



# **BULLETIN OF THE KOSOVO PROSECUTORIAL COUNCIL**

December 2022

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## ACTIVITIES OF THE KOSOVO PROSECUTORIAL COUNCIL

**(This edition of this bulletin reflects the activities for the month of December 2022)**

### Prosecutor's offices resume work with full capacity

The Kosovo Prosecutorial Council (KPC) has made a decision on the partial annulment of decision No. 1458/2022 (points I and IV remained in force) and from Monday, December 5, 2022, all prosecutions of the Republic of Kosovo will resume work at full capacity.



The suspension of cooperation for joint initiatives between the Kosovo Prosecutorial Council and the Government of the Republic of Kosovo will continue until another decision, while the KPC and prosecutors will participate in commissions and other groups where participation is determined by the legislation in force. This decision of the KPC comes after the Decision of the Basic Court of Pristina which has approved the proposal for setting the security measure related to the decision of the Government of the Republic of Kosovo to reduce the salaries of prosecutors.

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

The Commission for the Administration of Prosecutions discussed how to record incitement to hatred and LGBTI cases and the steps to be taken to ensure that statistical reporting is accurate and up-to-date. It was said that with the full operationalization of CMIS, this issue related to these criminal offenses as well as other offenses will be fully regulated.



It was also discussed about the Report with recommendations for improving the collection and analysis of statistics to monitor the work and performance of prosecutions, drawn up based on the methodology of the European Commission for the Efficiency of Justice (CEPEJ) from the project "Strengthening the Quality and Efficiency of Justice - KoSEJ II project of the Council of Europe.

### The Commission for Normative Issues finalizes the draft Regulation for the Recruitment and Selection of Professional Associates

The Commission for Normative Issues, chaired by prosecutor Armend Zenelaj, once again reviewed the draft Regulation for the Recruitment and Selection of Professional Associates in the prosecutorial system, this draft, prepared by this commission during previous meetings.



The draft regulation foresees the manner, criteria and procedure of recruiting professional associates in the prosecution system, while it aims to implement a more efficient and professional procedure for their recruitment.

### The Basic Prosecutor's Office of Gjilan with good statistics in dealing with cases of corruption and economic crimes

The Supervisory Commission for Corruption and Economic Crimes has continued its visits to prosecutor's offices, where today they visited the Basic Prosecutor's Office of Gjilan, whereupon they were received by the Chief Prosecutor of this prosecutor's office.



During this meeting, it was discussed about the cases of corruption and economic crimes, their treatment and the various challenges that appear on the road ahead of this prosecutor's office.

The members of the Commission said that, according to statistics, in the first six months of this year, the Basic Prosecutor's Office of Gjilan has emerged as the most successful prosecutor's office in dealing with cases of corruption and economic crimes. But, despite the good results, continuous commitment was required in dealing with these cases.

### Continuous commitment is required in the handling of corruption and economic crimes cases

The Supervisory Commission for Corruption and Economic Crimes visited the Basic Prosecutor's Office of Pristina, whereupon they were received by the Chief Prosecutor of this prosecutor's office. It was discussed about the cases of corruption and economic crimes, their treatment and the various challenges that arise on the road ahead of this prosecutor's office. In this meeting, the members of the Commission, despite the results achieved in the handling of corruption cases and economic crimes in this prosecutor's office, requested a greater and continuous commitment in the handling of these cases.



At the end of the meeting, the members of the Commission said that the fight against corruption should be a priority in the work of the prosecutor's office.

### The heads of the KJC and the KPC received the Ambassador of the European Union Office at the meeting

The Chairman of the Kosovo Judicial Council (KJC), Albert Zogaj and the Chairman of the Kosovo Prosecutorial Council (KPC), Jetish Maloku, received the Ambassador of the European Union (EU) Office, Mr. Tomáš Szunyog, Program Manager from the EU Office, Mr. Nicola Scaramuzzo and policy officers from the EU Office, Ms. Afërdita Smajli and Mr. Mats Persson.



During the meeting, the continuation of cooperation between the judicial and prosecutorial system with the European Union Office, reforms in the justice system with the aim of advancing the law in Kosovo were discussed. Both chairmen emphasized the readiness of both councils for co-ordination and fulfillment of activities with the EU Office, in order to strengthen the rule of law. On the other hand, Ambassador Szunyog and representatives of the EU Office confirmed the support for strengthening of the justice system in Kosovo.

### Memorandum of cooperation in support of the rule of law in Kosovo

The Kosovo Prosecutorial Council and the project "Initiative for the Rule of Law in the Western Balkans - Serious and Organized Crime", which is implemented by Chemonics International Inc and financed by the Government of the United Kingdom, have signed a Memorandum of Cooperation.



The memorandum of cooperation was signed by the Chairman of KPC, Jetish Maloku and the Leader of this project, Christopher Marshall. The signatory parties have agreed to sign this memorandum to reflect their mutual intent for cooperation and coordination in a joint effort to support the rule of law and disrupt serious organized crime networks in Kosovo and throughout the Western Balkans region. This includes supporting program operations and administration. The Memorandum aims to create a communication path between the parties regarding the technical operations of the program, namely the discussions on the creation of programs and partnerships between the parties in Kosovo.

### The Supervisory Commission for the Cases of Corruption and Economic Crimes visits the SPRK

The Supervisory Commission for Corruption and Economic Crimes visited the Special Prosecutor's Office of the Republic of Kosovo, whereupon they were received by the Chief Prosecutor of this prosecutor's office. During this meeting, it was discussed about the cases of corruption and economic crimes, their treatment and the various challenges that appear on the road ahead of this prosecutor's office.

The members of the Commission, after being informed by the Chief Prosecutor about the works that are being carried out in this prosecutor's office regarding the cases of corruption and economic crimes, said that the

work should be continued with priority for the treatment of these cases.



### The Commission for Normative Issues visited the Special Prosecutor's Office of the Republic of Kosovo

The members of the Commission for Normative Issues conducted a visit to the Special Prosecutor's Office of the Republic of Kosovo.



In this working meeting, which was carried out within the framework of monitoring the implementation of by-laws and in order to fulfill the tasks, it was discussed about the aspects of the implementation of the by-laws in force and about the acts that are in the process of being drafted, discussed or also of approval in the Kosovo Prosecutorial Council. On this occasion, the Questionnaire drawn up for the supervision of the implementation of the by-laws was also presented, which was said to facilitate the work process of the Commission and for the fulfillment of the tasks for the supervision of the implementation of the by-laws and the drafting of the by-laws, ahead of the KPK Strategy for 2022-2024.

### The nine-month financial report of the Kosovo Prosecutorial Council is discussed

The Committee for Budgets, Finances and Personnel of the Kosovo Prosecutorial Council reviewed the nine-month financial report of the Kosovo Prosecutorial Council.



According to the agenda, the Committee has reviewed and approved the Procurement Plan for 2024 and the Work Plan of the Budget, Finance and Personnel Committee for 2024.

### The commitment to the implementation of CMIS is evaluated

The Deputy Chairman of the Kosovo Prosecutorial Council hosted the Leader of the International Secretariat in the Judicial Administration of Norway, with whom he discussed the Case Management Information System - CMIS.



He informed the guest from Norway about the works and the commitment realized and what is expected to be realized until the full implementation of CMIS, thanking the Kingdom of Norway for the help given for the implementation of this project. On the other hand, Mr. Arnstad has appreciated the work and commitment of the prosecution system of Kosovo in the implementation of the Case Management Information System. Both interlocutors have expressed the willingness of the institutions they represent to continue communication and inter-institutional cooperation in areas of common interest in the future.

## The chairman of the KPC, Maloku, received the OSCE ambassador in Kosovo, Davenport, in a meeting

The Chairman of the Kosovo Prosecutorial Council hosted the Ambassador of the OSCE Mission in Kosovo, with whom he discussed the advancement of communication and cooperation between the KPC and the OSCE, with the aim of strengthening the professional and administrative capacities of the prosecutorial system of Kosovo.



The chairman said that the OSCE has made a continuous contribution in support of the KPC and the State Prosecutor in raising professional capacities through specific trainings, through research and monitoring of cases of domestic violence, drawing up monitoring reports and drafting the Strategy against human trafficking. On the other hand, the Ambassador also said that the OSCE mission in Kosovo will continue to support the prosecutorial system of Kosovo in all areas of common interest. During this meeting, Ambassador Davenport was also interested in the situation created in the Basic Prosecutor's Office of Mitrovica after the resignation offered by the prosecutors of the Serbian community of this prosecutor's office, where the Chairman Maloku informed him of the actions that have been taken and are being taken regarding the new situation created in this prosecution.

## The 224th meeting of the Kosovo Prosecutorial Council is held

The Kosovo Prosecutorial Council held the 224th Meeting, in which the request of the Chief Prosecutor of the Basic Prosecution in Prizren was approved for the permanent advancement of a prosecutor in the Department of Serious Crimes, in which case, the Council made a decision to announce the internal

announcement according to the above request. The KPC made a decision to repeal the Decision dated October 21, 2022, for the essential reduction of work activities in Building C of the Palace of Justice, where the Appellate Prosecution and the Basic Prosecution of Pristina are located, and from tomorrow to Wednesday, December 21, 2022, the work in these two prosecutor's offices will begin with full capacity.



The Council also partially approved the Report on the evaluation of the performance of the seven prosecutors with a permanent mandate, thus also approving an objection presented against this report.

## The 225th meeting of the Kosovo Prosecutorial Council is held

The Kosovo Prosecutorial Council established the Investigative Panel for the disciplinary case against a prosecutor of the Basic Prosecution in Pristina.



Two draft regulations were also approved at the meeting, the one for Interns in the Prosecution System, and the second one for the Recruitment and Selection Procedures of Professional Associates. The members of the KPC also approved the request of the Acting Chief Prosecutor of the Basic Prosecution in Gjakova for the temporary transfer of a prosecutor to the General Department, in which case a decision was made that the prosecutor of the General Department of Basic Prosecution in Prizren, Ramadan Koro, to be

temporarily transferred to the same department of the Basic Prosecution in Gjakovë. The KPC also approved two reports for the evaluation of the performance of prosecutors, one for 10 prosecutors with a permanent mandate and the other for eight (8) prosecutors also with a permanent mandate. The Council decided to address the President of the Republic of Kosovo to provide an explanation by January 13, 2023 regarding the case of the prosecutor of the Basic Prosecution in Gjakovë, Kastriot Memaj.

## Reaction from the Kosovo Prosecutorial Council

The Kosovo Prosecutorial Council is deeply concerned with the statements of the Prime Minister of the Republic of Kosovo, Albin Kurti and his subordinates, regarding the legal decision to change the measure of the defendant Dejan Pantiq from detention to house arrest, which was taken after the request of the Special Prosecution of the Republic of Kosovo.



KPC assesses that such reactions of Prime Minister Kurti and his subordinates are a tendency to interfere in the affairs and independence of the prosecutorial system of the Republic of Kosovo

Likewise, the KPC expresses its deep indignation at the request of Prime Minister Kurti to be informed of the name of the prosecutor who has made a request to change the measure against the defendant Pantiq, since this, in addition to affecting the independent work of the prosecutor, can to incite reactions that could endanger his life.

The Kosovo Prosecutorial Council supports all decisions of prosecutors that are supported by law, and they call on you to continue their work independently, professionally and not to be influenced by any kind of interference or pressure.

While, Prime Minister Kurti and his subordinates, the KPC called on you to respect the work of the independent institution of the State Prosecutor, because the attempts to intervene will only remain as such.

## Chairman Maloku presented the one-year work of the KPC

The Chairman of the Kosovo Prosecutorial Council, Jetish Maloku, at the end-of-year press conference, held on December 29, 2022, presented the one-year activity (2022) of the Kosovo Prosecutorial Council, the results and challenges that the Council has faced in fulfilling its mandate his, as well as planning for 2023.



Chairman Maloku said on this occasion:

*“This year, the Council held 18 meetings and issued more than 180 decisions, which served to fulfill its legal mandate and serve the prosecutorial system. In addition, the Council has held numerous other meetings through its permanent, ad hoc committees and other bodies.*

*Allow me to mention some of the major successes and works carried out by the Council, based on its constitutional and legal mandate:*

*With the support of international partners, the KPC during this period has drawn up and approved the strategic plan of the prosecutorial system 2022-2024. This plan presents the main policy planning framework for the management of the prosecutorial system of the Republic of Kosovo in the next three years.*

*During the year 2022, the Council has drafted and approved 5 regulations, which are related to the management of cases through the electronic system, the election and termination of the mandate of the Director of the Secretariat and that of the Unit, the recruitment, examination, appointment and reappointment of prosecutors the state, the selection of professional associates and interns.*

*Moreover, the Commission for Normative Issues has started its activities in Kosovo's prosecutor's offices to evaluate the applicability of the by-laws in force.*

*The Council is in the process of reorganizing the administration of the prosecution system, with the aim of increasing professionalism and efficiency at work.*

During the reporting period, the Council developed all procedures for the election of the Chief State Prosecutor and proposed the most successful candidate for decree to the President of the Republic of Kosovo. Regarding this process, the Council has published the concept documents of all the candidates, while the interviews were conducted in the presence of representatives of NGOs and international partners, as well as broadcasted on the public medium - Radio Television of Kosovo (RTK), which enabled each citizen to convey this important event in the justice system.

The chief prosecutors of all prosecutions have reported to the Council on a quarterly basis.

The Council has chosen the new member from among the prosecutors of the Appellate Prosecutor's Office, since the mandate of the current member expires on December 31, 2022.

In April 2022, the Council recruited seven new prosecutors and the same were decreed by the President and started working in the respective prosecutor's offices.

Also, in the month of June 2022, the Council has opened the next competition for the recruitment of 22 new prosecutors and so far two tests and interviews have been held, while the list with the names of the 22 most successful candidates of this process has been announced and after approval by Council, these 22 names will be sent to the President for decree.

The Council, through legal channels, has promoted three prosecutors and transferred eight others through Kosovo's prosecutions, while two processes for the advancement of four prosecutors are at work.

One of the objectives of the Council for this year has been the accountability, professionalism and discipline of prosecutors.

Therefore, during 2022, the KPK accepted nine requests for initiation of disciplinary procedures against prosecutors and established eight investigative panels, while one request for initiation of the procedure was rejected by the Council. During this period, it has imposed disciplinary measures as follows, including the decisions for the cases of 2021, which have been carried over to 2022:

4 non-public written remarks, of which 3 by agreement;

4 written public comments, of which 2 by agreement;

3 decisions on permanent transfer to other prosecutions, one of which was changed by the Supreme Court to reduce the salary by 50% for 6 months;

4 decisions where the prosecutors were released from responsibility, in one the prosecutor was sent to the Performance Evaluation Commission;

1 case has been suspended until the end of the criminal procedure and

For 1 other case, the investigative panel was established and is in the process of examining the case.

All decisions of the final form are being published on the web portal of the prosecutorial system of Kosovo, except for non-public written remarks, as provided by law.

Through the Commission for the Evaluation of the Performance of Prosecutors, the Council, during the year 2022, finalized the performance evaluation for 61 prosecutors, who were evaluated as follows:

0 at the distinguished level;

28 at the Good level;

32 at the sufficient level;

1 at the insufficient level.

The Monitoring Group for the Supervision of Corruption Matters and Economic Crimes has successfully continued its work during this year as well, carrying out several visits to all prosecution offices of Kosovo and has drawn up reports with recommendations based on the findings, which were addressed in the meetings of Council.

As a result, the prosecutorial system has achieved that during the nine-month period of this year, out of 380 accepted corruption cases, it has solved 272 cases, respectively, and it has solved 72% of the accepted cases.

As for economic crimes, out of 303 accepted cases, 224 cases have been solved, respectively 74% of the accepted cases have been solved.

So, current reports indicate an efficiency in handling cases of corruption and economic crimes.

In the field of information technology, we have started the transitional phase of the ICT/SMIL project in cooperation with the Judicial Council for the three-year period.

SMIL is being successfully implemented in all basic prosecutions, in the Special Prosecution and in the Appellate Prosecution, including the automatic distribution of cases to prosecutors. Meanwhile, SMIL has been developed for the Office of the Chief State Prosecutor and we are in the phase of training the administrative staff for its use.



Moreover, the liaison between the prosecution and the court, namely the appeal part, has been advanced, enabling documents to be sent electronically.

In cooperation with the Tax Administration of Kosovo, the Standard Operating Procedure for Electronic Data Exchange has been prepared and signed between the Prosecutor's Office and TAK, and an agreement has been signed between the Council and Customs for the interconnection of systems and the electronic exchange of data.

The Council's budget for 2022 after budget revisions was 12,477,991.72 euros.

Until now, the Kosovo Prosecutorial Council has realized 92.1% of the total budget, for all economic categories and budget programs of the Council for expenses created until December 29, 2022.

The Council's budget, approved for the year 2023, is €15,913,983.00, but even for this year it has not been fully approved according to our requirements and needs.

The Council also accepted the Report of the National Audit Office, according to which no one was found qualified.

The Council has continued the policy of open and professional cooperation with all local and international institutions, with many donors and partners, whom I want to thank through this conference for the great and continuous support they are giving to the Prosecutorial Council.



The Chairman of the Council during 2022, with the authorization of the Council, has signed 8 cooperation agreements with local and international institutions, in order to fulfill his mandate, with special emphasis on increasing cooperation and increasing efficiency in the fight against law breakers.

The prosecutorial system has continued to publish the 24-hour Report, through which the public is informed about the actions of the prosecutor's offices for 24 hours.

Reporting officers have been appointed throughout the prosecutorial system.

The web portal of the prosecution system is enriched on a daily basis with new information that can serve the citizens.

Responded to the interest of the media and civil society on a daily basis. Also, on a daily basis, it has made public the activities and works through communiqués that have been published on the official website.

The Kosovo Prosecutorial Council will not stop working so that the communication, transparency, accountability, perception and reliability of this system reach the deserved evaluation from the public opinion.

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 2022 as well. In cooperation with the Academy of Law and other local and international partners, various training programs have been organized, based on the needs of the prosecution system.

#### Challenges during 2022

During our activity for the year 2022, in addition to the achievements, of course we also had various challenges. I would like to emphasize that among the main challenges we have faced are:

Failure to complete the composition of the Council with two (2) non-prosecution members, since the entry into force of the Law on the Prosecutorial Council in April 2019, neither the selection nor the technical procedures of announcing the competition are the responsibility of the Council;

Insufficient budget to cover all created obligations;

Delay in the decree of the Chief State Prosecutor;

Difficult conditions in the Palace of Justice;

Undertaking numerous activities to protect the independence of the Council and the State Prosecutor;

The Government's decision to reduce the salaries of prosecutors;

Specialization of prosecutors for dealing with characteristic crimes (corruption, organized crime, economic crime and cybercrimes);

Failure to respect the principle of transparency through some media publications that directly affect the damage of public trust in the prosecutorial system;

Physical infrastructure (expansion of spaces for the Council and the Office of the Chief State Prosecutor) and

*Raising the professional capacities of the personnel of the prosecution system.*

*We as a Council have seriously addressed these challenges, sending numerous and substantiated budget requests to the Ministry of Finance, the Government and the Assembly, which continue to be mishandled by them.*

*Planning of the work of the Council for 2023*

*The Council will continue the work on the by-laws for the reorganization of the administration and organizational structure.*

*Moreover, in reflection of the legal changes, the Council will continue the work on drafting and approving the relevant by-laws provided for by these changes.*

*During 2023, the process of recruiting 22 new prosecutors is expected to be finalized.*

*The procedures for the election of the chief prosecutors of the Special Prosecution and the Basic Prosecution of Prishtina will be developed, given that their mandate expires at the end of 2023.*

*In conclusion, I inform you that in accordance with the law, the Council will publish the Work Report for 2022 at the beginning of 2023 and will make it available on the official website of the Council and in physical copy, in which case the public and You, dear representatives of the media, 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 a Happy New Year 2023, once again expressing the readiness of the Council and the prosecutorial system in general for the further advancement of cooperation in the future. "*

### Activities of the KPK Secretariat

The Secretariat of the KPC, during the month of December, held a meeting with CEPEJ experts, in which case the report of recommendations for improving the collection and analysis of statistics to monitor the work and performance of the prosecutor's offices was discussed.

In terms of raising professional capacities, trainings and workshops were held, as follows: for physical registration (seizure/confiscation/freezing of criminally acquired assets) in CMIS and design of statistical reports; as well as the identification of needs and the design of the training curriculum" and the seminar for internal and external communication with

the communication officers of the country's prosecutions, in co-organization with the IRZ.

In cooperation with the Information Society Agency, the information security system is being advanced, namely the application of protective measures against possible viruses in the electronic networks of the prosecutorial system.

On the other hand, the project for the development and implementation of the electronic e-library system for the prosecution system, which has been sent to UNDP for financial support.

### Activities of the Prosecution Performance Review Unit

During the month of December 2022, the PPRU supported the Commission for the Administration of Prosecutions in the drafting of the Commission's Annual Work Plan for 2023, the control and verification of the statistical records of the CMIS reports regarding the accuracy and quality of the statistical records, as well as contributed to the meetings with the company for the development of statistical reports of SMIL and to the meeting of the KOSEJ Project.

In addition, the PPRU has prepared statistical reports for the country's prosecutors' offices and reports on the prosecutors' case load and efficiency in resolving them, during the month of November, as well as generating data from various applications.