



# **BULLETIN OF THE KOSOVO PROSECUTORIAL COUNCIL**

May 2021

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## ACTIVITIES OF THE

## KOSOVO PROSECUTORIAL COUNCIL

**(The edition of this monthly bulletin reflects the activities for the month of May 2021)**

### Reaction of the Kosovo Prosecutorial Council

The Kosovo Prosecutorial Council (KPC) has reacted to the article "Bargains" in justice, Haxhiu concerned with "powerful groups" within the KPC and KJC ", published on May 6, 2021, in the media " Koha.net ", as well as to the statements of the Minister of Justice, Albulena Haxhiu, who had alluded to alleged "powerful groups" and "bargaining" within the prosecutorial system.



KPC has assessed that this article, which shows prejudices for alleged "manipulations" for the election of managerial positions by the Kosovo Prosecutorial Council, in this case the position of Chief State Prosecutor, is untrue and completely tendentious.

In this context, the Kosovo Prosecutorial Council has accepted with concern the statements of the Minister of Justice, Albulena Haxhiu, which as such are completely unfounded and contradict the separation of powers, thus constituting direct interference in the work of the Judiciary, respectively prosecutorial system.

Therefore, a Minister of Justice, who calls for strengthening the rule of law should refrain from such unsustainable statements. On this occasion we invite the same to show concretely what powerful groups and bargains are in question?

The election of any position by the Kosovo Prosecutorial Council, including the election of Chief Prosecutors of the respective Prosecution Offices and the Chief State Prosecutor, is based on the Constitution, law, meritocracy, transparency, monitoring of international partners and the highest

professional standards, not from the wishes of political parties, certain individuals and interest groups.

The Kosovo Prosecutorial Council as an independent and impartial body will not allow any interference, tendency or any interest from outside to affect and violate the integrity of important processes, which take place within the constitutional and legal competencies.

### The Chairman of the Kosovo Prosecutorial Council, Jetish Maloku, met with the Chairman of the High Prosecution Council of Albania, Gent Ibrahimi

In this meeting, Chairman Maloku informed President Ibrahimi about the work and activities that are being carried out in the prosecutorial system, in order to strengthen the rule of law in Kosovo, emphasizing that he is committed to implementing the mission of the Kosovo Prosecutorial Council.



The two interlocutors discussed issues of common interest, including the exchange of experiences on justice system reforms.

President Ibrahimi stressed that the justice reform in Albania initially had some obstacles, which have been overcome and now this process is going in the right direction. He emphasized that he is ready to offer his professional and institutional support for the foreseen reforms in the justice system in the Republic of Kosovo.

The two interlocutors assessed that the consolidation of the institutions of the justice system, including an efficient service of the prosecutorial system, are the basis for a strong rule of law, giving citizens confidence in the institutions of justice.

Chairman Maloku and Chairman Ibrahimi pledged to intensify meetings based on the development of work dynamics, in order to exchange experiences on justice reforms.

### Advancing the interconnection for electronic data exchange is discussed

The Deputy Chairman of the Kosovo Prosecutorial Council, at the same time the Chairman of the Commission for Administration of Prosecutions, Veton Shabani, was received in a meeting by the Deputy General Director of Kosovo Police, Fehmi Hoti.



The topic of discussion was the advancement of the interconnection for the electronic exchange of data in the relations between the prosecution and the police.

At the meeting, it was said that the full exchange of data between the prosecution and the police has brought great benefits to both institutions, therefore the advancement of systems is a common priority, concluding that it is necessary for certain modules of electronic systems to have advancement of data exchange, in order to achieve full digitalization of the work process.

From February 2020, the electronic exchange of data between the prosecution and the police has started to be implemented.

### EULEX Special Report on the Impact of Covid-19 on the Rule of Law in Kosovo is presented

The European Union Rule of Law Mission (EULEX) has organized a conference, in which it presented its special report on the impact of COVID-19 on the rule of law in Kosovo. Among the participants were the head of this mission, Lars-Gunnar Wigemark, the Chairman of the Kosovo Prosecutorial Council, Jetish Maloku, and the Chairman of the Kosovo Judicial Council, Skender Çoçaj, as well as other representatives of local and international mechanisms in Kosovo.

The Head of EULEX, Lars Gunnar Wigemark, expressed his appreciation for the good management of the pandemic by the institutions of the justice system in Kosovo. *"The extent of the pandemic has surprised us all, but I am surprised how Kosovo*

*institutions are acclimated to this situation, treating the pandemic seriously”, he said.*



Whereas, the Chairman of the Kosovo Prosecutorial Council, Jetish Maloku, during his speech, said that he welcomes this valuable report, emphasizing that COVID-19 continues to have an impact on the functioning of rule of law institutions. "The COVID-19 pandemic, as well as in every sphere of life, in the prosecutorial system of Kosovo, has had negative effects. This report on the impact of COVID-19 on the rule of law in Kosovo is very important for us and is published at the right time ", said Chairman Maloku, Continuing further that the "Prosecutorial Council and the Office of the Chief State Prosecutor, in cooperation with the British project " Strengthening the justice system in Kosovo ", have drafted a Crisis Management Plan in the prosecutorial system and have prepared an Interim Guide for protection against COVID 19 virus in the Kosovo prosecutorial system".

In conclusion, other participants in this event said that the report consequently provides concrete and workable recommendations for the rule of law system in Kosovo to respond as well as possible to the ongoing health crisis, In this case, it is especially worth mentioning one of the main recommendations in this important report, which underlines that the Kosovo justice authorities in Kosovo must react accordingly, balancing the impact of restrictive measures on other human rights, and rule of law in general.

### Candidates for Chief Prosecutor of the Basic Prosecution of Gjakova are interviewed

The Kosovo Prosecutorial Council has started the process of interviewing the candidates for Chief Prosecutor of the Basic Prosecution of Gjakova, through the Panel, which consisted of five members of the KPC and chaired by Chairman Jetish Maloku.



Prosecutor Dëshirë Jusaj and Prosecutor Ramiz Buzhala are the two candidates who have entered the race for Chief Prosecutor of the Basic Prosecution of Gjakova.

The Panel, after the process of interviewing, evaluating and reasoning, will propose to the Kosovo Prosecutorial Council for voting the successful candidates.



The process of interviewing the candidates for Chief Prosecutor of the Basic Prosecution of Gjakova is being monitored by international partners and the NGO "Group for Legal and Political Studies".

### Chairman Maloku: KPC will be fully committed to fulfilling obligations in the European integration process

The Chairman of the Kosovo Prosecutorial Council (KPC), Jetish Maloku, participated in the meeting of the Ministerial Council for European Integration, chaired by the Prime Minister of the Republic of Kosovo, Albin Kurti, where the priorities for the second phase of the Action Plan of the European Reform Agenda (ERA) were discussed).

Kosovo Prosecutorial Council, through internal units and structures, in cooperation with the relevant structures of the Office of the Prime Minister, has offered its contribution in setting priorities and proposing measures, activities and indicators, which

will be included in the second phase of the European Reform Agenda.



Chairman Maloku also pledged that, after the approval of the Action Plan, the KPC will continue its maximum commitment to the full fulfillment of these obligations, so that the prosecutorial system can contribute to the European integration process of country.

### In focus of KPC, oversight of the Unit for Combating Corruption and Economic Crimes

The working group for the supervision of the Unit for Fighting Corruption and Economic Crimes has held the first meeting with the new composition, after the election of the prosecutor Veton Shabani in the capacity of the chairman of this group.



At the beginning of this meeting, the new chair of the working group, said that they will work together providing support and will be as active as possible in the realization of the mandate arising from the Strategic Plan of the prosecutorial system for the years 2019-2021.

This meeting also served to discuss the objectives and harmonization of activities, which are foreseen to be realized by this working group, in which case the work of the previous working groups in drafting the reports

and the recommendations given in these reports was evaluated.

The working group has planned to start very soon the activity of collecting data on cases of corruption and economic crimes in the prosecution offices.

### The Committee for the Administration of Prosecutions held its next meeting

The Committee for Administration of Prosecutions led by the Chairman, Prosecutor Veton Shabani, has held the next meeting, in which was discussed the harmonization of case registers



in the Basic Prosecution of Gjakova, these discussions came after the report of the Director of the Prosecution Performance Review Unit, Valon Jupa, regarding these registers.

Furthermore, the head of the Information Technology Department, Nexhat Haziri, presented to the members of the Committee the state of information technology and equipment necessary for the implementation of CMIS in all prosecution offices.

Also, during this meeting, members of the Committee for the Administration of Prosecutions discussed the reports of prosecutions regarding the management of the COVID-19 pandemic and the implementation of the Crisis Management Plan in the prosecutorial system.

### Chairman Maloku and Ambassador Davenport meet to discuss further co-operation

The Chairman of the Kosovo Prosecutorial Council, Jetish Maloku, received in a meeting the Head of the OSCE Mission in Kosovo, Ambassador Michael Davenport, whom briefed Ambassador Davenport on the achievements and advancement of the professional and administrative capacity of the prosecutorial system, saying that the OSCE in Kosovo

has made an important contribution by holding specific trainings and supporting the Prosecutorial Council and the State Prosecutor in drafting strategic plans, objectives, acts and practical work guides.



Furthermore, the Chairman of the KPC, Jetish Maloku, expressed his gratitude for the support of the OSCE in investigating and monitoring cases of domestic violence, drafting monitoring reports and drafting the Strategy against Trafficking in Human Beings, where part of this authority is the Office for Protection and Assistance to Victims and the State Prosecutor, as well as the drafting of standard operating procedures for victims of trafficking.

Ambassador Davenport also stressed the will of him and the organization he leads to support the joint processes, in order to achieve the goals and achieve the necessary progress for the development of the prosecutorial system, in which case all citizens of Kosovo will benefit, without distinction.

### KPC elects the Chief Prosecutor of the Basic Prosecution in Gjakova

The Kosovo Prosecutorial Council, chaired by Jetish Maloku, held its 199th meeting in a row.

During this meeting, initially, the Regulation on the Prosecutors' File was approved, which defines the creation, content, manner of storage, access and management of the personal file of the State Prosecutor.

Also, in today's meeting, KPC elected the prosecutor, Ramiz Buzhala, Chief Prosecutor of the Basic Prosecution in Gjakova and also decided to announce a vacancy for the promotion of a prosecutor in the Juvenile Department of the Basic Prosecution in Gjakova, and list of selected candidates for the Master's program at Wake Forest University in the USA, a program supported by the US Embassy, was also reviewed and approved. Beneficiaries of this program for 2021-2022 are a prosecutor from the

Special Prosecution and a professional associate from the Basic Prosecution in Ferizaj.

In the same meeting, the Acting General Director of the Secretariat of the KPC, Valdrin Krasniqi, presented the reports of the Chief Prosecutors of the Prosecution of the Republic of Kosovo for the period January - March 2021.

Due to the expiration of the mandate of the Director of the Prosecution Performance Review Unit, KPC announced a vacancy for this position and appointed the acting until the election of the Director of this Unit.



Finally, the KPC decided to promote a prosecutor in the Office of the Chief State Prosecutor, a prosecutor in the Serious Crimes Department in the Basic Prosecution in Peja, a prosecutor in the Department for Juveniles in the Basic Prosecution in Prishtina, two prosecutors in the Department for Serious Crimes in the Basic Prosecution in Mitrovica, a prosecutor in the Department for Juveniles in the Basic Prosecution in Mitrovica, a prosecutor in the Serious Crimes Department in the Basic Prosecution in Ferizaj and for the permanent transfer of a prosecutor in the Department for Serious Crimes at the Basic Prosecution Office in Gjakova.

### Activities of the Secretariat of the KPC

In May, various activities were held within the Secretariat of the KPC, as follows:

A meeting was held with representatives of the British project and the EU project, as well as with the General Director of the Treasury of Kosovo, in order to implement the decision of the KPC and the visit was completed on the occasion of the audit in BP Prishtina and in BP- Ferizaj. The preparation of information in response to the request of the European Commission regarding the input of the Subcommittee on Justice, Freedom and Security has also started, as well as activities related to the organization of a coordination meeting with donors. On the other hand, the database

of court hearings has been updated, the activities of the Dutch CILC project have been coordinated and a number of comments have been provided on the draft Action Plan of the European Reform Agenda for 2021-2022., continuing with the preparation of the draft Audit Report for the Procurement Division and supporting the administrators and heads of units regarding personnel issues, coordinating the work in implementation of the Government decision.

Consequently, the participation in the online trainings organized by KIPA for the staff was coordinated and in another meeting with the administrators of the prosecution were discussed the issues related to the planning of needs and other issues related to general finances and services. The draft Regulation on work process management through CMIS has been presented (version 2).

An online meeting was held with the legal officials of the Basic Prosecution in Ferizaj and the comparison of the Statistical Report of PPN cases was prepared, manually prepared and the piloting of the removal of the physical register for PPN was started. A document has been prepared which describes the projects in the field of IT, which are necessary for the prosecutorial system. The same document will be presented to donors for funding. A meeting was held with the staff of the International Management Group- IMG and the process of technical acceptance of equipment in the Data Center at the Palace of Justice and acceptance of the CMIS source code was discussed. We have started the preparation of the manual for raising the level of data security for the staff of the Kosovo prosecutorial system.

The Special Prosecution of the Republic of Kosovo (SPRK) was visited for audit issues. A response has been provided to the European Commission's request regarding the input of the subcommittee on justice, freedom and security. Comments of KPC are provided in the conclusions of the Stabilization and Association Committee. Activities have been developed regarding the organization of a coordination meeting with donors. A legal opinion has been provided to the Recruitment Selection Committee regarding the possible existence of a conflict of interest. The Report of the Communication Office for the Implementation of the OPCW Work Plan for the first quarter of 2021 has been prepared. The activities of the Dutch CILC project were coordinated, where preparations were made for the training with the heads of the administration units on the topic: "Management, transparency, and accountability, which will be held on May 26, 2021. It started with the identification of

budget needs for the system prosecutorial for the period 2022 and early assessments for the period 2023-2024. A document has been prepared which includes comments on the draft external audit report on the "Case Information Management System for KPC and KJC". A report was prepared on the challenges that are emerging during the electronic exchange of data between the prosecution and the police and a meeting was organized with the management of the Kosovo Police. The division of departments for the Special Prosecution Office was developed in CMIS according to the decision of the KPC, including the automatic distribution of cases. The real version of the electronic system for budget management e-finance has been published. At the request of the Chief Prosecutor of the BP of Mitrovica, a staff training plan was prepared for the use of CMIS for prosecutors and support staff. A meeting was held with the representatives of the EukoJust project and the provision of support in the preparation of the strategic IT plan as well as for the construction of the Recovery Center in the Basic Prosecution Office Gjakova was discussed. Regarding the notification received from ASHI, for the spread of malicious emails all recommended measures have been taken and technical support has been provided by phone and email to the staff who have encountered such emails. The technical acceptance of the equipment in the Data Center at the Palace of Justice has been made, which have been donated by the Norwegian Embassy. Training on Management, communication and cooperation organized within the project "Support for an independent, professional and impartial prosecutorial system in Kosovo" was held with Dutch experts.

## Activities of the Prosecution Performance Review Unit

As part of the activities conducted in May by the Prosecution Performance Review Unit, the activities of the Office for Supervision, Analytics and Prosecutorial Verification have been focused on drafting the Analytical Report for eight (8) characteristic criminal offenses in the departments for juveniles for the period 2017-2020, collection and processing of statistical data for the compilation of the report on cases of domestic violence, coordination of work processes and compilation of reports on the compliance and accuracy of data from the physical register and the CMIS for various criminal cases (PPN) for the Basic Prosecution in Ferizaj, drafting the Information Report on the compatibility of statistical

records between the physical register and cases reported by prosecutors individually in BP Gjakova for the period January-April 2021, supporting the recruitment process, transfers and promotions of prosecutors as well as the process of appointment of the Chief Prosecutor of BP Gjakova through the official appointed for the implementation of these processes, the support of the Council Commissions and other work processes of the Council, through the provision of necessary information for prosecutors and the work of prosecutors in the continuous updating of data in prosecutors' files, in the drafting of the draft project for the KPC meeting with donors, the evaluation of the implementation of activities by the PMAP / PPRU, which are defined by the Work Plan of the KPC for the period January-March 2021, the drafting of the infographic report for the web portal of the prosecutorial system for the first quarter of 2021 for characteristic criminal offenses, in the meetings for the advancement of work processes in within the working group for the reform of the administration of the prosecutorial system, virtual meeting for the development of advanced reports by CMIS, participation in trainings for the development of management and communication capacities.

The Statistical Office has prepared eight (8) different reports with statistical data for different periods of time according to the requirements of the Office of Public Communication and prosecutors and has completed reports on the numerical status of cases by type of registers and departments in prosecutors. Individual reports on the workload of prosecutors with cases and the efficiency in their resolution for each prosecutor separately for the month of April have also been completed.

Forms have been prepared and translated into Serbian, through which data on the work of prosecutors of Serbian nationality, who are subject to the evaluation process, are collected, as well as statistical data on the work of 10 prosecutors are collected and sent to them. Commission for Performance Evaluation of Prosecutors. Two officials of the Office of Statistics have contributed to the three-day workshop, organized by the Kosovo Agency of Statistics in relation to the statistical project "Development of crime and criminal justice statistics" IPA -2017. Whereas, at the request of the Chairman of the Council for Prevention and Sanctioning of Violence and Negative Phenomena in Sports, Prosecutor Besim Kelmendi, special statistical data were collected for the criminal offense "Fraud of

matches or sports" from Article 337 of the Criminal Code of the Republic of Kosovo for the years 2019, 2020 and Q1 2021. Also, statistical data have been prepared for criminal offenses against sexual integrity, Articles 227, 228, 229 and 236 CCK new, Articles 230-232 and 243 CCK old for BP of Prishtina for the period 2011-2020 according to the years, according to the request of the management of this prosecution and statistical data have been prepared on the numerical status of cases for BP Gjakova for the four-month period January-April according to the type of registers: PP, PPM, PPN, PPP and NJU and by departments: DKR, DP and DM , for the needs of the Evaluation Office. During May, prosecutors participated as participants in trainings and as lecturers on various topics for prosecutors and judges, in the following trainings: Continuing Training Program (PTV), Training for Trainers Program (PTT), E-learning Program (ONILE), and prosecution staff participated in the Continuing Training Program (PTV), organized by the Academy of Law of Kosovo. The Academy of Law within the Continuing Training Program has conducted training through the zoom platform on the topic "Specialized Program:" Cybercrime - Session I ", the purpose of which was to advance the knowledge of participants about cybercrime as a criminal activity of developed in a network that has as object or as a way of committing a crime the misuse of computer systems and computer data. Beneficiaries of this training were judges and prosecutors at the level of Appellate and Basic prosecution offices.

In cooperation with the US Department of Justice / OPDAT - US Embassy, a roundtable discussion was held on "Elaboration of the main concepts of the CPS Guide on the role and contribution of the state prosecutor in sentencing", The purpose of which was to address the Instruction on the role and contribution of the State Prosecutor in sentencing and its correlation with the guidelines approved by the Supreme Court, in which case the beneficiaries were the Appellate Prosecutors, SPRK and BP in Prishtina. Also, in cooperation with the US Embassy in Zagreb and the Croatian Judicial Academy, a regional webinar on crypto currencies was organized for judges, with the aim of introducing the latest concepts on crypto currencies and other virtual assets. The webinar was hosted by experts from the US Embassy in Croatia and FBI experts. Beneficiaries were judges of the Special Department, serious crime departments and general departments, as well as several important roundtables and workshops were held. Regarding E-Learning, the Academy of Law, after a long work and cooperation with NGO INJECT, has completed the

development and launch of three online training courses, which will be accessible 24 hours a day on the learning platform distance of the E-learning Academy, for its beneficiaries (judges, prosecutors, professional associates, administrative staff of courts and prosecutor's offices and students of law faculties). The courses developed touch on the field of economic violence, alimony and the division of joint property between spouses, these topics, which are less elaborated, adding here the legislative changes that have taken place.

Trainings were also conducted for the administrative staff of the prosecutorial system and one of them was conducted in cooperation with UNDP, on the topic "Communication and public relations", the training was conducted physically. The trainer was the Head of the Office for Public Communication in KPSS, Astrit Kolaj. The purpose of this training is for participants to develop their communication skills and to know new perspectives in the field of communication, Beneficiaries were officials responsible for communication with the media and the public in the country's prosecutors' offices and assistants to the chief prosecutors.