS
OF SUSPENDED
IMPRISONMENT



Mejreme Memaj

ACQUITTAL



Mazllum Baraliju



Sefer Morina



Sefer Morina



Skender Çoçaj

ACQUITTAL



Mejreme Memaj

ACQUITTAL



Shpresa Bakija



Agron Uka



Agron Uka



Afrim Shala

ACQUITTAL



Abdullah Ahmeti

ACQUITTAL



Ilir Tolaj



Admir Shala



Florije Shamolli



Valbona Mustiu

ACQUITTAL

ACQUITTAL



Shyqeri Haxha



Fikrije Fejzullahu



Fikrije Fejzullahu



Valbona Musliu

ACQUITTAL



Vahid Halili

ACQUITTAL



Hysni Hoxha



Haki Gecaj



Haki Gecaj



Beqir Kalludra

PUNISHMENT
36 MONTHS
EFFECTIVE
IMPRISONMENT



Driton Muharremi

ACQUITTAL



Hysni Hoxha



Admir Shala



Sylë Hoxha



Arben Hoti

ACQUITTAL



Xhevdet Abazi

ACQUITTAL

The high-profile accused	The Prosecutor who compiled the indictment	The Prosecutor who represented the indictment	The first instance Judge	The Decision	The second instance judge	The Decision
 Hysni Hoxha	 Tomas Meskauskas	 Paul Flynn	 Shasivar Hoti	 REJECTION	 Abdullah Ahmeti	 REJECTION
 Nuhi Uka	 Danilo Cicareli	 Danilo Cicareli	 Arcadius Sedeck	 REJECTION	 Fillim Skoro	 REJECTION
 Shaban Buza	 Agron Matjani	 Ali Uka	 Nicolë Komani	 DISMISSAL	 Mejreme Memaj	 DISMISSAL

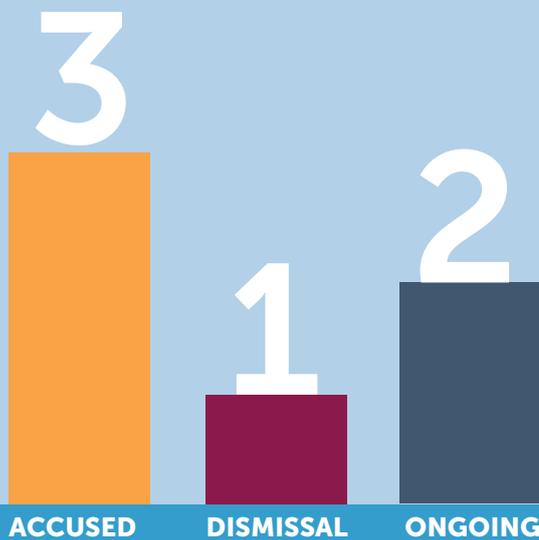
Table 14 – Decisions of the first and second instance regarding the indictments filled for high-profile in the past three years.

-  **Red color indicates the failure of indictments involving: dismissal, refusal, acquittal and cases completed without appeal;**
-  **The yellow color indicates the punishments imposed including: conditional imprisonment and fines;**
-  **Green color shows the punishments imposed by effective imprisonment;**
-  **The orange color shows the cases returned to retrial;**
-  **Colorless indicates cases in the proceedings at the Court of Appeal in Pristina;**

Below are shown individually all prosecutors who have filed indictments against high-profile officials as well as the handling of these cases by the first and second instance judges.

Special Prosecutor Abdurrahim Islami:

Indictments against 3 high-profile officials, 1 dismissal, 2 ongoing



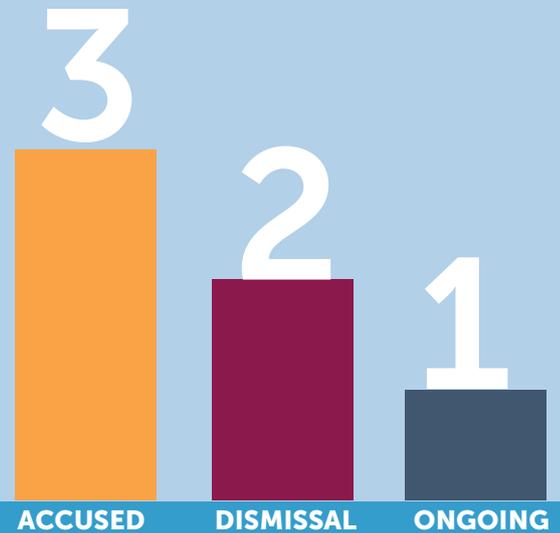
It results that Special Prosecutor Abdurrahim Islami has filed two indictments against three high-profile officials, including: The Mayor of Malisheva, Ragip Begaj, as well as indictments against two former Chiefs of PTK, Ejup Qerimi and Agron Mustafa.

The first indictment case against the Mayor of Malisheva Ragip Begaj, ended with a final judgement. This case was dismissed by Judge of the Basic Court in Gjakova, Gëzim Pozhegu, while the dismissal of the indictment was affirmed by Fillim Skoro, Judge at the Court of Appeals of Kosovo.

The indictment case against two former PTK chiefs, Ejup Qerimi and Agron Mustafa is still in ONGOINGs. Prosecutor Abdurrahim Islami has retired, while the indictment is being represented by the special Prosecutor Naim Abazi. This case was handed over to the judge of the Basic Court in Pristina, Lutfi Shala.

Special Prosecutor Admir Shala

Indictments against 3 high-profile officials, 2 dismissals, 1 ongoing



It results that Special Prosecutor Admir Shala¹⁴⁰ has filed three indictments against three high-profile officials, including: Member of the Parliament of Kosovo, Naser Osmani, former Secretary of Ministry of Health, Ilir Tolaj and former Head of PRB Hysni Hoxha. All these three cases, prosecutor Shala was unable to represent to the court until the end of the ONGOINGS, after being named Chief Prosecutor of the Prosecution in Prizren. These cases have been assigned to three SPRK prosecutors Fikrije Fejzullahu (Naser Osmani case), Florije Shamolli (Ilir Tolaj case) and Sylë Hoxha (Hysni Hoxha case).

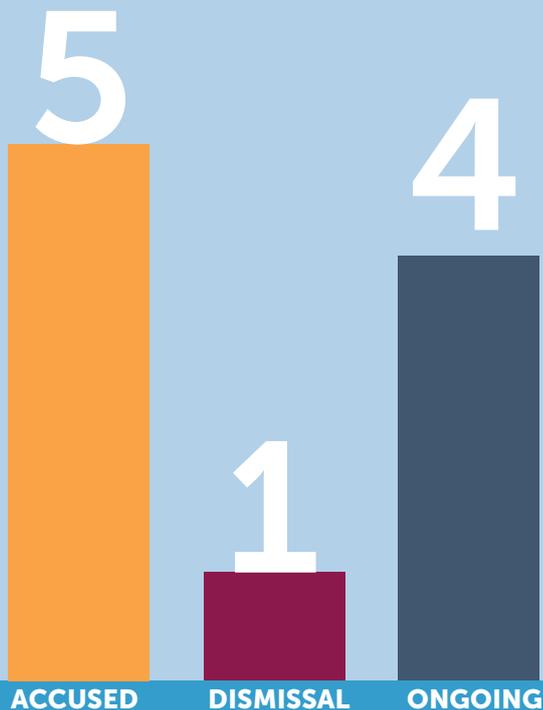
The indictment against the former Head of PRB Hysni Hoxha, has failed in front of the Basic Court in Pristina. Judge Arben Hoti announced Judgement of Acquittal for Hoxha, and this judgement was affirmed by the Court of Appeals in Kosovo. This case was represented by Prosecutor Sylë Hoxha. In the case of the indictment against the former Secretary of Ministry of Health, Ilir Tolaj, Judge of the Basic Court in Pristina, Valbona Musliu – Selimaj, announced Judgement of Acquittal, whereas the case is still ongoing at the Court of Appeals in Kosovo. This case was represented by the Prosecutor Florije Shamolli.

The case of the indictment against the Member of the Parliament of Kosovo, Naser Osmani, represented by the Prosecutor Fikrije Fejzullahu is still ongoing in the first instance, and is being judged by Judge Shashivar Hoti.

¹⁴⁰ Note: Prosecutor Admir Shala since January 1, 2017 has been assigned by the KPC as Chief Proc of the Basic Prosecution in Prizren

Special Prosecutor Afrim Shefkiu

Indictments against 5 high-profile officials, 1 dismissal, 4 ongoing



It results that Special Prosecutor Afrim Shefkiu has filed two indictments against five high-profile officials. The first indictment was filed against former Mayor of Klllokot Sasha Mirković, while the second indictment is filed regarding the Case of Veterans, where four high-profile officials are accused, including: Minister of Security Force, Rustem Berisha, Member of the Parliament, Shkumbin Demalijaj, Deputy Minister of the Kosovo Security Force, Agim Çeku and former Member of the Parliament of Kosovo, Nuredin Lushtaku. In the Case of Veterans, as it was reported, the Prosecutor Afrim Shefkiu has withdrawn from the representation of it in front of the Court.

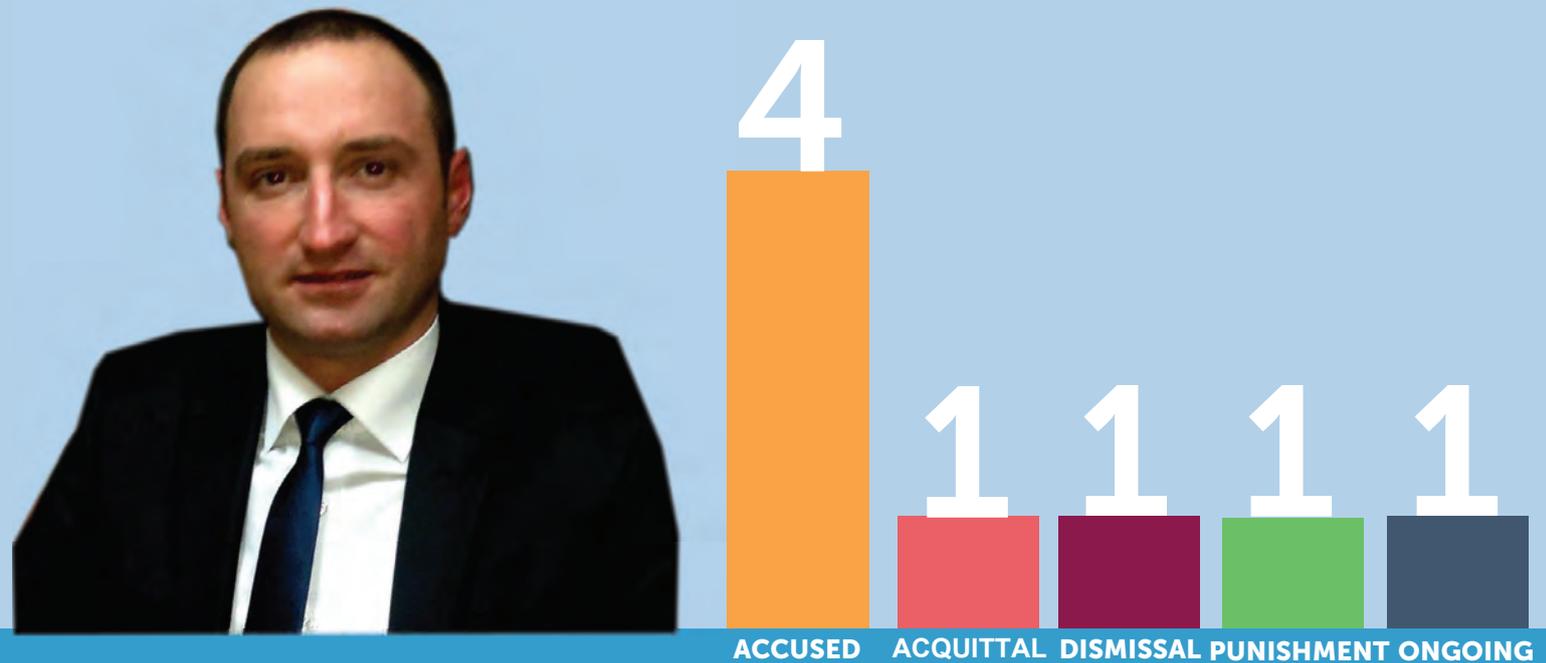
The case of the indictment against former Mayor of Klllokot, Sasha Mirković, has failed to be proven before the Basic Court in Gjiilan. The Judge of this Court, Zyhdi Haziri, has announced Rejection Judgement, which was affirmed by the Court of Appeals in Kosovo.

The Case of Veterans is still at the initial stage in the Basic Court of Pristina, judged by the Judge Nushe Kuka – Mekaj, who returned the indictment of Prosecutor Afrim Shefkiu, to be supplemented.

¹⁴¹Note: KLI has treated the case of the indictment filing of veterans. This indictment has been filed by spec prosecutor Elez Blakaj, but formally its filling, with a few amendments has been sent in Court on behalf of the prosecutor Afrim Shefkiu.

Special Prosecutor Agron Bajrami

Indictments against 4 high-profile officials, 1 dismissal, 1 acquittal, 1 first instance punishment, 1 ongoing



It results that Special Prosecutor Agron Bajrami has filed 4 indictments against 4 high-profile officials. The first indictment was filed against former Mayor of Obiliq, Mehmet Krasniqi, the second indictment was filed against the Mayor of Mitrovica, Agim Bahtiri, the third indictment was filed against the former Mayor of Gjilan, Qemajl Mustafa, and the fourth indictment was filed against former Mayor of Lipjan, Shukri Buja.

The case of the indictment against the former Mayor of Obiliq, Mehmet Krasniqi has failed to be proven in front of the Basic Court in Pristina. The judge of this court, Afërdita Bytyqi, has announced Judgement of Acquittal, that was affirmed by Driton Muharremi, Judge at the Court of Appeals in Kosovo.

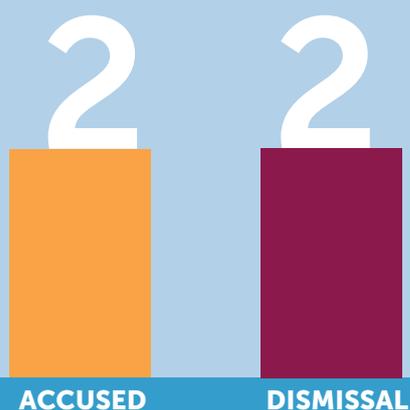
The case of the indictment against the Mayor of Mitrovica, Agim Bahtiri has also failed to be proven in front of the Basic Court in Mitrovica. Judge Beqir Halili dismissed the indictment, which was affirmed by Emine Mustafa, judge at the Court of Appeals in Kosovo.

In the case of indictment against former Mayor of Lipjan, Shukri Buja, the BC in Pristina has imposed punishment of effective imprisonment. Judge Beqir Kalludra has punished Shukri Buja with three years of effective imprisonment. The case is ongoing after the submission of the appeal, at the Court of Appeals in Kosovo.

The case against former Mayor of Gjilan, Qemajl Mustafa, is still in ONGOINGS in the first instance, judged by Sylë Lokaj, judge at the Basic Court in Peja.

Special Prosecutor Ali Rexha

Indictments against 2 high-profile officials, 2 dismissal



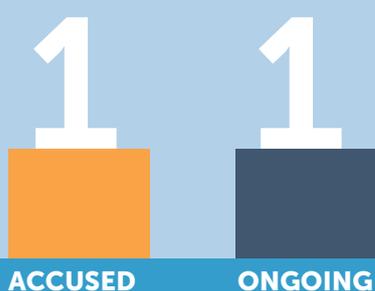
It results that Special Prosecutor Ali Rexha, has filed 2 indictments against 2 high-profile officials. The first indictment was filed against the former Mayor of Gjilan Lutfi Haziri, while the second indictment was filed against former Minister Ramë Buja.

The case of indictment against former Mayor of Gjilan, Lutfi Haziri, was dismissed by Afrim Shala, Judge at the Basic Court in Gjilan, the dismissal was affirmed by Xhevdet Abazi, Judge at the Court of Appeals in Kosovo.

The case of former Minister Ramë Buja was dismissed by Valon Kurtaj, Judge at the Basic Court in Pristina. The dismissal was affirmed by Fillim Skoro, Judge at the Court of Appeals in Kosovo.

Special Prosecutor Blerim Isufaj

Indictment against 1 high-profile official, 1 ongoing

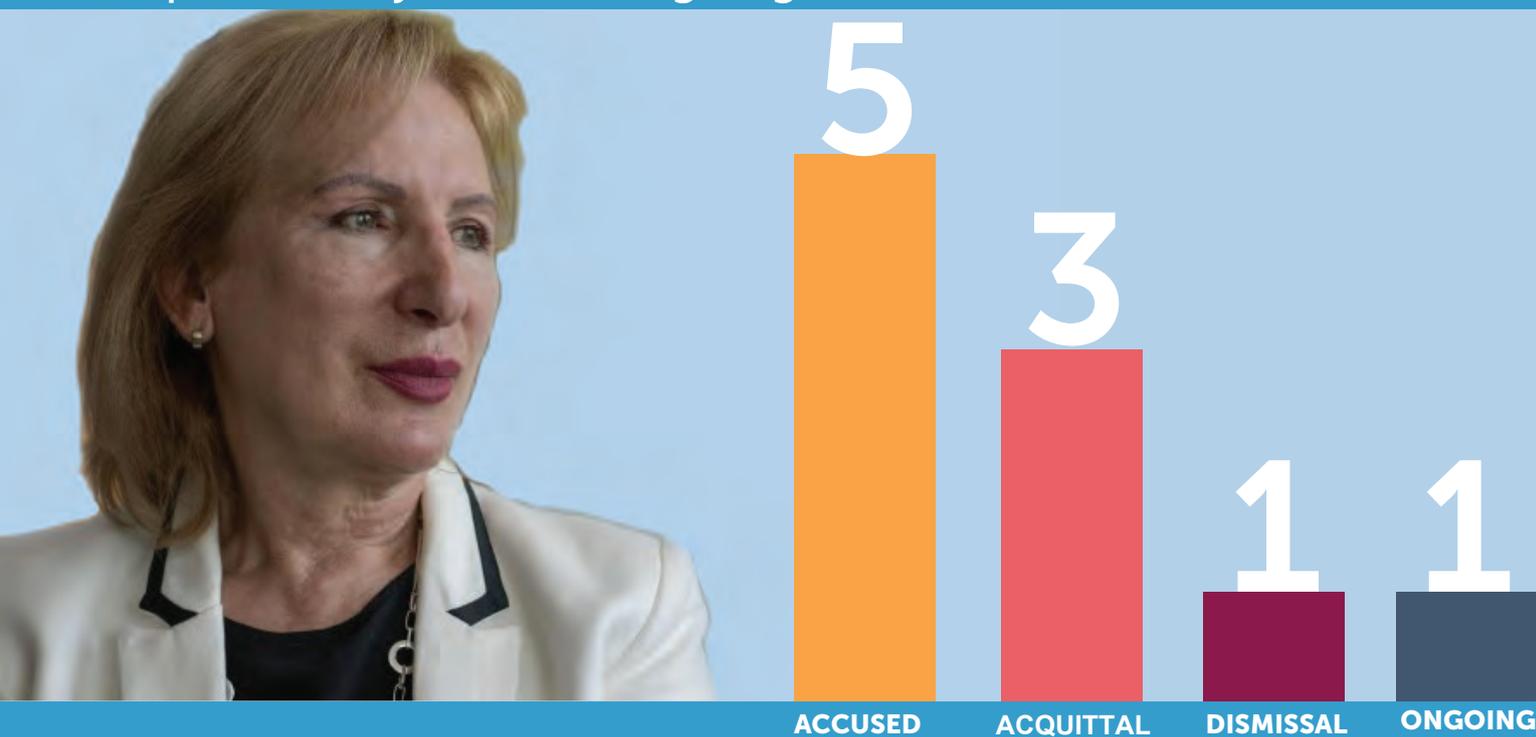


It results that Special Prosecutor Blerim Isufaj, has filed 1 indictment against 1 high-profile official. The indictment was filed against the former President of the Constitutional Court of Kosovo, Enver Hasani.

This case was represented in Court by Special Prosecutor Abdurrahim Islami. The indictment was dismissed in appellate procedure by Mejreme Memaj, Judge at the Court of Appeals in Kosovo.

Special Prosecutor Drita Hajdari

Indictments against 5 high-profile officials, 3 acquittal, 1 rejection, 1 ongoing



It results that Special Prosecutor Drita Hajdari, has filed 4 indictments against 5 high-profile officials. The first indictment has been filed against two former Ministers of Culture, Astrit Haraqija and Valton Beqiri. The second indictment has been filed against former Rector of the University of Pristina, Enver Hasani. The third indictment has been filed against former President of the Court of Appeals, Sali Mekaj, while the fourth indictment has been filed against the Member of the Parliament, Etem Arifi.

The case of the indictment against two former Ministers of Culture, Astrit Haraqija and Valton Beqiri was represented by prosecutor Hivzi Bajraktari and in first instance was completed by imposing one year of suspended imprisonment to each. This punishment has been imposed by Suzana Çerkini, judge at the Basic Court in Pristina. This punishment has been rejected by Fillim Skoro, Judge at the Court of Appeals in Kosovo, who acquitted both former Ministers.

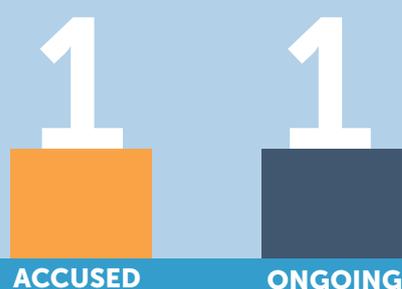
The case against former Rector of the UP, Enver Hasani, has been completed in first instance by imposing 1 year of suspended imprisonment. This punishment of suspended imprisonment has been imposed by Arben Hoti, Judge at the Basic Court in Pristina. This punishment has not been affirmed by the second instance, which acquitted Enver Hasani. The Judgement of Acquittal has been announced by Mejreme Memaj, Judge at the Court of Appeals in Kosovo.

The case against the former President of the Court of Appeals in Kosovo, Sali Mekaj, has been completed in first instance and the second one, by announcing Judgement of Acquittal. In first instance, Sali Mekaj has been acquitted by Shashivar Hoti, judge at the Basic Court in Pristina, while this judgement has been affirmed by Driton Muharremi, Judge at the Court of Appeals in Kosovo.

The case against the Member of the Parliament, Etem Arifi, has been completed in first instance, which has punished him with two years of suspended imprisonment. This punishment has been imposed by Vesel Ismajli, Judge at the Basic Court in Pristina. This case is still in the appellate procedure at the Court of Appeals in Kosovo.

Special Prosecutor Elez Blakaj

Indictment against 1 high-profile official, 1 ongoing

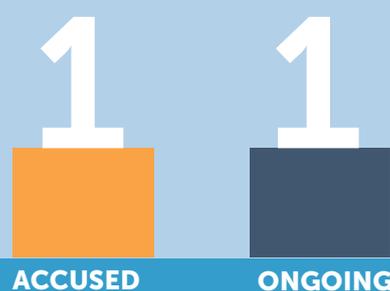


It results that Special Prosecutor Elez Blakaj, has filed 1 indictment against 1 high-profile official. The indictment has been filed against the former Mayor of Lipjan, Shukri Buja.

This case has been assigned to Nushe Kuka – Mekaj, Judge at the Basic Court in Peja and is still in procedure in first instance. Prosecutor Blakaj has resigned, while this case has been transferred to the Special Prosecutor Afrim Shefkiu.

Special Prosecutor Faik Halili

Indictment against 1 high-profile official, 1 ongoing

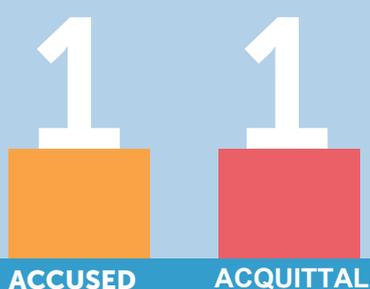


It results that Special Prosecutor Faik Halili, has filed 1 indictment against 1 high-profile official. The indictment has been filed against former Mayor of Gjakova, Pal Lekaj.

This case has been assigned to Shaqir Zika, Judge at the Basic Court in Gjakova and is still in procedure in first instance.

Special Prosecutor Fikrije Fejzullahu

Indictment against 1 high-profile official, 1 acquittal

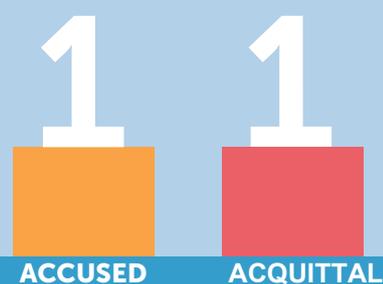


It results that Special Prosecutor Fikrije Fejzullahu, has filed 1 indictment against 1 high-profile official. The indictment has been filed against former Chief of PTK, Shyqyri Haxha.

This case has failed in front of the Court, because Valbona Musliu – Selimaj, Judge at the Basic Court in Pristina has announced Judgement of Acquittal. This judgement has been affirmed by Vahid Halili, Judge at the Court of Appeals in Kosovo.

Special Prosecutor Habibe Salihi

Indictment against 1 high-profile official, 1 acquittal

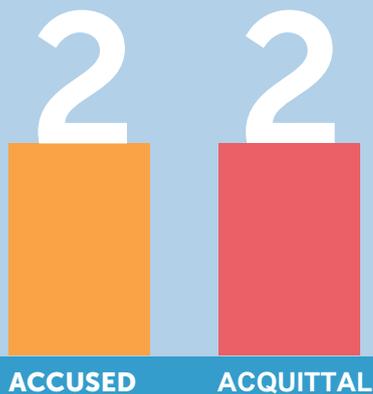


It results that Special Prosecutor Habibe Salihi, has filed 1 indictment against 1 high-profile official. The indictment has been filed against Minister Valdrin Lluca.

The case has failed in first instance, where Hamdi Ibrahim, Judge at the Basic Court in Pristina has announced Judgement of Acquittal for Valdrin Lluca. The case is in appellate procedure at the Court of Appeals in Kosovo.

Special Prosecutor Haki Gecaj

Indictment against 2 high-profile officials, 2 acquittal



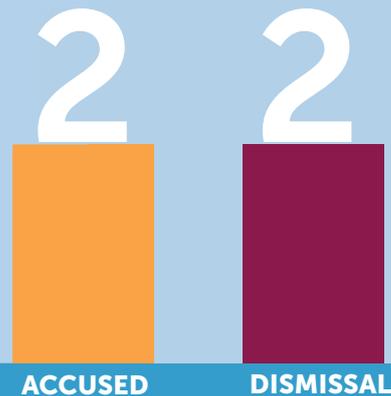
It results that Special Prosecutor Haki Gecaj has filed 2 indictment against 2 high-profile officials. The first indictment has been filed against the Mayor of Malisheva, Ragip Begaj, whereas the second indictment has been filed against the former Head of PRB, Hysni Hoxha.

The case against the Mayor of Malisheva, Ragip Begaj, has failed in both instances. In the first instance, Artan Serjani, Judge at the Basic Court in Prizren has announced Judgement of Acquittal for Begaj. The judgement has been affirmed by Fillim Skoro, Judge at the Court of Appeal in Kosovo.

The case against former Head of PRB, Hysni Hoxha, has failed in second instance. In the first instance, Beqir Kalludra, Judge at the Basic Court in Pristina has announced Judgement of Conviction against Hysni Hoxha, punishing him with three years of imprisonment. The judgement of the first instance has not been affirmed by the second instance, thus Hoxha has been acquitted by Driton Muharremi, Judge at the Court of Appeals in Kosovo.

Special Prosecutor Sylë Hoxha

Indictments against 2 high-profile officers, 2 dismissal



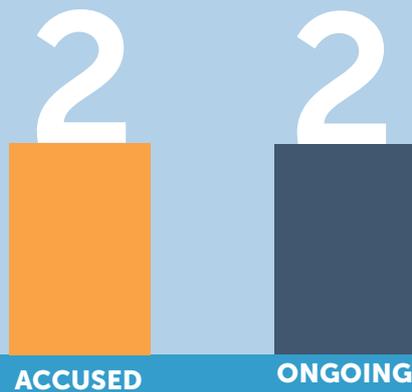
It results that Special Prosecutor Sylë Hoxha has filed 2 indictments against 2 high-profile officials. The first indictment has been filed against former Mayor of Gjakova, Pal Lekaj, while the second indictment has been filed against the Minister Dalibor Jevtiq.

Both cases have failed in both instances. The first indictment against former Mayor of Gjakova, Pal Lekaj has been dismissed by Gëzim Pozhegu, Judge at the Basic Court in Gjakova. This judgement has been affirmed by Xhevdet Abazi, judge at the Court of Appelas in Kosovo.

The second indictment against Minister Dalibor Jevtiq, has been dismissed by Valon Kurtaj, Judge at the Basic Court in Pristina, and has been affirmed by Mejreme Memaj, Judge at the Court of Appelas in Kosovo.

Prosecutor Cezary Michalczuk

Indictment against 2 high-profile officials, 2 ongoing



It results that Prosecutor of the Basic Prosecution in Pristina, Dulina Hamiti, has filed 1 indictment against 1 high-profile officer. The indictment has been filed against the former Mayor of Drenas, Nexhat Demaku.

The case is assigned to Shpresa Hasaj – Hyseni, Judge at the Basic Court in Pristina and is still in procedure in first instance.

Prosecutor Charles Hardaway

Indictment against 1 high-profile official, 1 ongoing

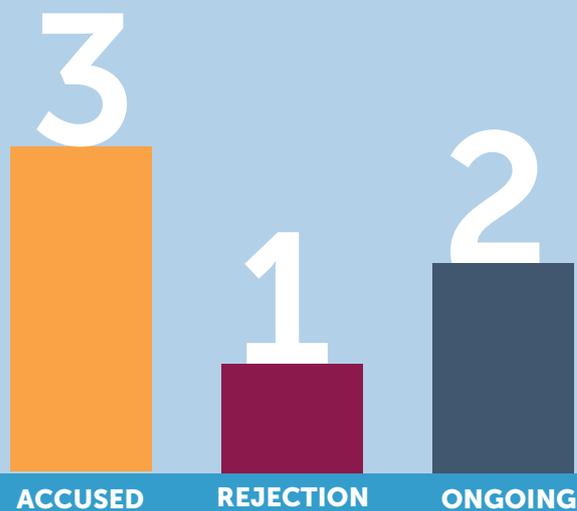


It results that International Prosecutor Charles Hardaway has filed 1 indictment against 1 high profile officer. The indictment was filed against former Minister Fatmir Limaj. This case was unable to be proven in front of the Basic Court in Pristina, which announced Judgement of Acquittal.

The case is still in appellate procedure.

Prosecutor Danillo Ceccareli

Indictment against 3 high-profile officials, 1 rejection, 2 ongoing



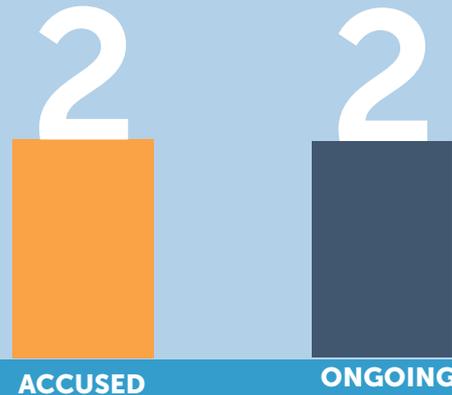
It results that International Prosecutor Danillo Ceccareli, has filed 2 indictments against 3 high-profile officials. The first indictment is filed against the former Member of the Parliament, Azem Sylja, and against former President of the Municipal Court in Pristina, Nuhi Uka (now deceased), while the second indictment was filed against again former President of the Municipal Court in Pristina, Nuhi Uka.

The case in which is accused only the former President of the Municipal Court in Pristina Nuhi Uka, has failed, because International Judge, Arccadius Sedeck, has announced Rejection Judgement. This judgement has been affirmed by Fillim Skoro, Judge at the Court of Appeals in Kosovo.

The other case, in which are accused both Azem Sylja and Nuhi Uka, is transferred to Special Prosecutor Naim Abazi, while the case is still ongoing in first instance, assigned to Beqir Kalludra, Judge at the Basic Court in Pristina.

International Prosecutor Mariah Bamieh

Indictment against 2 high-profile officials, 2 ongoing

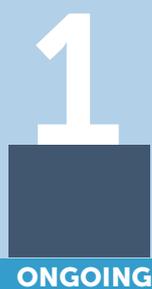


It results that international Prosecutor Maria Bamieh, has filed 1 indictment against 2 high-profile officials. The indictment has been filed against former Minister Bujar Bukoshi and former Secretary of Ministry of Health, Ilir Tolaj.

This case has been transferred to Special Prosecutor Fikrije Fejzullahu, while it is still in procedure in first instance, judged by Naime Krasniqi – Jashanica, Judge at the Basic Court in Pristina.

International Prosecutor Natasha Vicary

Indictment against 1 high-profile official, 1 ongoing



It results that international Prosecutor Natasha Vicary, has filed 1 indictment against 1 high-profile official. The indictment has been filed against former Mayor of Prizren Ramadan Muja.

This case has been transferred to Special Prosecutor, Fikrije Fejzullahu, while it still is in procedure in first instance, judged by Agim Ademi, Judge at the Basic Court in Gjilan.

International Prosecutor Romelu Mateus

Indictment against 1 high-profile official, 1 ongoing



It results that international Prosecutor Romelu Mateus, has filed 1 indictment against 1 high-profile official. The indictment has been filed against former Director of Kosovo Correctional Service, Emrush Thaqi.

This case is still in procedure in first instance, judged by Shashivar Hoti, Judge at the Basic Court in Prishtina.

International Prosecutor Tomas Meskauskas

Indictment against 1 high-profile official, 1 rejection



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ACCUSED

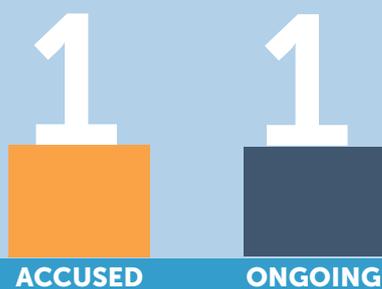
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REJECTION

It results that international Prosecutor Tomas Meskauskas, has filed 1 indictment against 1 high-profile official. The indictment has been filed against former Head of PRB, Hysni Hoxha.

This case has been completed in both instances, by rejecting the indictment. The indictment has been represented by Prosecutor Paul Flynn, while in the first instance has been dismissed by Shashivar Hoti, Judge at the Basic Court in Pristina. The dismissal has been affirmed by Avdullah Ahmeti, Judge at the Court of Appeals in Kosovo.

International Prosecutor Valleria Bolici

Indictment against 1 high-profile official, 1 ongoing

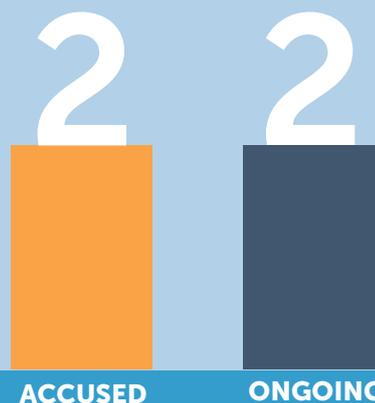


It results that international Prosecutor Valleria Bolici, has filed 1 indictment against 1 high-profile official. The indictment has been filed against former Mayor of Klina, Sokol Bashota. This case has been transferred to Sahide Gashi, Prosecutor at the Basic Prosecution in Peja.

The case has been assigned to Sylë Lokaj, Judge at the Basic Court in Peja, and is still is ongoing in the first instance.

Prosecutor Allen Cansick:

Indictment against 2 high-profile officials, 2 ongoing



It results that Prosecutor of EULEX Allen Cansick, has filed 1 indictment against 2 high-profile officials. The indictment was filed against the former Minister Astrit Haraqija and former Member of the Parliament Ukë Rugova.

This indictment is now represented by the Special Prosecutor Florije Salihu – Shamolli, while the case is assigned to Naime Krasniqi – Jashanica, Judge at the Basic Court in Pristina. The case is still ongoing in the first instance.

Prosecutor Agron Uka

Indictments against 3 high-profile officials, 2 acquittal, 1 ongoing

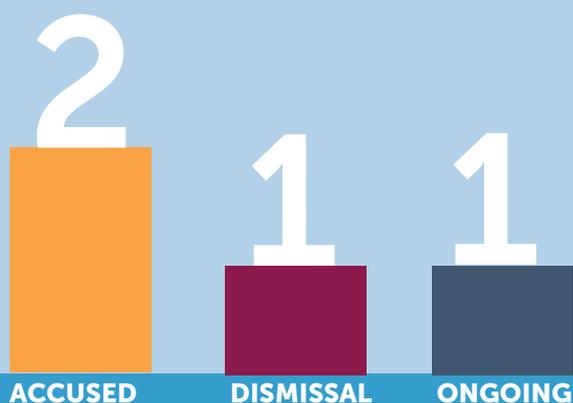


It results that Prosecutor of the Basic Prosecution in Gjakova, Agron Uka has filed one indictment against one high-profile official, respectively against former Chief Prosecutor of the Basic Prosecution in Gjakova, Shpresa Bakija.

The indictment against the Chief Prosecutor Bakija also failed to be proven in court. She was found not guilty by the Judge of the Basic Court in Gjilan, Afrim Shala, and this judgement was affirmed by Abdullah Ahemi, Judge at the Court of Appeals in Kosovo.

Prosecutor Agron Matjani

Indictments against 2 high-profile officials, 1 dismissal, 1 ongoing



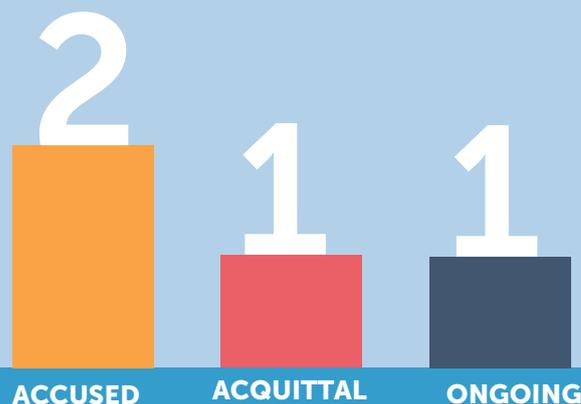
It results that Prosecutor of the Basic Prosecution in Gjakova, Agron Matjani, has filed 2 indictments against 2 high-profile officials. The first indictment was filed against the Rector of the University of Gjakova, Shaban Buza, while the second indictment was filed against the Myor of Istog, Haki Rugova.

The case of the indictment against the Rector of the University of Gjakova, Shaban Buza, was represented in Court by the other prosecutor Ali Uka, and has failed because of the dismissal of the indictment by Nikollë Komani, Judge at the Basic Court in Gjakova. The dismissal was affirmed by Mejreme Mema, Judge at the Court of Appeals in Kosovo.

The case of the indictment against the Mayor of Istog, Haki Rugova, is still ongoing in first instance, judged by Sylë Lokaj, Judge at the Basic Court in Peja.

Prosecutor Agron Uka

Indictments against 2 high-profile officials, 1 acquittal, 1 ongoing



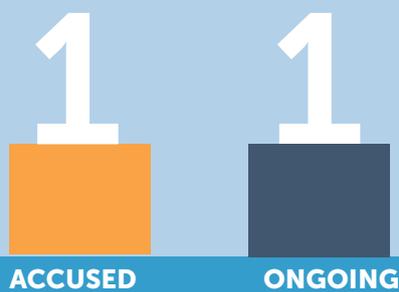
It results that Prosecutor of the Basic Prosecution in Gjilan, Agron Uka has filed 2 indictments against 2 high-profile officials. The first indictment was filed against former Mayor of Kllokot, Sresko Spasiq, while the second indictment was filed against other former Mayor of Kllokot, Sasha Mirkoviq.

The case of the indictment against former Mayor of Kllokot, Sresko Spasiq, has failed to be proven in front of the Court. Aziz Shaqiri, Judge at the Basic Court of Gjilan acquitted Spasiq. His acquittal was affirmed by Fillim Skoro, Judge at the Court of Appeals in Kosovo.

The case against the other former Mayor of Kllokot, Sasha Mirkoviq is still ongoing in the first instance, judged by the Judge Zyhdi Haziri.

Prosecutor Arben Kadriu

Indictment against 1 high-profile official, 1 ongoing

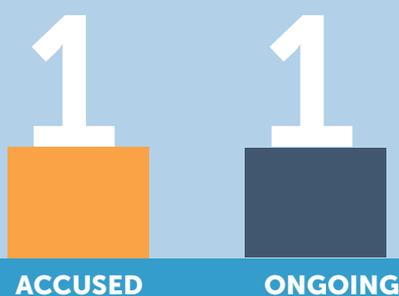


It results that Prosecutor of the Basic Prosecution in Gjilan, Arben Kadriu, has filed 1 indictment against 1 high-profile official. The indictment was filed against the former Mayor of Klllokot, Sasha Mirkoviq.

The case is in procedure in first instance and is assigned to Islam Thaçi, Judge at the Basic Court in Gjilan.

Prosecutor Arben Ismajli

Indictment against 1 high-profile official, 1 ongoing

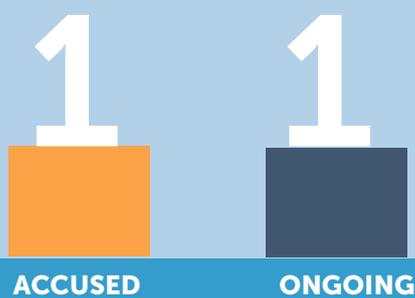


It results that Prosecutor of the Basic Prosecution in Gjilan, Arben Ismajli, has filed 1 indictment against 1 high-profile official. The indictment was filed against the former Mayor of Klllokot, Sasha Mirkoviq.

The case is in procedure in first instance and is assigned to Agim Ademi, Judge at the Basic Court in Gjilan.

Prosecutor at the Office of the State Prosecutor, Besim Kelmendi

Indictment against 1 high-profile official, 1 ongoing

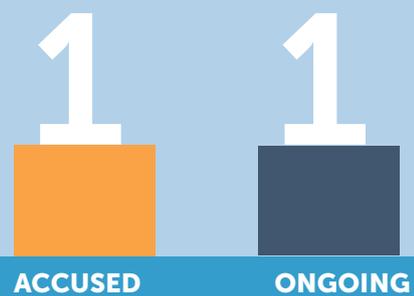


It results that Prosecutor at the Office of the State Prosecutor, Besim Kelmendi, has filed 1 indictment against 1 high-profile official. The indictment was filed against the former Minister Ferid Agani.

Besim Kelmendi has prosecuted this case while serving as a Special Prosecutor, but after being promoted as Prosecutor at the Office of the State Prosecutor, from this position he filed this indictment against 62 individuals, that includes one high-profile individual – Minister Ferid Agani. This case is now represented by the Special Prosecutor Florije Salihu – Shamolli, while is assigned to Shadije Gërguri, Judge at the Basic Court in Pristina. The case is still in procedure in first instance.

Prosecutor Dulina Hamiti

Indictment against 1 high-profile official, 1 ongoing

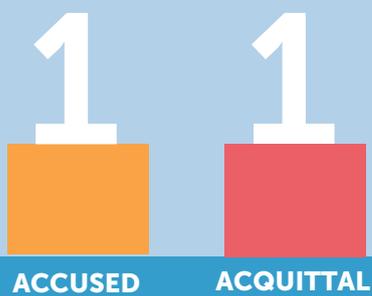


It results that Prosecutor of the Basic Prosecution in Pristina, Dulina Hamiti, has filed 1 indictment against 1 high-profile officer. The indictment has been filed against the former Mayor of Drenas, Nexhat Demaku.

The case is assigned to Shpresa Hasaj – Hyseni, Judge at the Basic Court in Pristina and is still in procedure in first instance.

Prosecutor Feti Tunuzliu

Indictment against 1 high-profile official, 1 acquittal

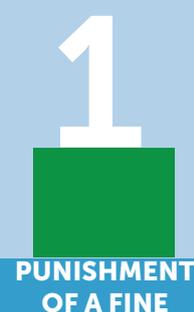


It results that Prosecutor of the Basic Prosecution in Pristina, Feti Tunuzliu, has filed 1 indictment against 1 high-profile official. The indictment has been filed against the former Mayor of Drenas, Nexhat Demaku.

This case has failed in Court, because Valbona Musliu – Selimaj, Judge at the Basic Court in Pristina has announced Judgement of Acquittal for Nexhat Demaku. This judgement has been affirmed by Mejreme Memaj, Judge at the Court of Appeals in Kosovo.

Prosecutor Rabije Jakupi

Indictment against 1 high-profile official, 1 punishment of a fine

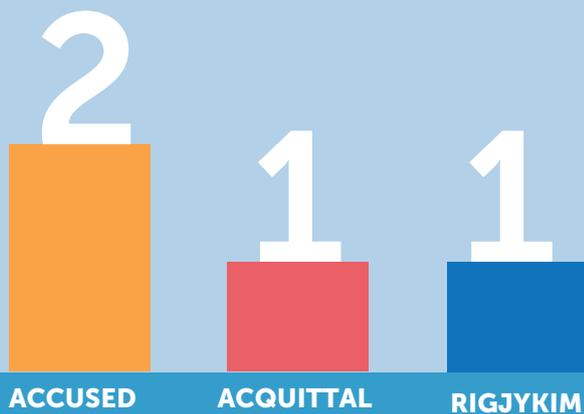


It results that Prosecutor of the Basic Prosecution in Gjilan, Rabije Jakupi, has filed 1 indictment against 1 high-profile official. The indictment has been filed against former Mayor of Novo Brdo, Svetislav Ivanović.

This case has been completed in first instance, where Emine Salihu, Judge at the Basic Court in Gjilan, has imposed punishment of a fine, in the amount of 4,500 Euro.

Prosecutor Sefer Morina

Indictments against 2 high-profile officials, 1 acquittal, 1 retrial



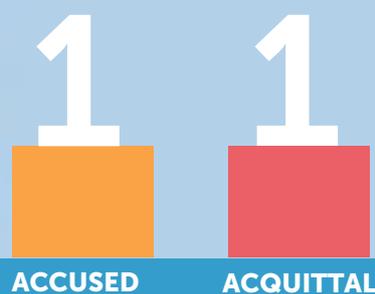
It results that Prosecutor of the Basic Prosecution in Prizren, Sefer Morina, has filed 2 indictments against 2 high-profile officials. The first indictment has been filed against the former Mayor of Dragash Salim Jenuzi, while the second indictment has been filed against former Rector of the University of Prizren, Mazllum Baraliu.

The case against former Mayor of Dragash Salim Jenuzi, in first instance has been completed by imposing 1 year of suspended imprisonment. This judgement was announced by Ajser Skenderi, Judge at the Basic Court in Prizren. This judgement has not been affirmed and has been returned for retrial by Driton Muharremi, Judge at the Court of Appeals in Kosovo.

The case against the former Rector of the University of Prizren, Mazllum Baraliu, has failed to be proven in front of both instances. In the first instance, Skender Çoçaj, Judge at the Basic Court in Prizren has announced Judgement of Acquittal, which has been affirmed by Mejreme Memaj, Judge at the Court of Appeals in Kosovo.

Prosecutor Shyqyri Syla

Indictment against 1 high-profile official, 1 acquittal

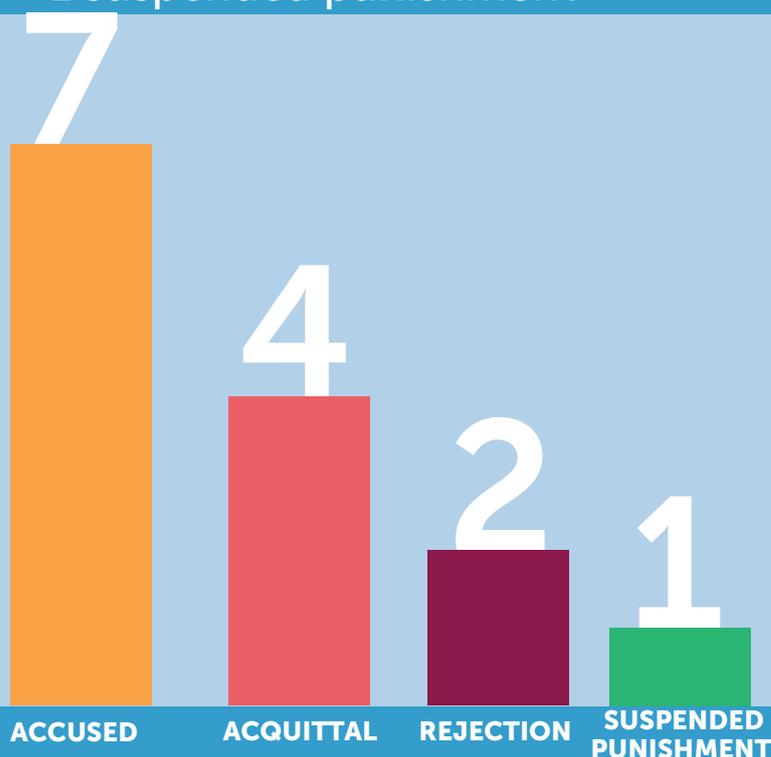


It results that Prosecutor of the Basic Prosecution in Mitrovica, Shyqyri Syla, has filed 1 indictment against 1 high profile official. The indictment has been filed against the former Mayor of Vushtrri, Muharrem Shabani.

This case has been completed in both instances, by both dismissing the indictment. The indictment represented by prosecutor Ismet Ujakni, while in first instance the indictment has been dismissed by Burim Ademi, Judge at the Basic Court in mitrovica. The dismissal has been affirmed by Fillim Skoro, Judge at the Court of Appeals in Kosovo.

Prosecutor Shaban Spahiu

Indictments against 7 high-profile officials, 4 acquittal, 2 rejection, 1 suspended punishment



It results that Prosecutor of the Basic Prosecution in Gjilan, Shaban Spahiu, has filed 7 indictment against 7 high-profile officials. Among them, has filed 2 indictments against Dragan Nikoliq, former Mayor of Partesh, 3 indictments against former Mayor of Klllokot, Sasha Mirkoviq, 1 indictment against former Mayor of Klllokot Sresko Spasiq, as well as 1 indictment against former Mayor of Gjilan, Qemajl Mustafa.

The first case against Dragan Nikoliq, former Mayor of Partesh has failed in both instances. In the first instance, Naser Maliqi, Judge at the Basic Court in Gjilan, has announced Judgement of Acqiuttal, which as been affirmed by Fillim Skoro, Judge at the Court of Appeals in Kosovo.

In the second case against Dragan Nikoliq, former Mayor of Prtesh, the Court in first instance has punished him with 6 months of suspended imprisonment. This punishment has been imposed by Agim Ademi, judge at the Basic Court in Gjilan. This judgement has not been affirmed by Xhevdet Abazi, Judge at the Court of Appeals, who acquitted the accused.

The third case against Sresko Spasiq, former Mayor of Klllokot, has been completed by imposing 10 months of suspended imprisonment, by both instances. In the first instance, the judgement has been announced by Afrim Shala, judge at the Basic Court in Gjilan, while it has been affirmed by Fillim Skoro, Judge at the Court of Appeals in Kosovo.

The fourth case against Qemajl Mustafa, former Mayor of Gjilan, has failed in both instances. In the first instance, Naser Maliqi, Judge at the Basic Court in Gjilan, has dismissed the indictment, regarding which there has been no appeal to the Court of Appeals in Kosovo.

All three cases against Sasha Mirkoviq, former Mayor of Klllokot, have failed in the Court. In the first instance, in two cases, Agim Ademi, Judge of the Basic Court in Gjilan, has acquitted the accused Mirkoviq. In one of these cases, the Judge, rejected the indictment, regarding which there has been no appeal to the Court of Appelas, whereas in the second case has announced Judgement of Acquittal, and this case is in the appelleate procedure. Regarding the third case, Mirkoviq, has been acquitted by Naser Maliqi, Judge at the Basic Court in Gjilan and this judgement has been affirmed by Tonka Berishaj, Judge at the Court of Appeals in Kosovo.

XII. Recommendations of the years 2016/2017/2018 and their implementation

Implemented recommendations:

1. KJC should consider the possibility that the number of judges in the Serious Crimes Department in the Basic Court in Pristina be increased according to the number of cases that are gathered in this court, particularly regarding corruption cases. *(2017 Recommendation)*.

During the year 2018, the KJC has increased the number of judges in the Serious Crimes Department of the Basic Court in Pristina, for three judges, who are going to handle corruption cases.

2. KPC is recommended to continue filling vacancies for prosecutors in the SPRK. *(2017 Recommendation)*.

KPC has filled four positions with prosecutors in SPRK. Despite this, there are still vacant positions in the SPRK.

3. Ministry of Justice is recommended to start supplementing and amending the Law on Special Prosecution of the Republic of Kosovo, regarding the competences and responsibilities of this Prosecution, including reviewing the criteria and procedures for the recruitment process and appointment of prosecutors to this Prosecution. *(2017 Recommendation)*.

The Assembly of Kosovo in 2018 has approved the amendment to the Law on State Prosecutor regarding the reduction of criteria demanded for prosecutors in SPRK. Based on amendments to the law, four new prosecutors were recruited in the SPRK. *(2017 Recommendation)*.

4. The Ministry of Justice is recommended to start drafting the Special Law on the Office of the Disciplinary Prosecutor. Through this law, the accountability of the ODC should be increased, as well as the management and administration of this office, and in the same time the fact that the Director of this office should have this managerial and non-executive character. It should be considered the possibility that ODC enters into the umbrella of the Ministry of Justice, while the independence of KJC and KPC should be guaranteed in handling cases submitted by the ODC against judges and prosecutors. *(2017 Recommendation)*.

The Assembly of Kosovo during November 2018 has adopted the Law on Disciplinary Responsibility for the Court and Prosecutors.

5. The KJC is recommended to speed up and finalize the recruitment process and proposal for the appointment of 14 positions for judges and vacant positions for judges. (2017 Recommendation).

During the year 2017, KJC concluded the recruitment process and the nomination proposal for 14 new judges. KJC is in the process of recruiting new judges in all Basic Courts in Kosovo.

6. KPC is recommended to speed up and finalize the recruitment process and proposal to appointing positions for new prosecutors. (2017 Recommendation).

KPC during 2017 has completed the recruitment process of new prosecutors while it is in the final recruitment phase of 10 new prosecutors in 2018.

RECOMMENDATIONS FOR THE ASSEMBLY OF KOSOVO

7. Opening of the public debate regarding the start of the vetting process in the Police, Prosecution and Courts. The vetting process should include a detailed past check of current police officers, prosecutors and judges in Kosovo. Verification should include the inclusive debate of all political parties represented in the Kosovo Assembly, upon request that the implementation of the verification process in practice be conducted by the USA, the United Kingdom and Germany. (2017 Recommendation).

The Government of Kosovo during 2018 has proceeded to the Assembly of Kosovo a four-year government program, which was approved by the Kosovo Assembly. Part of the government program is the process of vetting in the judicial, prosecutorial and police system. At the conference held on December 13, 2018, “Vetting without an alternative”, with representatives of political parties within the “Week against Corruption 2018”, almost all political parties represented in the Assembly of Kosovo, such as: LDK, VV, PDK, PSD, AAK, NISMA and Alternativa, unanimously confirmed the political will related to the need for the process of vetting in Kosovo.

8. Opening of public debate regarding the establishment of the Prosecutor’s Office and the Special Court with competencies in combating organized crime and corruption. The Prosecution should have the right to take over its competence at any stage of the proceedings, the cases that have started or are in work by Basic Prosecutions or SPRK. The Prosecution will have the judicial police, which will act exclusively under the orders of the Prosecutor’s Office and there will be no legal obligation to the structure or management of the Kosovo Police. Recruitment of local police officers, prosecutors and judges, with unquestioned personal and professional integrity, should be conducted by USA, United Kingdom and Germany. The Assembly should allocate sufficient financial means, so these mechanisms function independently. (2018 Recommendation).

At the end of November, the Assembly of Kosovo, while amending the law on Courts, has defined the establishment of a special department within the Basic Court in Prishtina to handle cases filed by the SPRK.

RECOMMENDATIONS FOR THE MINISTRY OF JUSTICE:

9. The criminal justice reviewing process in Kosovo should include the assessment and analysis of at least 200 completed corruption cases (*criminal reports, rulings to terminate the investigations, dismissal of indictments, judgments of acquittal, rejection judgments*) by the expert team of the working group established by the MJ. The purpose of assessing and analyzing these completed cases should serve to identify the reasons of the failure of a large number of corruption cases in the police, Prosecution and Courts, in order to provide adequate solutions, that are going to be recommended to amend the legislation or law enforcement practices by these institutions. (*2016 Recommendation*).

Ministry of Justice has begun a functional review of the criminal justice system in Kosovo, including the review of criminal justice in Kosovo and anti-corruption measures.

10. In the process of reviewing the criminal justice sector, MJ should review the return of the subsidiary plaintiff and should install judicial control at all stages of criminal proceedings. The immense number of cases of preliminary investigations initiated without a legal basis or closed in a non-transparent manner by the prosecution and without judicial control, seriously damages legal certainty and violates human rights and freedoms. (*2017 Recommendation*).

The Ministry of Justice is in the process of completing the amendment of the Criminal Code of Procedure. The working group within the changes that are being discussed regarding this recommendation, has proposed the right of appeal within the prosecutorial system, bypassing judicial control according to the KLI proposal.

XIII. Recommendations for the year 2019

For the Government of the Republic of Kosovo:

1. It should start implementing the Governmental Program aimed at initiating constitutional changes related to the vetting process in the Judicial, Prosecutorial and Kosovo Police system.

For the Kosovo Judicial Council:

1. After the entry into force of the Law on Courts, it should start establishing, without delay, the Special Department at the Basic Court in Prishtina intended to handle cases filed by the SPRK.
2. The appointment of judges in this department shall be conducted in a transparent manner, respecting and implementing the criteria established by law.
3. The KJC should exercise constitutional and legal powers to protect the independence of the judiciary and individual independence of judges from external interference, particularly from decisions of the executive regarding the judicial system in Kosovo.
4. KJC and KPC should begin with the drafting of secondary legislation related to the implementation of the Law on Disciplinary Responsibility for the Court and Prosecutors. The process of drafting secondary legislation should be done transparently and in cooperation with civil society in Kosovo. Secondary legislation should not deviate from the purpose and spirit of the law.
5. KJC in cooperation with KPC and the Academy of Justice should begin with the training of all Presidents of Courts and Chief Prosecutors regarding the implementation of the Law on Disciplinary Responsibility for the Court and Prosecutors.
6. KJC and KPC should establish unique practices and standards regarding the implementation of the Law on Disciplinary Responsibility for the Court and Prosecutors.

For the Kosovo Prosecutorial Council:

1. KPC should exercise constitutional and legal powers to protect the independence of the prosecutorial system and the individual independence of prosecutors from external interference, particularly from decisions of the executive regarding the judicial system in Kosovo.
2. KPC should exercise constitutional and legal powers against the Chief State Prosecutor regarding to unlawful interference in violating the independence of prosecutors while handling criminal cases, with particular emphasis while handling high-level corruption cases.
3. KPC should review and annul all the unlawful decisions of the Chief State Prosecutor regarding the creation of unlawful mechanisms of control and oversight of high-profile cases in Kosovo.