



Kosovo Prosecutorial Council (KPC), State Prosecutor (SP)

Crisis Management Action Plan

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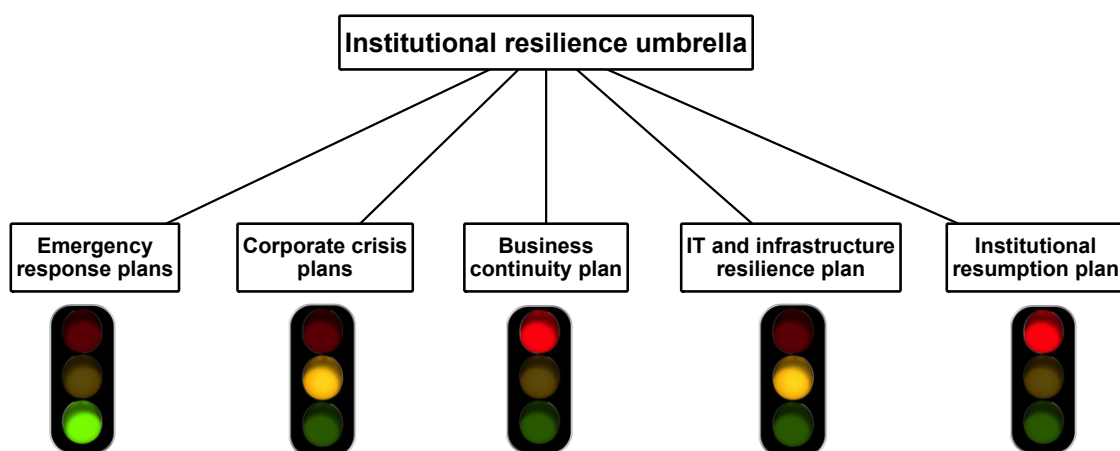
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## INTRODUCTION

Organisational Risk Management (ORM) is an approach to identifying, understanding and treating risks across an enterprise or institution. Ultimately, risk is successfully managed when Leadership has taken risk seriously in advance. . Unprecedented risks such as the COVID 19 pandemic are extremely difficult to manage, mitigate, eliminate or predict. This calls for other managerial instruments to be enacted to compensate for the threats associated with lockdowns such as the one in force in Kosovo currently. Just waiting for pandemics to pass is not an appropriate way to manage the risk.

Resilience to threats and challenges are an essential day to day leadership function. Institutional resilience can be categorised as follows with the assumed state of KPC and CSPO management in place:



The prosecutorial service in Kosovo has varying plans to deal with a fortitude of risks. Emergency response plans that deal with acute risk are standardised across the government and are in place, these include infrastructure security as well as health and safety mechanisms. An area that needs urgent expertise and assistance is Business Continuity Planning (BCP) and a n resumption plan post COVID 19..

### 1. BUSINESS CONTINUITY

Business continuity is a set of procedures and activities that enables an institution to deliver its critical functions during time of crisis. Recognising that it is not business as normal, an effective business continuity plan will enable the KPC and SP to deliver essential services during the pandemic and thus be better prepared to resume normal activities again. In addition, it will prepare the institution for a further reversion to lockdown should the pandemic continue.

The KPC and SP have formulated an informal approach thus far to BCP and reacted extremely quickly to the current crisis. This approach now needs formulising with an immediate response. The Immediate response should be followed by the development of a core policy around BCP for the whole prosecution service and the justice chain. The priority is to take actions as detailed below.

#### 1.1 Immediate response

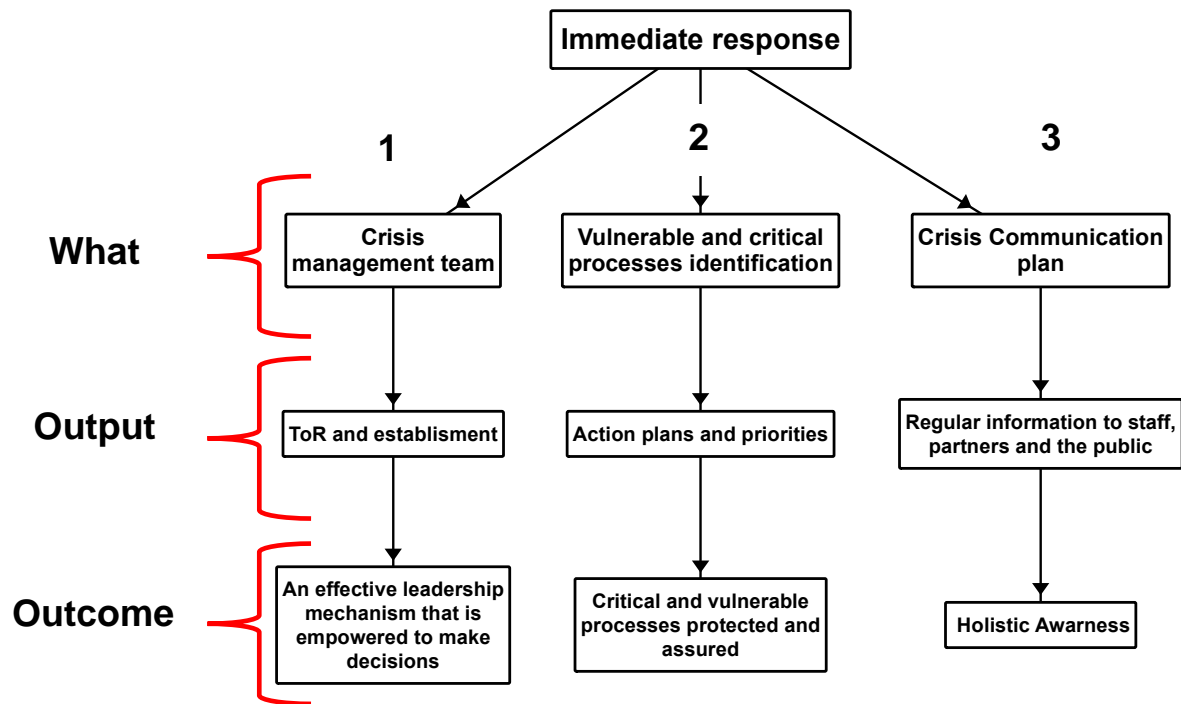
Following analysis, there are 3 actions that the KPC should take as a matter of urgency **due to the lack of a formal BCP**. These actions will enable the council and SP to exert effective **leadership**, ensure and protect **critical and vulnerable processes** and **inform** the institution, the population, other agencies<sup>1</sup> and the international community<sup>2</sup> of current operations through the communications department. These responses should be formularised and used as core tenants to future BCP and management.

Conceptually these 3 immediate responses will place the KPC and SP in a strong position to manage the difficulties of operating under current restrictions and improve overall resilience as well as set up functions for future challenges. Current arrangements and managerial functions are not strong enough, resourced or skilled enough to deal with the unprecedented situation COVID 19 has placed on the prosecution service.

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<sup>1</sup> Such as Ministry of Health, Customs, KJC, Police, CSOs & NGOs.

<sup>2</sup> Key donors such as the US, EU, the UK.



### 1.2 Crisis Management team

A central crisis management team should be set up to manage day to day risks and report direct to the Chair of the KPC and CSPO. A suggested organogram is attached. Strong decentralised decision making should sit with this team supported by an official ToR. Lengthy decision making models are unsuitable for the current situation. The main role of the crisis management team is to manage prosecution service operations and tasks in the fulfillment of the legal mandate of the prosecutorial system . Additionally, they should actively manage a central risk register. The UK project can support this team. This team should communicate with Ministry of Health and other state actors.

The team should engage with other Rule of Law institutions and provide leadership to the continuity of its activities.

### 1.3 Vulnerable and critical processes

It is not possible to run a normal prosecution process currently. Until normality returns what is essential is that critical and vulnerable processes are protected. These processes need to be identified and protected at the earliest opportunity. The KPC and CSPO have already identified some of these critical areas but formal action plans should be created as an absolute matter of priority.

### 1.4 Crisis communications plan

The KPC and CSPO has a very effective communications team. It is important that their operations are strengthened to deal with the current uncertainty. Regular updates, engagement with national and international partners are important as well as an open communication pathway to other state actors such as Ministry of Health but also the full justice chain.

Regular communication with staff in the prosecution service is also essential.

## 2.Summary

If the KPC and CSPO take the steps above within a very short timeframe (7 days) they will be in a far better place to manage the current situation. They will be able to provide leadership across the prosecutorial service, protect essential services and keep all informed of progress and current operations.

This action plan does not replace a well constructed regular business continuity plan but will mitigate the main threats until such a time that regular business continuity is established.

### 3. Prosecutorial System in Kosovo - Crisis Management - Acute Phase

To improve the resilience of the prosecution system and to deliver a service during the ongoing Covid-19 pandemic it is essential that the KPC, CSP and prosecution offices create a crisis management system to deal with acute challenges. It is expected that Covid 19 will create challenges for at least 3 months.

An action plan has been created that has three core elements. These are:

- a. **Create crisis management teams** – Provides leadership (decentralised model)
- b. **Protect critical services and work processes** – Provides ongoing services
- c. **Strengthen communication and coordination** – Create awareness holistically

To enable this and enact the action plan the following actions should take place:

Ser	What	When	Who	Remarks
1	Create a Central Crisis Management Team in Pristina (CCMT)	Immediate	CSP, Chair of KPC and Director of the Secretariat	Suggested Terms of Reference (ToR) and structure supplied
2	Create regional crisis management (RCMT) team in every prosecution office	Immediate	Prosecution offices	Suggested ToR and structure supplied
3	Establish report template (SP and KPC)	Immediate	Every prosecution office	Draft supplied. Based on the weekly report already used
4	Identify necessary services that have to continue and resource them.	Immediate	Every prosecution office	
5	Hold crisis management planning meetings at both central and local level	Immediate	CCMT and RCMT	Agenda prep required Should be weekly
6	Develop prosecution office heightened health and safety framework including increased hygiene	Immediate	RCMT's	Local measures
7	Create list of essential workers for each prosecution office, including departments if the SP and the respective units in the KPC.	Within 2 weeks	RCMT's	Local measures
8	Draft contingency plans for resource (including human, infrastructure, IT and finance) shortages	Within 2 weeks	RCMTs	
9	Risk management register of cases and case load	Within 2 weeks	RCMT's	Centrally led by CCMT
10	Create list of key coordination ministries, including contacting persons	Within 2 weeks	CCMT	

The above actions are the first step in establishing crisis management. Further details on the plan are in the concept note.

#### 4. Chief State Prosecutor's Office and Kosovo Prosecutorial Council – Central Crisis Management Team – Terms of Reference

##### 4.1 Overall Role

*To provide leadership of the Prosecution in Kosovo during a period of crisis in a way that protects the institution, its people and the public*

##### 4.2 Specific functions

###### 4.2.1 Operational Delivery

- To plan and act decisively to protect the prosecutorial system, its people and the public
- To advise chief prosecutors on dealing with cases that are related to the pandemic or other emergency situation
- To define organisational priorities and non-essential activity
- To ensure organisational continuity within the resources available
- To plan and co-ordinate the deployment of resources taking into account advice from relevant Kosovo institutions
- To maintain 24 hour oversight of crisis management arrangements during the pandemy
- KPC Secretariat and PPAU to draft operational plans for the functioning of administration and other administrative processes

###### 4.2.2 Information gathering and decision making

- To construct the weekly critical information requirements of the institution to enable it to manage a crisis effectively. To co-ordinate the flow of that information from the Basic Prosecution Offices, the SPRK, KPC Secretariat and PPAU for the purpose of analysis and the production of a weekly report for the purpose of making decisions
- To make legal and ECHR compliant decisions
- To record all policy decisions and instructions issued to Basic Prosecution Offices, SPRK, Appeals Prosecution Office, KPC Secretariat and PPAU.



#### 4.2.3 Communications

- To proactively manage communications with courts and KJC as well as investigators from Kosovo Police and other law enforcement agencies
- To utilise effective internal and external communications to provide reassurance and stability and to obtain management information to manage the crisis effectively
- To proactively manage communications with different Ministries, for example the Ministry of Justice, Ministry of Internal Affairs and Ministry of Health.
- To be the central point of communication with all international stakeholders, Civil Society Organisations and Non- Governmental Organisations

#### 4.2.4 Recovery and future planning

- To lead the planning of the recovery phase and a return to normal operations
- To continually review operations of the crisis management team to identify learning that can be integrated into future crisis management planning

#### 4.2.5 Core Membership

- Chief State Prosecutor
- Chair KPC
- Director Secretariat
- Director Prosecution Performance Assessment UnitOther persons may be invited to be temporary members of the CCMT if their presence adds value to the management of the crisis. Examples include;
- Heads of organizational units within the Secretariat and the PPAU
- Other staff relevant to specific situations.
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#### 4.2.6 Frequency of Meetings

When a crisis is declared the Chief State Prosecutor or Chair of the KPC will immediately call a meeting of the Central Crisis Management Team (CCMT). The speed of development and nature of a crisis will largely influence the frequency of meetings of the CC, however it is anticipated that, in the early stages of a crisis management plan being activated, the CCMT will immediately designate the frequency of meetings proportionate to the risk. Once this initial stage is over the CCMT may meet less frequently but this should be kept under review to ensure that the CCMT continues to effectively mitigate the risk.

#### 4.2.7 Logistics

- The Chief State Prosecutors Office and Chair of the KPC will agree arrangements for secretarial support to meetings. A written record will be made of all matters and actual decisions, setting out the information available at the time and the rationale for the decision. This record will be retained in accordance with internal regulations and for the purpose of informing future planning.
- The CCMT will require accommodation suitable for the full team. It must be adequately equipped with communications, translation and other essential facilities. Under normal circumstances meetings will be held in the premises of the Office of the Chief State

Prosecutor however local conditions may render this impossible and back-up premises should be identified and prepared from the outset, to enable the CCMT to re-locate.

## 5. Regional Prosecutions offices,SPRK, Appeals Prosecution Office Crisis Management Team (RCMT) - Terms of Reference

### 5.1 Overall Role

*To provide leadership of the respective Prosecution Office during a period of crisis in a way that protects the institution, its people and the public through directly supporting the Central Crisis Management Team (CCMT)*

### 5.2 Specific functions

#### 5.2.1 Operational Activities

- To plan and act decisively to protect the Kosovo Prosecution institution, its people and the public
- To deliver the organisational priorities defined by the ECMT
- To ensure organisational continuity within the resources available
- To act upon instructions issued by the ECMT to ensure resources are directed towards organisational priorities

#### 5.2.2 Information gathering and decision making

- To collect critical weekly management information required by the ECMT to manage the crisis effectively and to send this within agreed time limits to the CCMT for the purpose of constructing the weekly report
- To make legal and ECHR compliant decisions
- To record all decisions and instructions issued to Prosecutors and staff under their command

#### 5.2.3 Communications

- To utilise effective internal and external communications to provide reassurance and stability and to obtain management information to manage the crisis effectively in accordance with the directions of the CCMT

#### 5.2.4 Recovery and future planning

- To support the CCMT in planning the recovery phase and a return to normal operations
- To provide information to the CCMT for the purpose of reviewing the overall response to the crisis and to identify learning that can be integrated into future crisis management planning

#### 5.2.5 Core Membership

- Chief Prosecutor
- Administrator
- Head of Registry
- Communications Officer

- Any other member of staff may be invited to be a temporary member of the RCMT if their presence adds value to the management of the crisis.

#### 5.2.6 Frequency of Meetings

- The frequency of meetings will be determined by the CCMT and the speed of development and nature of a crisis will largely influence this. In the early stages of a crisis management plan being activated, the CCMT will immediately designate the frequency of meetings proportionate to the risk. Once this initial stage is over the CCMT may meet less frequently but this should be kept under review to ensure that the CCMT continues to effectively mitigate the risk.

#### 5.2.7 Logistics

- The Chief Prosecutor of the Prosecution Office will agree their local arrangements for secretarial support to meetings. A written record will be made of all matters, including eventual decisions, setting out the information available at the time and the rationale for the decision. This record will be retained in accordance with internal regulations and for the purpose of informing future planning.
- The RCMT will require accommodation suitable for the full team. It must be adequately equipped with communications, translation and other essential facilities. If local conditions start to impact upon the availability of suitable premises this should immediately be escalated to the CCMT.

## 6. CHIEF STATE PROSECUTORS OFFICE/KPC - CRITICAL BUSINESS PROCESSES - INITIAL INFORMATION REQUIREMENT

### 6.1 Demand

- Total number of pre indictment cases by Prosecution Office
  - Number of pre-indictment cases where the investigation can be suspended without harming the integrity of the investigation
  - Number of pre-indictment cases where the investigation cannot be suspended without harming the investigation (this will include where there is a violence offence such as DV)
- Total number of cases where defendants are being held on detention on remand
- Total number of cases where detention on remands will expire within 3 months
- The Agenda of activities that will be attained by KPC during the time of the crisis
- The Agenda of activities that will be attained by the Secretariat and the PPAU during the time of the crisis
- Report on activities fulfilled by the Secretariat and the PPAU during the time of the crisis

### 6.2 Resources

- How many Prosecutors assigned to each Prosecution Office- How many sick or self-isolating
- How many unavailable for other reasons- Number working in office
- How many other staff assigned to each Prosecution Office
  - How many sick or self-isolating
  - How many unavailable for other reasons
  - Number working in office
- How many other staff assigned to the KPC Secretariat Unit and PPAU
  - How many sick or self-isolating
  - How many unavailable for other reasons
  - Number working in office
- How many staff in the Communications Department
  - a. How many sick or self-isolating
  - b. How many unavailable for other reasons
  - c. Number working in office

### 6.3 Operational Resilience

- How many Prosecutors have access to a laptop computer with access to the case management system
- How many of these are personally owned
- How many Prosecutors have access to video conferencing (computer or phone)
- How many other staff have access to a laptop computer
- How many of these are personally owned
- How many other staff have access to video conferencing (computer or phone)

### 6.4 Supply chain

What is current status of contracts and delivery arrangements for:

- Bottled Water
- Hand sanitizer
- Soap
- Disinfectant
- PPE (gloves, masks etc)

Are any prosecution offices requiring supplies of above items?

#### 6.5 Finance

- Is payroll fully operational – description of any restrictions
- Is procurement fully operational – description of any restrictions

## 7. ANNEX 1: Report Templet

7.1 Table 1: State Prosecutors and support staff members (Not translated)

7.2 Table 2: State Prosecutors and support staff members – working from office (Not translated)



7.4 Table 4: Supply with necessary items to overcome Covid-19 (not translated)



7.5 Table 5: Admin staff of the KPCS and PPAU (not translated)

## 8. Agenda Kosovo Prosecutorial Council Activities

22 April - 01 June 2020

Date	Institution	Activities	Responsible Authority	Venue of Activity
April 22 <sup>nd</sup> until June 1 <sup>st</sup>	Kosovo Prosecutorial Council	• Planning the essential activities of the Council	Chair	From Home
		• Planning the activities of the Council Committees	Chairs of Committees	From Home
		• Coordination and communication with the Chief State Prosecutor and the Chief Prosecutors of the Prosecution Offices	Chair	From Home and Office
		• Scheduling meetings and consulting members of the KPC for decision-making	Chair KPC members	From Home and Office
		• Meeting of 181 of the KPC	Chair KPC members	Through video conference
		• Supervising the implementation of the activities of the KPCS and PPAU	Chair KPC members	From Home and Office
		• Finalizing the Regulation on the Performance Evaluation of Prosecutors	Chair Members of working group	From Home and Office
		• Implementation of the plan for the performance evaluation of 7 prosecutors	Committee on Prosecutors Performance Evaluation	From Home and Office
		• Finalizing decisions on active disciplinary cases	Disciplinary Panel of the KPC Responsible officer from the KPCS	From Home and Office
		• Review and approval of the financial report for the Q1 of 2020	Committee for Budgetm Finances and Personnel Director of the KPCS Officers of DBFSHP	From Home

## 9. Agenda of activities – Secretariat of KPC (not translated)

## 10. Agenda of activities – PPAU (not translated)

