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Activities of the Kosovo Prosecutorial Council

December 2018



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High Level Strategic Dialogue on Illegal Trade in South Eastern Europe

Kosovo Prosecutorial Council Chairperson, Blerim Isufaj and Director of the Kosovo Prosecutorial Council Secretariat, Lavdim Krasniqi, attended a conference on "Strategic Dialogue on Illegal Trade in South East Europe", which was held in Sirakuza of Italy, on December 5 and 6. The conference was organized by the International Syracuse Institute for Criminal Justice and Human Rights, headquartered in Syracuse, Italy, with which the Prosecutorial Council institution has signed a cooperation agreement on strengthening the capacity of prosecutors in the fight against illegal trade.



Study visit in Germany

In the framework of the exchange of experiences in the field of public communication, between the Prosecutorial System of Kosovo and the prosecutorial system of Germany, Chief Prosecutor of Gjilan Basic Prosecution, Jetish Maloku, as well as two acting Heads of Public Procurement Offices in the Prosecutorial Council and State Prosecutor, Bedri Gashi and Ekrem Lutfiu, in the first week of December, conducted a study visit to Germany with the support of the German Foundation for International Legal Cooperation – IR

During this visit, the Kosovo delegation visited the Wupertal Prosecutor's Office, where they were hosted by the chief prosecutor of this prosecution, Wolf-Tilman Baumert and the Court of First Instance of Dusseldorf, where were welcomed by the head judge Elisabeth Stove, who are simultaneously persons designated for communication with the media in the respective institutions.

The meetings continued with the Police Chief Commissar in the Rhine-Kreis Neuss region, at the same time, the Head of the Public Communication Office, as well as with the Chief Prosecutor of the Düsseldorf Prosecutor, Falk Schnabel and the prosecutor and the press spokesperson of this prosecution, Britta Zur.

The central topics of all meetings were: building and structure of the offices for public communication and media spokespersons, prosecution work with the media, presentation of internal and external communications of prosecution offices in Germany, crisis communication, cooperation with the media and civil society; cooperation with other bodies, as well as dealing with sensitive issues, etc.



The next meeting of the Committee for Normative Issues was held

The next meeting of the Committee on Normative Affairs was held, which included members of the Commission, Chairperson of the Disciplinary Commission, Chief Prosecutors of the Basic Prosecutions of Gjilan and Prizren, representatives of the US Embassy and the Embassy of the Netherlands, Civil Society and Administration of the Prosecutorial Council.

During this meeting, work on drafting the Code of Ethics for Prosecutors was continued, where the practice of the Commission continued, whereby the Code was handled under article.

At the end of the meeting following discussions by the attendees, the Commission decided to propose to the Council for adoption the Code of Ethics and Professional Conduct for Prosecutors at the next meeting of the Prosecutorial Council.



Written Test for Prosecutors of the State was held

The Written Test for Prosecutors' Candidates was held in the framework of the recruitment process of 10 new prosecutors for Kosovo's Basic Prosecutions at the Kosovo Academy for Public Safety in Vushtrri.

The Kosovo Prosecutorial Council is successfully administering the written test for the candidates for state prosecutors, and it is organized according to the highest standards, which apply to the recruitment of prosecutors.

This process is being monitored by the UK Project, which has a cooperation agreement with KPC to support it and the recruitment process of new prosecutors. Also, the process of recruiting 10 new prosecutors is also monitoring "Internews Kosova" and "BIRN".

This test has been subjected to 128 candidates, of whom 36 were female.



159th meeting of the Kosovo Prosecutorial Council is held

The Kosovo Prosecutorial Council held its 159th meeting, which was chaired by its Chairperson, Blerim Isufaj.

During this meeting, the KPC approved the Report of the National Coordinator for Combating Economic Crimes for the period July - September 2018, the Report of the Monitoring Committee on the Implementation of the Strategic Plan and Action Plan for Combating Corruption and Economic Crimes and the Code of Ethics and professional conduct for prosecutors, which defines the standards of conduct and ethics of prosecutors, based on values and principles such as independence, impartiality, integrity, accountability, transparency and professionalism.

At the end of the meeting, a decision was made for the nomination of Chairperson of the Kosovo Prosecutorial Council, which will be done on 26, 27 and 28 December 2018 according to the foreseen legal procedures, and the First Assessment Report for 21 prosecutors with initial mandates was approved.



The speech of the KPC Chairman of the media during the traditional year-end conference

Honorable media representatives,

Honorable members of the Prosecutorial Council,

Honorable participants,

Welcome to the year-end conference, in which I will present annual activity of the Kosovo Prosecutorial Council, results and challenges, with whom we faced in fulfilling the mandate of the council.

Initially, I would like to inform you about the main activities of the Council for 2018, and based on the legal competences and work plan for 2018, the Council has managed to realize very important processes for the further advancement of the prosecutorial system of the Republic Kosovo.



The Council held 13 meetings this year, including a joint meeting with the Kosovo Judicial Council, and has issued approximately 132 decisions in its field of action, relating to the establishment of various ad hoc committees, recruitment, transfer and promotion prosecutors, disciplining and evaluating the performance of prosecutors, prosecuting prosecutions, budget management, approving strategic documents and work plans, European integration process, and decisions related to institutional co-operation.

- Let me mention the successes and the main works carried out by the Council, as follows:

- Approval of sub-legal acts;
- The Council has managed to draft and approve these sub legal acts;
- Regulation on the use of information and communication technology in the prosecutorial system;
- Administrative Instruction for determining the orientation rate for state prosecutors;
- Administrative Instruction on the use of official vehicles of the prosecutorial system;
- Administrative Instruction on KPC Non-Financial Asset Management;
- Code of Ethics and Professional Behavior for Prosecutors

With the approval of these acts, the sub legal framework of the prosecutorial system was continuously supplemented based on the mandate of the Council and the strategic priorities of the prosecutorial system.

These acts have contributed to improving efficiency and the quality of work through regulation of the use of information technology, and efficient management of the non-financial assets of the council.

Honorable media representatives and participants,

Let me tell you that the orientation rate for prosecutors is of extraordinary importance and has a direct impact on the performance of the State Prosecutor's Office in reducing the number of cases but also reducing budget spending by limiting the use of official vehicles has created the economy of unnecessary institutional spending.



In particular, the Council, with the support of the Dutch Embassy and civil society cooperation, has recently drafted and adopted the Code of Ethics and Professional Conduct for Prosecutors through which a prosecutorial system is aimed at integrity and dignity.

This entire sub-legal framework is drafted by the capacities of the prosecutorial system and in support of our international partners.

The recruitment of new prosecutors

After a needs analysis, the Council decided this year to announce 10 vacancies for new prosecutors in all basic prosecutions of the Republic of Kosovo. This process is almost in the final recruitment phase and early next year, the list of candidates for prosecutors will be submitted to the President for decree. It is worth noting that this process is monitored by civil society, the OSCE and representatives of the UK Embassy in Kosovo, while our assessments and those of the monitors are positive and they are expected to be up to the end of the process. With this process, the Council will fill in the number of prosecutors needed for the prosecutorial system, which will be the highest number of prosecutors we have ever had, 201 prosecutors, respectively, more than 11 prosecutors per 100 thousand inhabitants, this is the same average with European countries.

Regarding the recruitment of new prosecutors from the two processes developed in 2016-2017 and the latest process of this year, the number of prosecutors is increased by 45%, which indicates not only an effective work of the Council, but also a contribution to empowering the rule of law.

Advancement and transfer of prosecutors

The Council has conducted four (4) processes for advancement of state prosecutors during this year, through which three (3) prosecutors have advanced in the Office of the Chief State Prosecutor, five (5) in the Special Prosecution of the Republic of Kosovo and five (5) others from one department to another of the Basic Prosecution Offices of Ferizaj, Prishtina and Mitrovica.

In this regard, it is important to note that with the advancement of prosecutors in the Special Prosecution of the Republic of Kosovo, an obligation defined in the European integration process is fulfilled.

During the reporting period, the Council also transferred five (5) prosecutors to the Basic Prosecution Offices and to the Office of the Chief State Prosecutor.



Disciplining of prosecutors

The Disciplinary Committee of the Council during 2018 had 10 disciplinary cases, while seven (7) cases have been solved and three (3) others are in the process of being treated.

Of the solved cases it has pronounced:

2 suspensions of the procedure;

1 unpaid suspension;

1 demotion within the prosecutorial system;

1 reprimand by order for undertaking corrective actions;

1 reprimand;

1 rejection of the final report

From January 2018, the Council as a second instance received four (4) appeals against the decisions of the Disciplinary Committee and made the following decisions:

1 suspension of the procedure;

1 approval of the suspension;

1 rejection of the appeal of the Office of the Disciplinary Prosecutor (decision in force remained the rejection of the final report)

1 rejection of the appeal of the Office of the Disciplinary Prosecutor and confirmed the decision of the Disciplinary Commission "Reprimand"

During 2018, the Law on Disciplinary Responsibility of Judges and Prosecutors was adopted, which established a new discipline system as the most advanced accountability of prosecutors.

Evaluating the Performance of Prosecutors

Through the Committee for Evaluation of Prosecutors Performance, the Council during 2018 has finalized five (5) performance evaluation processes, evaluating a total of 67 prosecutors, out of which 33 prosecutors with a permanent mandate and thirty-four (34) prosecutors with initial mandate. This was also the number of prosecutors that the Council had planned to evaluate during 2018.



Efficiency in dealing with cases of corruption and economic crime

Regarding the treatment of cases of corruption and economic crime, during the nine-month period of the current year, the Council monitored the implementation of the specific Strategic Plan and the results in this period are as follows: corruption cases received are 294 while 281 cases have been treated, respectively solved 96% of the received cases.

As far as the economic crimes are concerned, 301 cases have been received and 317 were treated, respectively 5% more cases were solved than they were received.

So, the current reports show efficiency in treating corruption and economic crimes cases.

All recruitment, transfer and advancement processes, performance evaluation, disciplinary of prosecutors, drafting sub-legal acts, budget, and administration of the prosecutions have been conducted through permanent and ad hoc committees of the Kosovo Prosecutorial Council.

Functionalization of the Electronic System of Case Management (TIK / SMIL)

Meanwhile, this year, the Electronic System Case Management Project (SMIL) has been developed dynamically, funded by the Government of Norway, which we can freely say is the most advanced not only in the Balkans but also beyond.

Thus, a major project that brings transparency, accountability and credibility has been realized, whereby the prosecution offices will be much more efficient in the procedures and deadlines for solving the cases according to the known standards.

We will also have better human resources; we will have better management and budget planning, based on accurate and real-time statistics.

Thus, this project involves linking to: the civil registry and the Kosovo Business Register, which contains functional concepts of case review on a periodic basis, criteria and identification of issues of interest, including registers of criminal cases in regions, reports of completed cases and the progress of their performance, whereby the electronic system correctly calculates the weight of the materials and makes their automatic distribution, creating great planning opportunities and prerequisites for the development of a standard system.

In this context, the training of Basic Prosecution staff in Prishtina, Peja, Gjilan, Gjakova, Ferizaj, Prizren, as well as in the Special Prosecution for the use of SMIL was held,



whereas from December 2018 training of Basic Prosecution staff of Mitrovica started, which means that all received cases are registered in SMIL and then distributed to prosecutors, enabling the registration of all actions within a relevant case.

From November 13 to December 18 in SMIL were registered a total of 2284 cases, because this enabled the advancement of the network infrastructure, including the supply of network equipment for all Kosovo prosecutions.

A plan for registering all old cases at work in SMIL has been prepared in order to remove the records from the prosecution offices and to fully digitize the work process in all prosecutions of the country.

The SMIL project was foreseen to be completed in December, but seeing the success achieved, the Kosovo Prosecutorial Council, the Kosovo Judicial Council and the Government of the Kingdom of Norway have signed a financial support agreement for the next three years, with in which case the main focus of this major project during the consolidation phase will be the full implementation of SMIL in all prosecutions and courts of the country, as well as its liaison with other law enforcement institutions in the Republic of Kosovo, which will enable the exchange of data electronically.

Agreements of Understanding and Memorandums of Cooperation

The Council has signed six (6) agreements and memorandums of cooperation and understanding with local and international institutions such as:

Memorandum of Cooperation between the Prosecutorial Council, the Judicial Council and the Ministry of Justice on the basic principles for interinstitutional cooperation regarding the process of functional review of the rule of law;

Memorandum of Understanding between the Prosecutorial Council and the International Institute of Syracuse of Italy for the implementation of the Project "Strengthening the fight against illegal trade in South East Europe";

Cooperation Agreement between the Prosecutorial Council and the University of Prishtina "Hasan Prishtina" for the performance of expertise and super-expertise by faculty experts of the University of Prishtina for the needs of the State Prosecutor's Office;

Memorandum of Cooperation between the Prosecutorial Council, the Judicial Council, the Ministry of Justice and the Municipal Public Enterprise "Urban Traffic" in Prishtina for providing a bus service for employees in the Palace of Justice;



Memorandum of Understanding between the Prosecutorial Council and the United Kingdom Embassy for the financing of the Project "Empowering the Judicial / Prosecutorial System of Kosovo";

Memorandum of Understanding between the Prosecutorial Council, the Judicial Council and the Ministry of Justice and the Norwegian Embassy on the Financing and Implementation of the SMIL Consolidation Phase;

Joint Declaration, "Justice 2020" between the Prosecutorial Council, the Judicial Council and the Ministry of Justice.

The Secretariat of the Prosecutorial Council

The Council has exercised its mandate supported by its Secretariat.

The Council Secretariat, in order to complete the process of reforming internal organizational structures and systematization of jobs, has recruited a considerable staff in its organizational units, creating functional parameters for the prosecutorial system.

The secretariat implemented its services through 2019 work plans for the departments, divisions and offices of the Prosecutorial Council Secretariat.

It is worth mentioning in particular that the Secretariat during the year 2018 has recruited 158 administrative officials throughout the prosecutorial system, including: professional associates, legal officers, senior officials for public communication, media monitoring officers, information technology administrators, officials for translation, European integration officials, senior executive officials and others, where the increase in this number has influenced the efficiency of the prosecutorial system. Meanwhile, throughout the year, 175 interns were admitted at all levels of prosecution offices.

Also during 2018, the Council paid constant attention to the security and improvement of physical infrastructure, information technology and communication in the prosecutorial system, in order to provide optimal conditions for the work of prosecutors and support personnel.

The Kosovo Prosecutorial Council through Information and Communication Technologies has pledged to create a working environment that will enable the provision of online digital services provided not only for the prosecutorial system but also for the citizens of Kosovo.

Regarding information technology, the following activities have been realized:



- Implementation and functionalization of the electronic personal file management system of prosecutors has been made, enabling the full management of prosecutors' files, their transfer, advancement and training. It implies that the process of PPRU is managed electronically;
- The online application process for the position of prosecutors has been digitized. Such a possibility was offered in the last competition for the position of prosecutors, enabling interested parties access to the electronic application system;
- The electronic system for the management of all information technology equipment and the Help Desk system have been implemented. This system reflects general information on IT equipment and raises the level of rapid IT staff intervention;
- The security system of the prosecution offices has been advanced by setting security cameras, which has resulted in an increase level of security in terms of facility and staff at work;
- The hardware infrastructure in the prosecutorial system have been advanced, supplying prosecution offices with all necessary IT equipment;
- Donations were received from the US Embassy, such as: simultaneous equipment for the Mitrovica Basic Prosecution Office, videoconferencing equipment for all prosecutions, computers and scanners;
- We are in the process of regulating the juvenile rooms in the Basic Prosecution, which will possess all the necessary conditions and equipment according to the standards of the most advanced states.

Regarding the budget, it should be noted that the 2018 budget has increased by € 1,609,144.00 or 17.67% compared to 2017, while the budget limit approved for 2019 is € 14,170,065.

Prosecution Performance Review Unit

The Prosecution Performance Review Unit during 2018 has realized the following activities: support in the process of reviewing the performance of prosecutors, support in the recruitment process of prosecutors, preparation of statistical and analytical reports, reflecting caseloads, their solution and trends including the efficiency of specific prosecutions and the need for additional prosecutors. This unit also realized monitoring of prosecutions regarding case allocation and registration, and in particular, during the second half of 2018, it focused on monitoring the receiving and registration of cases in the SMIL platform. This commitment will continue during 2019 with the aim of informing the Council on the challenges and recommendations for overcoming them in the SMIL implementation process.



The unit has also coordinated trainings of prosecutors and support staff and provided ongoing support to the Council's permanent and ad hoc committees.

In order to increase efficiency, the database of prosecutors' files has been implemented where the key processes of the Council were digitized, such as: recruitment, transfer, promotion, performance evaluation and disciplining of prosecutors, participation of prosecutors in training, and vacation management. This will make these processes more efficient, accurate, and will increase accountability in the prosecutorial system. As a result, the last process of recruiting new prosecutors for the first time was done through online application.

Local and international cooperation

The Council has continued the policy of open and professional cooperation with all local and international institutions.

Among the local institutions I would mention: Kosovo Judicial Council, Academy of Justice, Assembly, Government, Ministry of Justice, Ministry of Finance, Ministry of European Integration, Chamber of Advocates, Kosovo Police, and other law enforcement agencies.

Whereas, among the institutions, donors and international partners, I would emphasize the cooperation with: the United States Embassy, the EU Office in Pristina, which funds various projects, UNDP and other United Nations agencies, The Embassy of the United Kingdom, the Embassy of Norway, the Embassy of the Netherlands and other embassies, EULEX, Council of Europe.

The German Foundation for International Legal Cooperation (IRZ), GIZ and other institutions and organizations

An important part of the co-operation has also been expressed in the European integration processes since all Council capacities have responded at any time to the reporting requirements and preparations for various project funding proposals have been made.

In particular, I would emphasize engagement through working groups in the Functional Review of the Justice System, whereby we have actively contributed with proposals and comments in view of an accurate analysis of the justice sector work processes.



Strategic Plan and Action Plan

In terms of implementation of the Strategic Plan, we can say that the objectives that were foreseen to be realized during 2018 have been met. In order to oversee the implementation of this plan, the working group established by the Council has drafted periodic reports on the level of the implementation of this plan, which it has presented at the public meetings of the Council.

During 2018, the Council approved the strategic objectives and started the process of preparing the Strategic Plan 2019-2021. This plan is in the final stage of drafting and after approval in the Council will be published.

Public communication

During 2018 efforts were made to develop efficient, transparent and open communication with the public and the media, whereby the Council meetings were open to the media, we provided information of interest to the public through press releases, announcements, clarifications, sometimes reactions, then brochures, monthly bulletins and official websites. Throughout the year, periodic and annual reports on the work of the Council, its committees and the work of the State Prosecutor's Office have been published continuously, the annual work plans of the Council and State Prosecutor.

In this context of the dynamism and orientation of the public communication activity, the Public Communication Strategy of the Prosecutorial System 2018-2020 has been drafted, which has been implemented throughout the year and will continue in the coming years.

Also, the unified prosecutorial and social networking web portal of the prosecutorial system has been drafted, which is in progress and will start to be implemented in the first part of 2019.

In the following year, officials for communication, information and media monitoring were recruited in all Prosecutions of Kosovo in order to increase the efficiency of communication and the expression of greater transparency towards the public.

In order to improve the quality of communication of the prosecutorial system, the Council has taken a decision in order to improve citizen participation and information, increase accountability and transparency for the general public, and implement the Public Communication Strategy of this system for appointing prosecutors responsible for media communication in all prosecutions of the Republic of Kosovo.



At the end of the year, a Guideline for public communication officers or prosecutorial system was drafted, which was issued in the framework of the implementation of the Work Plan of Kosovo Prosecutorial Council for 2018 and relates to the drafting of internal procedures for communication with the public, while its standards and criteria complement the theoretical and practical meanings that have been prepared and coordinated, followed and evaluated in full harmony, whereby the full respect of the communication procedures as a guarantor of the presentation of public information is central.

Capacity buildings / trainings

The Council, in cooperation with the Office of the Chief State Prosecutor, has managed to coordinate and support the capacity building of prosecutors and staff during 2018. In cooperation with the Academy of Justice and other local and international partners, various training programs have been organized, both within and outside the country, based on the needs of the prosecutorial system.

We have drafted and addressed the policies for the continuous training of prosecutors and staff, while regarding the initial training we have collaborated with the Academy of Justice where prosecutors who have been decreed with an initial mandate in early 2018 are in initial training at the Academy of Justice beginning of 2019, after the completion of this training will be charged with cases.

Challenges

During our activities on 2018 besides the achievements of course, we also had different challenges. I would like to emphasize that among the main challenges we were faced with are:

- Failure to comply with the composition of the Council with three (3) non-prosecutorial members, which is the responsibility of other local institutions;
- Adoption of sub-legal acts as planned in the Work Plan as a result of the delay of legal changes which were in the process such as: Law on Kosovo Prosecutorial Council, Law on State Prosecutor and Law on Disciplinary Responsibility of Judges and Prosecutors;
- Insufficient budget to cover all the obligations created, although we have increased budget for this year;
- Specialization of prosecutors for dealing with characteristic crimes (corruption, organized crime, economic crime and cybercrime);
- Advancing communication with the media and the public (respecting to recruitment procedures for staff in the second part of the current year);



- Failure to respect the principle of transparency through some media publications that directly affect the damage to public confidence in the prosecutorial system;
- Creation and implementation of electronic case management system (TIK / SMIL project);
- Physical infrastructure (expansion of premises for the Council and the Office of the Chief State Prosecutor and the Basic Prosecutions of Gjakova and Mitrovica, located in rented premises);
- Increasing professional capacities of prosecutorial system personnel.

We as the Council have dealt with these challenges seriously, sending numerous and arguable budget requests to the Ministry of Finance, the Government and the Assembly.

As a result, with the Draft Law on Budget 2019, a more promising budgetary limit is set, which, if approved, would have an impact on improving the prosecutorial system services.

Planning the work of the Council for 2019

I would like to inform you that the Council is finalizing its 2019 Annual Work Plan in which the activities foreseen by the legal mandate, the Strategic Plan 2019-2021 and the requirements deriving from the European integration process are planned.

Also, in reflection on the legal changes that have taken place in 2018 and are expected to take place in 2019, the Council will draft and adopt the relevant sub-legal acts foreseen with these changes.

In conclusion, I would like to inform you that, in accordance with the law, the Council will publish the Work Report for 2018 at the beginning of 2019 and make it accessible on the official website of the Council and in a physical copy whereby the public and you, honored media representatives, you will be informed in detail about our activities during the year that we are leaving behind.



On this occasion, I thank you as representatives of the respected media for the cooperation we had during this year and I wish you the end of the year holidays, expressing once again my high readiness, the Council and generally the prosecutorial system for the further advancement of cooperation in future.



Secretariat of the KPC

In order to increase the human capacities for the advancement of services in Kosovo prosecutorial system, in December, seven (7) officials have started working in the Secretariat and prosecutorial administration units.

The Internal Auditor in this month has started working on the Department of Information Technology's audit and has prepared the Audit Plan for 2019.

In addition, all Secretariat units have prepared working plans for 2019, setting out their objectives and activities for their realization. All the work plans of the Secretariat units have been prepared, based on analysis of the needs and goals for increasing the efficiency of the administration, with the aim of supporting the Prosecutorial Council and the State Prosecutor in increasing efficiency at work.



KPC Unit

The Prosecution Performance Review Unit has prepared the draft State Prosecutor's Work Plan for 2019 and has supported the recruitment process for new prosecutors.

The PPRU has prepared statistical data on the application of alternative procedures for offenses related to domestic violence for the period 2017-2018 for corruption-related offenses for the nine-month period of 2018 and statistical data specific to the needs of EUROSTAT.