

GOVERNANCE WITH CLEAN HANDS

(Report on MPs, Ministers and Mayors in
trouble with the law)



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About KLI

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

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List of abbreviations:

AFK	Alliance for the Future of Kosovo
KLI	Kosovo Law Institute
DLK	Democratic League of Kosovo
LVV	“Lëvizja Vetëvendosje”
MIET	Ministry of Industry, Entrepreneurship and Trade
DPK	Democratic Party of Kosovo

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1. Executive summary

The leadership of different institutions by people who have problems with the law in terms of final sentences or even active indictments weakens the public trust in these institutions and the public trust in the fairness of judicial processes against these officials. For this reason, the criminalization of politics in the sense of holding important state positions by officials who have problems with the law is not in line with the principles of good governance. "No, we will not have ministers with indictments", Prime Minister Kurti had promised. KLI in this report has found that neither the Assembly, nor the Government, nor the local level are protected from this phenomenon. In these three cases, KLI has identified officials holding high public functions, while having problems with the law.

9.16% of people's representatives in the Assembly of the Republic of Kosovo are people who have problems with the law. This is because out of a total of 120 Members of Parliament, 11 of them have problems with the law, in terms of final sentences or active indictments. The MPs identified by KLI as having problems with the law are from LVV, DPK, AFK and one MP is not part of any parliamentary group. Thus, KLI has not identified MPs from DLK or other parliamentary groups of minorities who have problems with the law. Three of the deputies who have problems with the law are exercising their mandate while being accused of corruption. Two of these MPs, Mimoza Kusuri-Lila and Jetmire Vrenezi, are from the LVV Parliamentary Group, which is the largest parliamentary group. Both of these cases have ended in the first instance, where Mrs. Kusuri-Lila was declared innocent until Mrs. Vrenezi was sentenced to effective imprisonment. Pal Lekaj, who is an MP from the AFK Parliamentary Group, is also being indicted for corruption.

The Government of the Republic of Kosovo consists of a total of five officials who have problems with the law. Four of these officials, including the prime minister, have problems with the law due to the actions of throwing tear gas in the Assembly of the Republic of Kosovo. In addition to the cases in the context of the actions of throwing tear-gas in the Assembly, in one case, a Minister is accused of corruption. The Minister of MIET, Rozeta Hajdari, is being accused by the State Prosecutor of failure to report or false reporting of revenue/income, a criminal offense which is part of the chapter of criminal offenses of corruption.

Moreover, KLI has found that three municipalities of the Republic of Kosovo are led by people who have problems with the law. These municipalities are the Municipality of Klina, Podujeva and Kamenica.

KLI's findings prove that of all the officials who currently have problems with the law, none of them have resigned because of these problems. Thus, in the case of Kosovo, it seems that the governing culture has not yet been created to illuminate the path for these cases and to let the institutions of the justice system do their work. Therefore, we are constantly seeing repeated scenes when high officials spend one part of the day in court as accused and the other part of the day drafting policies for the public good.

2. Governance with clean hands

Criticizing former Haradinaj Government, the former deputy of the LVV, now the Minister of Justice, Albulena Haxhiu, had written that "Prime Minister Haradinaj said today that the ministers who have indictments for corruption will not be dismissed, and exactly today at the meeting of the Government he supported the changes in the Criminal Code aimed at removing from public positions the officials who have been indicted for corruption! Corruption cannot be fought like this. Not with a corrupt Government and not with hypocrisy and throwing ashes in the eyes of the citizens. The rule of law and visa liberalization can only be done with uncorrupted and honest people!"¹. The current Prime Minister, Albin Kurti, had also spoken about this issue, emphasizing emphatically: *"No, we will not have ministers with indictments."*².

These standards that are applied in the state are guided by the principles of good governance. One of the main elements of good governance and governance with clean hands is not governing with people who have problems with the law. Furthermore, in order to meet this standard, it must be enforced and not only proclaimed.

In this case, it should be emphasized that KLI takes into account the principle of presumption of innocence, that every person is innocent until a final decision is taken. However, the leadership of different institutions by people who have problems with the law in terms of final sentences or even active indictments weakens the public trust in these institutions and the public trust in the fairness of judicial processes against these officials. For this reason, the criminalization of politics in the sense of holding important state positions by officials who have problems with the law is not in line with the principles of good governance.

Despite this, KLI in this report has found that neither the Assembly, nor the Government, nor the local level are protected from this phenomenon. In these three cases, KLI has identified holders of high public functions, which they hold regardless of having problems with the law.

3. The Assembly

9.16% of people's representatives in the Assembly of the Republic of Kosovo are people who have problems with the law. This is because out of a total of 120 Members, 11 of them are people who have problems with the law, in terms of final sentences or active indictments.

One Member of the Assembly of the Republic of Kosovo has been convicted with a final verdict, while the problems of other 10 Members consist in the existence of active indictments.

¹Albulena Haxhiu's post on the social network, Facebook. 13.04.2018. (Available at: <https://www.facebook.com/hapeporten/posts/pfbid02dtNWyN8jiM9g6DvAJ4JpuN2VU8NeZ2uSvXMgqoXWiYLZFnRSW9u9cdrkYZjRqPK11>). (Last accessed on 29 November 2022).

²““Good governance” with many indictments, Kurti’s ministers in trouble with the law”. Democracy. 26.10.2022. (Available at: <https://demokracia.com/qeverisja-e-mire-me-aktakuza-shume-ministrat-e-kurtit-ne-hall-me-drejtisine/>). (Last accessed on 29 November 2022).

The MPs identified by KLI as having problems with the law are from LVV, DPK, AFK and one MP without a parliamentary group. Thus, KLI has not identified MPs from DLK or minority parliamentary groups who have problems with the law:

Name	Parliamentary group	Status of indictment	Criminal offense
Glauk Konjufca	LVV	Active indictment	“Use of weapon or dangerous instrument” and “Obstructing official persons in performing official duties”
Mimoza Kusari-Lila	LVV	Active indictment	“Abusing official position or authority”
Artan Abrashi	LVV	Active indictment	“Participating in a crowd committing a criminal offense and hooliganism”
Valon Ramadani	LVV	Active indictment	“Use of weapon or dangerous instrument and Obstructing official persons...”
Jetmire Vrezezi	LVV	Active indictment	“Abusing official position or authority” ³
Salih Zyba	LVV	Active indictment	“Use of weapon or dangerous instrument” and “Obstructing official persons in performing official duties”
Fitore Pacolli-Dalipi	LVV	Active indictment	“Use of weapon or dangerous instrument” and “Obstructing official persons in

³ Note: Jetmire Vrezezi was sentenced to 3 years in prison and a fine of 2,000 euros on May 17, 2022, currently the case is under consideration in the Court of Appeal. (Available at: <https://betimiperdrejtesi.com/rasti-abicarshia-deputetja-e-vrezezi-dhe-ish-zyrtari-i-komunes-se-prizrenit-denoheh-me-6-vite-burgim/>). (Last accessed on 29 November 2022).

			performing official duties”
Xhavit Haliti	DPK	Active indictment	“Assault”
Pal Lekaj	AFK	2 Active indictments	1) “Abusing official position or authority” 2) “Unauthorised ownership, control or possession of weapons”
Time Kadrija	AFK	Active indictment	“Unauthorised ownership, control or possession of weapons”
Samra Ilijaz	Multiethnic	Final sentence	“Failure to report or falsely reporting property, revenue/income, gifts, other material benefits or financial obligations”

Table 1: MPs indictments

The majority of Members of the Assembly are accused of committing criminal offenses of using weapons, in the context of throwing tear gas in the Assembly. In addition, there are four Members of this Assembly who have problems with the law, in the sense of criminal acts of corruption.

Semra Ilijaz is convicted for failure to reporting revenue/income within the legal term, a criminal offense which is part of the chapter on the corruption⁴. Meanwhile, three other MPs, while exercising their mandate, are being accused of corruption. Two of these MPs, Mimoza Kusari-Lila⁵ dhe Jetmire Vrenezi⁶, are part of the LVV Parliamentary Group, the largest parliamentary group. Both of these cases have ended in the first instance, where Mrs. Kusari-Lila was declared innocent and Mrs. Vrenezi was sentenced to effective imprisonment. Furthermore, Pal Lekaj from the AAK parliamentary group, is facing corruption charges while

⁴ Criminal Code of the Republic of Kosovo No. 06/L-074. Article 430.

⁵ “The four former ministers of the Thaçi 2 Government and the other two for the case known as the “Hydropower Plant Affair” are acquitted. Oath of Justice. 08 November 2022. (Available at: <https://betimiperdrejtesi.com/shpallen-te-pafajshem-te-akuzuarit-ne-rastin-e-hidrocentraleve/>). (Last accessed on 29 November 2022).

⁶ “The “Abi Çarshia” case, the MP Vrenezi and the former official of the Municipality of Prizren are sentenced to 6 years in prison”. Oath of Justice. 17 May 2022. (Available at: <https://betimiperdrejtesi.com/rasti-abi-carshia-deputetja-e-vrenezi-dhe-ish-zyrtari-i-komunes-se-prizrenit-denohen-me-6-vite-burgim/>). (Last accessed on 29 November 2022).

he is exercising his mandate as an MP. The case against Lekaj is being handled in the first instance court.⁷ On the other side, part of this legislature was also the MP from the Serbian List, Ivan Todosjevic, but on December 5, 2019, he was sentenced by the Basic Court in Pristina to 2 years in prison, a decision that was confirmed by the Appeal in 2021. Due to this judgment he had lost the mandate of the MP. At the same year, the Supreme Court returned this case to retrial and after that, on October 19, 2022, the first instance again found Todosjevic guilty and sentenced him to 1 year in prison.⁸

4. The Government

The Government of the Republic of Kosovo consists of a total of five officials who have problems with the law. Three of these officials, including the Prime Minister, have problems with the law due to the actions of throwing tear gas in the Assembly of the Republic of Kosovo.

In addition to the cases of throwing tear gas in the Assembly, a Minister is accused of corruption. The Minister of MINT, Rozeta Hajdari, is being accused by the State Prosecutor of failure to reporting or false reporting of revenue/income⁹, a criminal offense which is part of the chapter of criminal offenses of corruption¹⁰. After the indictment was filed, Minister Hajdari has not announced whether she should or will resign regarding this matter. Thus, during this time, Minister Hajdari will exercise her public duty while being accused of corruption. Contrary to the government promises, today Mrs. Hajdari holds the position of Minister, despite the fact that she is accused of corruption.

On the other hand, the group of people who have problems with the law, but not because of corruption, include the head of the Government, Prime Minister Albin Kurti, who is convicted for using a weapon or a dangerous tool and obstructing an official during performance of official duties¹¹. Also the Minister in charge of Justice has problems with the law. For criminal offenses in the context of throwing tear gas in the Assembly, Mrs. Haxhiu has a criminal conviction¹² of a final verdict and an active indictment¹³. Also, there is an active indictment

⁷ "Due to the decision of the KJC, the hearing against former minister Lekaj and three others in the case of 53 million euros is cancelled." *Oath of Justice*. 24 November 2022. (Available at: <https://betimiperdrejtesi.com/per-shkak-te-vendimit-te-kgjk-se-anulohet-seanca-ndaj-ish-ministrit-lekaj-dhe-tre-te-tjereve-per-rastin-e-53-milione-eurove/>). (Last accessed on 29 November 2022).

⁸ "1 year imprisonment for former minister Ivan Todosjevic, accused of inciting hatred". *Oath of Justice*. 19 October 2022. (Available at: <https://betimiperdrejtesi.com/https-betimiperdrejtesi-com-wp-admin-post-phppost142340actionedit/?fbclid=IwAR2ehC1qnm5TP0OW3va1WWtnngydDw6ZChlcNke-EQYj2q4BGEV9Ie-qEP0>). (Last accessed on 30 November 2022).

⁹ "An indictment is filed against Minister Rozeta Hajdari for non-declaration of income". *Oath of Justice*. 14 October 2022. (Available at: <https://betimiperdrejtesi.com/ngritet-aktakuze-ndaj-ministres-rozeta-hajdari-per-mosdeklarim-te-pasurise/>). (Last accessed on 29 November 2022).

¹⁰ Code Nr.06/L-074 Criminal Code of the Republic of Kosovo, article 430.2.

¹¹ "The appeal confirms the sentences against Albin Kurti and other MPs for the tear gas case". *Oath of Justice*. 18 September 2022. (Available at: <https://betimiperdrejtesi.com/apeli-verteton-denimet-ndaj-albin-kurtit-dhe-deputeteve-te-tjere-per-rastin-e-gazit-lotsjelles/>). (Last accessed on 29 November 2022).

¹² *Ibid.*

¹³ "The appeal returns the case against Minister Haxhiu and others to a retrial, related to the case of tear gas in the Assembly". *Oath of Justice*. 19 October 2022. (Available at: <https://betimiperdrejtesi.com/apeli-kthen-negrigykim-rastin-ndaj-ministres-haxhiu-e-te-tjereve-lidhur-me-rastin-e-gazit-lotsjelles-ne-kuvend/>). (Last accessed on 29 November 2022).

against Minister Arbërie Nagavci¹⁴ meanwhile Xhelal Sveçla is accused for participating in a crowd committing a criminal offense and hooliganism¹⁵.

5. Mayors of Municipalities

Three municipalities of the Republic of Kosovo are led by people who have problems with the law. These municipalities are the Municipality of Klina, Podujeva and Kamenica.

The municipality of Podujeva is led by Shpejtim Bulliqi, sentenced to 500 euros for minor body injury¹⁶. The municipality of Klina is led by Zenun Elezaj¹⁷, who has an active indictment for corruption which is being processed by the Court of Appeal. Meanwhile in the first instance, Elezaj has been sentence to 4 thousand euros fine. The Mayor of the Municipality of Kamenica, Kadri Rahimaj, has also an active indictment for obstructing an official in the performance of official duties¹⁸.

6. Resignations due to problems with the law

In consolidated democracies, the public sphere serves as society's primary means of distinguishing crime from politics. In any democratic society, high state officials, politicians and all those who hold public responsibilities are subject to the ethical norms that the society determines. Hence, the public asks for automatic resignation from public responsibilities to any official who is investigated for crimes. The code of ethics, always under public scrutiny, works so well that resignations are rarely called for, and officials under investigation usually resign immediately when suspicions of their links to crime become public. Although the code of ethics in this case does not guarantee an absolute separation of politics from crime, at least it creates the impression of the functioning of the political and social system.¹⁹

¹⁴ "The first instance court confirms the indictment against Minister Nagavci for possession of the spray in the Assembly". *Oath of Justice*. 22 November 2022. (Available at: <https://betimiperdrejtesi.com/themelorkonfirmon-aktakuzen-ndaj-ministres-nagavci-per-posedim-te-sprejit-ne-kuvend/>). (Last accessed on 29 November 2022).

¹⁵ "Sveçla absent due to developments in the north in the trial against him and 12 others, accused of violent actions in the 2013 protest". *Oath of Justice*. 01.08.2022. (Available at: <https://betimiperdrejtesi.com/https-betimiperdrejtesi-com-wp-admin-post-phppost134737actionedit/>). (Last accessed on 29 November 2022).

¹⁶ "Shpejtim Bulliqi is punished with a 500 euro fine for the incident at the KKMf". *Oath of Justice*. 13 April 2022. (Available at: <https://betimiperdrejtesi.com/shpejtim-bulliqi-denohet-me-500-euro-gjobe-per-incidentin-ne-qkmf/>). (Last accessed on 30 November 2022).

¹⁷ "The mayor of Klina fined 4,000 euros for corruption". *Oath of Justice*. 01 December 2022. (Available at: <https://betimiperdrejtesi.com/kryetari-i-klines-denohet-me-4-mije-euro-gjobe-per-korrupsion/>). (Last accessed on 30 November 2022).

¹⁸ "The prosecutor missing, the hearing fails in the case where the mayor of Kamenica and three others are accused of obstructing police officials". *Oath of Justice*. 24 November 2022. (Available at: <https://betimiperdrejtesi.com/mungon-prokurorja-deshton-seanca-ne-rastin-ku-kryetari-i-kamenices-dhe-tre-tjere-akuzohen-per-pengim-te-zyrtareve-policore/>). (Last accessed on 30 November 2022).

¹⁹ "Decriminalization of politics in Kosovo". *KLI*. 21 October 2018. (Available at: <https://kli-ks.org/dekriminalizimi-i-politikes-ne-kosove/>). (Last accessed on 30 November 2022).

In case of Kosovo, it seems that this is not the case. KLI findings prove that of all the officials who currently have problems with the law, none of them have resigned for these reasons. Therefore, in the case of Kosovo, it seems that the governing culture has not yet been created to illuminate the path in these cases and to let the institutions of the justice system do their work. In this context, we are constantly seeing the repeated scenes when high officials spend one part of the day in court as accused and the other part of the day drafting policies for the public good.