



# **BULLETIN OF THE KOSOVO PROSECUTORIAL COUNCIL**

February 2021

## ACTIVITIES OF THE KOSOVO PROSECUTORIAL COUNCIL

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In February 2021, the Kosovo Prosecutorial Council has conducted numerous activities, which are reflected below in the edition of this monthly bulletin.

### The dynamics of the USAID project "Justice Activity in Kosovo" is presented

In early February, KPC Chairman Jetish Maloku received the USAID "Kosovo Justice Activity" Project Director, GERALYN BUSNARDO, and Deputy Director FLORIJE MANAJ-ZOGAJ, whose purpose was to present the dynamics of this project.

On this occasion, Chairman Maloku, expressed his gratitude for the contribution of USAID in all stages of the development of the prosecutorial system, saying:

*"We welcome at all times the joint efforts to improve the quality of services through this project, because we will have as a result the increase of public trust, strengthening and capacity building of the prosecutorial system of Kosovo".*

Meanwhile, the Project Director, GERALYN BUSNARDO, informed him about the extension of the dynamics of this five-year program, which will be implemented to support the efforts of justice institutions to increase public trust in justice institutions, as well as civil society organizations and other key actors in improving the provision of citizens' access to quality justice services.

This program is implemented by the American company, "Chemonics International Inc.", based in Washington.

### Priorities for strengthening accountability, efficiency and transparency are discussed

The Chairman of the Kosovo Prosecutorial Council (KPC), Jetish Maloku, held an online meeting with the representative of the US Embassy in Kosovo, Lana Morton-Owens. The topic of discussion was the concrete support, as well as the provision of expertise for the implementation of bylaws for the evaluation of the performance of prosecutors and the necessary support for the Prosecutorial Council, its committees and the new Chairman.

Consequently, in this meeting were discussed other joint processes, such as the drafting of the Manual for the support of investigative panels, plans and other

activities envisaged for implementation in the KPC. Also, at the end of this meeting, it was said that it is important to have continuous coordination and in the same line for the main recommendations, arising from the various processes, including increasing the accountability, efficiency and transparency of the justice system.

### KPC suspends a prosecutor

The Kosovo Prosecutorial Council, chaired by Chairman Jetish Maloku, held an urgent meeting. In this meeting, KPC has addressed the request of the competent authority for disciplinary violations by a prosecutor of the Basic Prosecution in Prishtina.



In this case, the KPC has taken a unanimous decision to suspend the prosecutor in question, and has established an Investigative Panel, which will handle the case and recommend the final decision to the KPC.

### The Chairman of the Prosecutorial Council meets with representatives of the Judicial Union

In the course of this month's activities. The Chairman of the KPC, Jetish Maloku, received in a meeting U. D. of the President of the Kosovo Judiciary Union, Bahri Jashari, as well as other representatives of this union. This meeting, in addition to being familiar with the new Chairman of the KPC, Jetish Maloku, also aimed to discuss the needs and priorities related to the legal implementation of the status of employees of the Council administration and prosecutors of the country. Representatives of the Kosovo Judicial Union addressed a number of requests, such as: the realization of the special legal status of employees of the administration of the judicial and prosecutorial system and the implementation of issues related to the equality of powers, which explicitly mentions the Constitutional Court, the adequate financial treatment, the involvement of the trade union in the processes of

administrative reform and the fulfillment of the necessary capacities for work.

### Strengthening the rule of law in Kosovo, topic of discussion of the chairmen Maloku and Çoçaj

The two chairmen of the Councils of the justice system in Kosovo - that of the Kosovo Prosecutorial Council and the Kosovo Judicial Council talked about the general developments within the justice system in Kosovo, with a special focus on the common agendas of 2021.



The two senior leaders of the justice system expressed their full readiness to cooperate in strengthening and advancing law enforcement within their respective competencies and to bring about appropriate changes in the justice system, but also to develop and advance strategic coordination and communication with internal and external factors.

Special attention in the meeting was paid to the coordination of activities for legislative policies, coordination for the review and drafting of bylaws and other agendas of common interest, in order to increase the efficiency of the rule of law in Kosovo.

### Statement of the Kosovo Prosecutorial Council

The Kosovo Prosecutorial Council (KPC) respects the right to free expression of opinion of every individual and political entity, but the statements and attitudes of the candidates, who are part of the election campaign, must be contained and in full respect of the separation of powers and not to interfere directly in the work of the Judiciary, respectively, the Kosovo Prosecutorial Council and the State Prosecutor.

*"The Chief State Prosecutor is elected and reports only to the Kosovo Prosecutorial Council, therefore his duties, obligations and mandate are defined by the*

Constitution and the laws of the country, and not by political will: On



On this occasion, we emphasize that the prosecutorial system with strong support of international partners is committed to the maximum for the advancement of internal mechanisms to strengthen accountability, transparency and efficiency, as well as strengthening the rule of law in the Republic of Kosovo” is said at the end of the KPS statement.

### The members of the standing committees of the Kosovo Prosecutorial Council are appointed

At the 195th meeting, held in the first part of February, the Kosovo Prosecutorial Council appointed the members of the standing committees, as follows:

1. The Committee on Normative Issues consists of: Armend Zenelaj, Chairman, Bahri Hyseni and Ilir Morina, members.
2. The Committee on Budget, Finance and Personnel consists of: Ariana Shajkovi, chairperson, Haki Gea and Bedrie Sylalshiqi, members.
3. The Committee for Prosecution Administration consists of: Veton Shabani, chairman, Sevdije Morina and Jovo Radovic, members.
4. The Committee for Evaluation of the Performance of Prosecutors consists of: Ardian Hajdaraj, chairman, Agron Qalaj and Enver Sokoli, members.

Further, the KPC approved the request of the Chief Prosecutor of the Basic Prosecution of Prishtina for the extension of the mandate of the Head of the General Department and that of the Juvenile and continued with the presentation of the Administrative Staff Plan for 2021, which after discussions was approved by members of the KPC.

At the same meeting, partners from the US Embassy, the EU Office in Kosovo and the UK project in Kosovo, presented to the KPC members their projects implementing in the Kosovo prosecutorial system, and a hearing was held on a disciplinary case against a

prosecutor of the Basic Prosecution of Prishtina, in which case the relevant decision was taken, which will be made public after it becomes final, as defined by law, and Temporary transfer of two prosecutors has continued, one to the Basic Prosecution of Gjakova and one to that of Mitrovica.

### The effective mechanisms in the administration is discussed

The Chairman of the Kosovo Prosecutorial Council discussed with the leaders of the administration the development of working methodology to provide the highest quality support to the Prosecutorial Council and the State Prosecutor, including: finalization of the Work Report of the Prosecutorial Council for 2020. Preparation of accurate statistical reports and issues related to the functioning of the Case Management Information System (CMIS).

At the end of today's meeting, it was said that the Strategic Plan will be reviewed, this institutional act, which directly affects the establishment of a stable prosecutorial system, through a clear framework of work, related to the implementation of the constitutional and legal mandate, as well as relying on international best practices

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### The coordination of the activities of the British project for the strengthening of the prosecutorial system is discussed

As part of the coordination of joint activities was also the one in which the Chairman of the Kosovo Prosecutorial Council, Jetish Maloku, talked with the

Director of the British project "Strengthening the judicial system in Kosovo", Ken Taylor and Institutional Development Expert, David Wells, regarding the implementation of this important project and the evaluation of the progress achieved, as well as the coordination of future activities in the framework of strengthening the capacities of the prosecutorial system.

On this occasion, Chairman Maloku said: *"I express my readiness for close cooperation and, of course, that in our full attention will be the common priorities for professional empowerment and 4 of the administrative sectors of the KPC and the Prosecutor of State"*.

Representatives of this project introduced the Chairman of the KPC with the Concept Paper on the reform of the administration of the prosecutorial system and confirmed the professional support for drafting bylaws and building the administrative capacity of the prosecutorial system, and agreed to jointly identify various issues and challenges, which will be faced by the Council and the State Prosecutor, in order to harmonize and coordinate future actions to address them effectively.

### KPC, beneficiary of the Millennium Challenge Corporation project

Meanwhile, Chairman Maloku held an online meeting with representatives of the project "Assessment and Oversight Services for Public Access to Judicial Information Activity", which is funded by the US Millennium Challenge Corporation, through the Millennium Challenge Corporation in Kosovo and implemented by the Kosovo Legal Services Company (KLSC).

The purpose of this meeting was to get acquainted with the project implementation team and its objectives, in which case the assessment of the environment and components, identification of limitations, preconditions and providing concrete recommendations, as well as providing guidance for successful implementation of the case tracking system and online data platform.

### The implementation of joint activities of the KPC and the EU Office in Pristina is discussed

The Chairman of the Kosovo Prosecutorial Council, Jetish Maloku, held an online meeting with the representative of the European Union Office in Prishtina, Agatha Bouten.

Initially, the Chairman of the Prosecutorial Council, Jetish Maloku, thanked the representative of the EU Office in Pristina for the systematic and comprehensive contribution given to the prosecutorial system, a contribution which is of particular importance and aims to facilitate the work and functioning of the Prosecutorial Council as practical as possible.



On the other hand, the representative of the EU Office, Agatha Bouten, since this was the first meeting with Chairman Maloku wished him the task of Chairman, wishing him success, in which case she stressed the need to coordinate joint activities that are scheduled to take place this year between the KPC and the EU Office in Pristina, in order to advance the rule of law in Kosovo.

### Profiled trainings of KPC members, topic of discussion between the Chairman of the KPC and representatives of the British project

The Chairman of the Kosovo Prosecutorial Council, Jetish Maloku, received in the meeting the Director of British Project for strengthening the judicial system in Kosovo, Ken Taylor and the Director of the Academy of Justice, Enver Fejzullahu. In this context, it is deemed necessary to draft a special module for this type of specific training and training of trainers, in order to create sustainability of trainings of this nature, which are held at the Kosovo Academy of Justice. The interlocutors agreed to continue identifying issues with common priority in the field of profiled training, which will help strengthen the overall capacity of the Prosecutorial Council and the Kosovo prosecutorial system in general.



## The constitutive meeting of the Commission for the Administration of Prosecutions is held

The Commission for Prosecution Administration of the Kosovo Prosecutorial Council held a constitutive meeting, which was attended by members and the Director of the Prosecution Performance Review Unit.



On this occasion, a number of issues were discussed, including the important role that the Commission will play in monitoring the administration of prosecutions, and reviewed the activities carried out in 2020 and, in this context, the objectives of the Work Plan for the year. 2021, as well as their concrete identification, harmonized and unified with the entirety of the work planning acts of the Kosovo Prosecutorial Council and the State Prosecutor.

The chairman of this commission and the other participants, emphasized their commitment to give strong support to the Council on its way forward, unanimously emphasizing the need for maximum commitment to achieve the institutional objectives for 2021.

## Chairman Maloku received the Ombudsman in a meeting

The Chairman of the Kosovo Prosecutorial Council, Jetish Maloku, accompanied by the Deputy Chairman of the KPC, Veton Shabani, received in a meeting the Ombudsman, Naim Qelaj and his associates. Among other things, a number of issues related to the mutual cooperation of the Kosovo Prosecutorial Council with the Ombudsman Institution were discussed at the meeting, in which case Chairman Maloku said that the realization of bilateral missions will be achieved

through coordination which will be in the function of protecting human rights and freedoms, enforcing the rule of law and strengthening the rule of law in our country. The interlocutors also discussed the creation of greater stages for inter-institutional communication regarding the activity of joint protection of citizens' rights, which in itself is an advancement of justice standards in Kosovo.



On the other hand, the People's Advocate, Naim Qelaj, praised the cooperation so far, emphasizing the need for further cooperation with the prosecutorial system, in order to eliminate challenges and overcome possible difficulties. Chairman Maloku and the People's Advocate, Qelaj, unanimously confirmed the continuation of regular inter-institutional communication to identify issues of common interest, in order to jointly implement and advance the processes of legal and constitutional rights of the citizens of Kosovo, in accordance with the applicable legislation and international human rights standards.

## The Communication Strategy of the prosecutorial system for the years 2021-2023 is approved

At the 196th meeting, through distance communication, KPC approved the minutes of the two previous meetings, reviewed the Report on the activities and recommendations of the National Coordinator for Combating Economic Crime for the period October-December 2020, which was approved after discussions, with some recommendations. Then the Strategy for communication of the prosecutorial system for the years 2021-2023 was approved, in which case the members of the KPC said that this strategy aims to advance the communication in the prosecutorial system. KPC members during this meeting in order to increase efficiency in handling cases in the General Department of the Basic

Prosecution of Prishtina, reviewed and approved the request of the Chief Prosecutor of this prosecution that the cases of the Unit for Fighting Corruption and Economic Crimes be handled by all the prosecutors of this department, and not just by some prosecutors as appointed by an earlier decision.



Furthermore, the Council decided to publicly announce the vacancy for Chief Prosecutor of the Basic Prosecution of Gjakova, established the evaluation panel and the commission for review regarding the implementation of this process, also announced the permanent transfer and promotion of prosecutors, also establishing Commission for Transfer and Promotion of Prosecutors. In this meeting, the Chairman of the Commission for Evaluation of the Performance of Prosecutors, Ardian Hajdaraj, presented the Annual Plan for the evaluation of the performance of prosecutors for 2021, this plan, which was approved by the members of the KPC. In conclusion, it was decided that the review of the KPC Work Plan for 2021 will be done at the next meeting.

### Activities of the KPC Secretariat

Among the activities of February 2021 we can mention that online meetings have been held with representatives and experts of international and local institutions for the implementation of projects that are in the process of work and those that will be initiated in the future, as well as activities in within the group set up to inspect the implementation of protective measures by Covid 19.

An important activity has been realized through the concrete engagement in the process for the protection of the vote of the citizens of the Republic of Kosovo, which was realized on the day of the elections, on February 14, 2021, this support, which was provided within the Operational Chamber for The election process of the State Prosecutor, and in the framework of other activities, the draft Analysis for the transfer and promotion of state prosecutors, the draft Report on the implementation of the Anti-Narcotics Strategy

and the draft Questionnaire for assessing the needs of the prosecutorial system were drafted.

This month, in the framework of the systematic work that takes place in the Legal Office of the KPSS, a series of decisions, analyzes, complaints, responses and opinions have been drafted, according to requests made by various sectors of the prosecutorial system, including the representation of the KPC in certain cases in the courts.

Among the activities carried out in the field of public communication, it is worth mentioning that a new form of the KPC Bulletin has been prepared, which started to be published in January this year and the holding of the Workshop "Active Management - Session 2" and individual trainings of four chief prosecutors and four managers of the KPSS, implemented by the Dutch project CILC, and the concept of the Strategy for communication of the prosecutorial system 2021-2023 was presented to the members of the KPC, which was approved at the meeting of 196 of the Council.

In the framework of the implementation of the tasks arising from the field of European integration, a workshop was held to draft a strategic response to IPAn III and another meeting with representatives of the EUKOJUST project, which deals with the development of various questionnaires for the needs of the prosecutorial system, as well as information on the number of cases handled by the RP and disciplinary cases were provided.

Consequently, the required information was drafted and sent in response to the comments of the EU in the ERA Action Plan regarding the indicators of the prosecutorial system and the preparation of the Report on the implementation of the 2020 Council Work Plan for completion of the questionnaire for monitoring the implementation of this plan by the levizja FOL.

During this month, the Department of Human Resources, Procurement and Administration has finalized the Administrative Staff Plan for 2021 and has conducted staff training according to the plan, while the Department of Budget, Finance and General Services has processed the received cases, commitments, expenses and records according to their chronology, as well as worked on the processes related to financial assets - updating the asset register and valuation of assets.

Also during this month, the required materials were provided according to the samples by the auditors of the National Office, who continued the audit of the annual financial statements for 2020 and according

to the recommendations of the Treasury and the auditors, the annual financial statements for 2020 were corrected and in the process of testing the financial databases, where together with the IT staff the changes in this database are being identified.

On the other hand, the Department of Information Technology has prepared requests and technical specifications for the US Embassy to support the provision of equipment for the Juvenile Room, the plan for the distribution of network equipment, and has published the system that enables the management of financial processes in the Finance Division, this software, designed and developed by the IT Department. Also with the representatives of the Millennium Challenge Corporation project was discussed the provision of support for the advancement of CMIS and the web portal, in order to increase transparency. Meanwhile, the new version of the interconnection of the Kosovo Police system and CMIS has been published, which enables more data to be sent. A meeting was also held with the EUKOJUST project of the European Union, where the provision of support for the advancement of IT infrastructure, the strategic plan of IT and the management of prosecution archives was discussed, as well as a meeting was held with representatives of Parliament of Kosovo and other institutions, in which the new electronic system was introduced that enables the emergence of laws and legal changes.

group separately, as well as compiled the Report for the month and prepared answers to 12 requests submitted for various statistical data.

## **Activities of the Prosecution Performance Review Unit**

Part of the activities in February 2021 by the Prosecution Performance Review Unit was the preparation of the necessary statistical data and the implementation of other tasks within its competence.

The activities of the Statistical Office are focused on collecting data from prosecutors and compiling statements on the workload and efficiency of prosecutors, for each of them, in resolving cases from the registers: PP, PPM, PPN, PPP and NJN, for the January, 2021.

then the collection of data on the status of cases in the prosecutor's office, according to the registers: PP, PPM, PPN, PPP and NJN and departments, while from the application Norma has generated statistical data from the Tracking Mechanism of characteristic offenses, for each