



ANNUAL WORK PLAN 2021 KOSOVO PROSECUTORIAL COUNCIL





Republika e Kosovës Republika Kosova Republic of Kosovo



Këshilli Prokurorial i Kosovës Tužilački Savet Kosova Kosovo Prosecutorial Council

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Mission

Provide an independent, impartial, professional and effective system of investigation and prosecution by prosecutors recruited on the basis of merit, evaluated on the basis of results at work and supervised according to high standards, which ensures the implementation of the law in fairly and without discrimination, creating equal access to justice including meritorious treatment of victims of crime.

Vision

To enable the delivery of justice in an efficient, effective, transparent, accountable and professional manner, which ensures the public confidence.

Composition, tasks and competencies of the Council

The Council was established by Law no.03 / L-224 on the Kosovo Prosecutorial Council, which entered into force on 1 January 2011 and currently functions based on Law no. 06 / L-056 on the Kosovo Prosecutorial Council.

The Council consists of thirteen (13) members, ten (10) of whom are prosecutors, while three (3) non-prosecutors.

Based on Article 9 of the Law on the Kosovo Prosecutorial Council, the composition of the members of the Council is as follows:

Ten (10) members, from the ranks of prosecutors and that:

- Chief State Prosecutor;
- seven (7) members, prosecutors from the basic prosecution offices, represented by one (1) member, elected by the prosecutors of that prosecution office;
- one (1) member, prosecutor from the Appellate Prosecution, elected by the prosecutors of that Prosecution;
- one (1) member, prosecutor from the Special Prosecution, elected by the prosecutors of that Prosecution;

Three (3) non-prosecutor members, as follows:

- one (1) member lawyer from the Kosovo Chamber of Advocates;
- one (1) member, university professor of law;
- one (1) member, representative from civil society.

The Council is chaired by the Chairman, who is elected from among the prosecutorial members of the Council, for a three-year term.

The Chairman of the Council submits annual public reports at least once a year on the performance, actions, costs and budgetary needs of the prosecutorial system, as well as organizes the procedure for electing the members of the standing committees according to this law, enabling the Council a transparent process and responsible for proposals and their appointment.

The Council carries out its mandate through the work of standing committees established by law. These committees are as follows:

- Committee on Normative Issues;
- Committee for Evaluation of Prosecutors' Performance;
- Committee on Budget Finance and Personnel;
- Committee for the Administration of Prosecutions.

Discipline of prosecutors is realized through the panels established by the Council, based on the Law on Disciplinary Responsibility of Judges and Prosecutors (Law No. 06 / L-057) and bylaws established for this purpose.

The Council may establish temporary committees (ad hoc), if necessary.

Administrative support for the prosecutorial system, the Council carries out its mandate through the Secretariat when it comes to budget, finance, procurement, human resources, logistics, infrastructure, information technology, while analytical, statistical, professional development of prosecutors and staff through the Prosecution Performance Review Unit.

The main responsibilities of the Council are as follows:

 decides on the organization, management, administration and supervision of the functioning of prosecutions according to law;

- proposes to the President the appointment, reappointment and dismissal of prosecutors, as well as ensures that all proposed candidates meet the criteria set by law, according to the relevant legal procedures;
- proposes to the President the appointment and dismissal of the Chief State Prosecutor, ensures that the proposed candidate meets the criteria set by law and the relevant procedures are developed;
- decides on the appointment of Chief Prosecutors of the Basic Prosecution Offices, the Special Prosecution Office and the Appellate Prosecution Office, in accordance with the Law on the State Prosecution Office and the Law on the Special Prosecution Office of the Republic of Kosovo;
- ensures the implementation and supervision of the criteria for admission to the prosecution, which must be done in accordance with the principles of merit, equal opportunities, gender equality, non-discrimination and equal representation, based on public competition and after verifying the candidates' ability to act;
- announces a public competition for prosecutors;
- decides on the organization of the examination for candidates for prosecutors according to the regulation approved by the Council, determining the number of prosecutors for each prosecution office;
- decides and supervises the implementation of the criteria for the ethnic composition of the territorial jurisdiction of the respective prosecution and for the filling of vacancies, guaranteed for members of non-majority communities in Kosovo;
- decides on the number of prosecutors in each Prosecution Office;
- prepares, sends and supervises the budget of the State Prosecutor and the Prosecutorial Council;
- decides on the promotion, transfer and discipline of prosecutors;
- sets the criteria for the evaluation of prosecutors, for the case load of prosecution offices and for the efficient functioning of the prosecution offices, as well as controls and guarantees the evaluation process and reviews the complaints of prosecutors for their evaluation;

- establishes and oversees the criteria for setting policies, standards and guidelines regarding the training of prosecutors and other staff and overseeing the implementation of the training and professional development of prosecutors by the Academy or other training associations or organizations;
- adopts the Code of Professional Ethics for members of the Council, the violation of which provides grounds for sanctions, including dismissal by the Council;
- approves the Code of Professional Ethics for prosecutors, the violation of which provides a basis for sanctions, including dismissal from office;
- approves the Code of Professional Ethics for the administrative staff, the imposition of disciplinary measures defined by the relevant Law on Civil Service of the Republic of Kosovo, the violation of which is a basis for sanctions;
- ensures that prosecutors act independently, professionally and impartially in the performance of all prosecutorial functions;
- in cooperation with the Office of the Chief State Prosecutor develops prosecutorial policies and strategies for the effective fight against crime;
- preparing an annual report on the activities and expenditures of the State Prosecutor and the Council;
- oversees and administers the prosecution and its staff;
- overseeing the Secretariat, the Prosecution Performance Review Unit and issuing rules and regulations in accordance with its competencies;
- determines the procedures for the hearings and the conduct of the disciplinary hearings;
- cooperates with the prosecutorial councils of other states and relevant local and international organizations, provided that it does not affect the independence of its work;
- promulgates rules and regulations in accordance with the laws on

public information regarding the management and disclosure of information held by the State Prosecutor;

- establishes commissions which the Council deems necessary;
- approves the rules of procedure for the functioning of the Council and its committees and for the election of those members of the Council who are elected by their colleagues, rules that are available to the public;
- issue regulations on the procedure for the selection of the Chief State Prosecutor and the appointment of Chief Prosecutors of the Prosecution Offices;
- issue regulations on the internal organization of the State Prosecutor;
- guarantees an open and accountable system for administering the decisions of the Council and the State Prosecutor;
- reports to the public on the implementation of its objectives set specifically and based on measurable indicators;
- approves by laws in order to implement its duties and responsibilities, in accordance with applicable law;
- performs other duties defined by law.

In order to fulfill the mandate of the Council, the Law on the Kosovo Prosecutorial Council established administrative bodies such as: The Secretariat of the Council and the Prosecution Performance Review Unit, which assist prosecutors in fulfilling their constitutional mandate.

1. **The Secretariat of the Council** exercises the following duties and responsibilities:

1.1. assists the Council in implementing the rules, regulations and policies of the Council regarding the management, budget and administration of the state prosecutor;

1.2. according to the instructions of the Council or on its own initiative proposes policies and bylaws, which are necessary for the exercise of the functions of the Council and the implementation of this law. The proposals and initiatives of the Secretariat are prepared and

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submitted to the Council for approval;

1.3. according to the instructions of the Council, prepares a consolidated budget proposal for the Council and the State Prosecutor;

1.4. administers the approved budget;

1.5. manages the administrative and support staff of the state prosecutor, based on the workload, maintenance of personnel records, establishment of a performance appraisal system, ensuring proper discipline of state prosecutor employees and protection of their rights of employment;

1.6. ensures that the state prosecutor has a proper and timely supply of materials necessary for the efficient and effective functioning of prosecutions;

1.7. provides administrative support to the Council and Council committees and undertakes other tasks and authorities as directed by the Council.

The Council adopts regulations on the organizational structure and functioning of the Secretariat.

2. Prosecution Performance Review Unit:

2.1. According to the Council's instruction, the Prosecution Performance Review Unit reports on the work of the prosecution offices.

2.2. The Council develops and approves regulations related to the organizational structure and functioning of the Prosecution Performance Review Unit.

1. Objectives of the Kosovo Prosecutorial Council

Kosovo Prosecutorial Council, in order to implement the Strategic Plan 2019 - 2021 and in order to exercise its mandate, drafts the Annual Work Plan for 2021. This plan contains objectives where concrete activities and deadlines have been set for their implementation.

In order to increase the work dynamics, the Council, in addition to the objectives that will be achieved in the future and based on its constitutional and legal competencies, will develop the work plan for 2021 through the prioritization of certain processes defined as priority objectives.

1.1. **Priority objectives**

In 2021, the Council has set priority objectives as follows:

i. Strengthen the system of administration of the prosecutorial system

AKTIVITIES

a) Drafting the strategic plan of the prosecutorial system 2022 - 2024 (*July - December*)

Indicators

- Formation of the working group,
- Strategic plan drafted
- b) Establishment of working group for the inclusion of criminal offences of "white-collar crime" in Kosovo in the Strategic Plan of the Prosecutorial System 2022 2024 (*April December*)

<u>Indicators</u>

- Establishment of the working group,
- c) Full functioning of CMIS in the prosecutorial system (*January*-*December*)

I<u>ndicators</u>

- Evaluation report,
- Functional CMIS
- d) Evaluation, review and issuance of bylaws (*March December*)

- Evaluation report,
- Drafted bylaws
- e) Participation and contribution to the functional review process with a focus on advancing the status of State Prosecutor (*January December*)

Indicators

- Formation of the working group,
- Comments and proposals on drafted documents
- f) Construction of a standard system of archives (physical, electronic) in the State Prosecutor (*July December*)

<u>Indicators</u>

- drafted bylaws
- System located
- g) Advancement of the database for electronic files of prosecutors (*January June*)

<u>Indicators</u>

- Updated SEMDP
- h) Functionalization of statistical reports generated by CMIS (*March December*)

- Evaluation report,
- Decision on the use of statistics generated by CMIS and removal of manual collection of statistics
- Generation of statistics from CMIS (basic and advanced)

ii. Advancing the status of prosecutors and improving administrative capacity, including the reform of the prosecutorial administration

ACTIVITIES

a) Establishment of a mechanism that deals with cases of denigration of prosecutors' personality (*March - December* 2021)

Indicators

Mechanism formed

b) Defining the procedure for the establishment of specialized units within the prosecution offices (*March - December*)

Indicators

- Drafted document,
- Draft bylaw
- c) Take steps to provide health insurance for prosecutors and administrative staff (*March December*)

Indicators

- Proposal sent to MJ
- d) Strengthening the personal security system of prosecutors and the facilities of the prosecutorial system (*January December*)

Indicators

- Evaluation report,
- Security system set
- e) Drafting a concept paper for the administration of the prosecutorial system (*January December*)

- Concept designed
- f) Approval of normative acts on the organizational structure,

positions and functioning of the administration of the prosecutorial system (*March - December*)

Indicators

- Drafted bylaws
- g) Implementation of the administration reform (*October December*)

Indicators

Reform implemented

iii. Capacity building in handling cases in the State Prosecutor

ACTIVITIES

a) Evaluation and analysis of the performance of the State Prosecutor to handle transferred cases (*January – June*)

Indicators

- Analytical reports drafted
- b) Review and evaluation of the administrative instruction no. 01.2018 for setting the orientation norm for state prosecutors (*July December*)

Indicators

- Formation of the working group, Analysis for the oriented norm drafted
- c) Based on the workload of prosecution offices to determine temporary and permanent transfers (*January December*)

- Needs analysis
- *Report on transfers of prosecutors*

d) Analysis of the need of prosecutions for promotion of prosecutors (*March - December*)

Indicators

- Analysis of needs
- *Report on prosecutors' promotions*
- e) Analysis of the required number of new prosecutors (*January June*)

Indicators

- Compiled analysis
- f) Advancement of the prosecutor recruitment system, including the electronic system (*July December*)

<u>Indicators</u>

- Functional electronic system
- g) Recruitment of new prosecutors (January-December)
- Indicators
- *Report on the recruitment of prosecutors*
- iv. Strengthening mechanisms of accountability and permanent control of work

ACTIVITIES

a) Establishment of a permanent control system of integrity assessment (*July - December*)

- Concept document drafted
- Normative act formed
- Assigned staff
- b) Setting standards in drafting acts of the State Prosecutor (*July December*)

- Formation of the working group
- Approved checklist (template)
- c) Regular reporting of Chief Prosecutors on issues of administration and efficiency in handling cases (*January December*)

Indicators

- Drafted reports
- d) Supervision and monitoring of case allocation and implementation of case management rules for each prosecutor (*March December*)

Indicators

- Information report for the Council
- e) Regular reporting of the Standing and ad hoc committees of the Council (*January December*)

Indicators

- Drafted reports

V. Risk Assessment and Work Continuity Planning

ACTIVITIES

a) Evaluation of the implementation of the Action Plan for work management in accordance with the circumstances created by Covid 19 (*January - December*)

Indicators

- Crisis management team (at central and local level) functional
- Critical and essential processes identified
- Communication and coordination
- (regular information of staff, partners and the public)
- b) Ongoing risk assessment for each critical work process (*January December*)

<u>Indicators</u>

- Monitoring and assessment reports

1.2. Other objectives

i. Strengthening the integrity of prosecutors

ACTIVITIES

a) Establishment of an advisory mechanism for prosecutors in implementation of the code of ethics and professional conduct (*July - December*)

Indicators

- Approved mechanism
- b) Information and guidance activities for the implementation of the code of ethics (*January December*)

Indicators

- Activities realized
- *Reports drafted*
- c) Professional support for investigative panels in disciplinary cases (*January December*)

Indicators

- Drafted reports
- d) Efficient handling of disciplinary cases by the Council (*January December*)

Indicators

- Cases placed in the Council
- Drafted reports
- e) Creating a database for disciplinary cases against prosecutors (*January December*)

Indicators

- Functional database

ii. Advancing the system for evaluating the performance of prosecutors

ACTIVITIES

a) Establishment of the Commission for evaluation of the performance of prosecutors (*January - December*)

Indicators

- Commission establoshed
- b) Drafting the work plan including determining the list of prosecutors to be subject to evaluation (*January March*)

Indicators

- Drafted Plan
- c) Providing training to the Prosecutor's Performance Evaluation Committee (*January December*)

Indicators

- Implemented training reports
- d) Efficient implementation of the new performance appraisal system (*January December*)

Indicators

- Periodic reports
- Number of prosecutors evaluated
- e) Annual evaluation of the performance of prosecutors by the superior (*January March*)

Indicators

- Annual evaluation forms drafted by the superior
- f) Drafting of Guidelines for the implementation of the Regulation on Performance Evaluation of Prosecutors (*April* – *December*)

- Establishment of a working group
- Drafted guide

iii. Advancing the institutional role in budgetary and financial processes

ACTIVITIES

a) Budget planning consultations with all prosecutions (*January* - *March*)

Indicators

- Drafted Report
- b) Budget planning based on needs and strategic orientations (*January March*)

Indicators

- Drafted Plan
- c) Advancing the supervision and control process (January December)

Indicators

- Internal audit report
- External audit report
- iv. Transparency and communication with the public and the media

ACTIVITIES

a) Approval of the strategy for communication of the prosecutorial system 2021 - 2023 (*January - March*)

Indicators

- *Approved strategy*
- b) Timely provision of available statistical reports on the work of the prosecutorial system (*January December*)

Indicators

- Statistical reports provided

c) Timely updating of the web portal (January - December) *Indicators*

- Updated Web portal
- d) Development of intranet for internal communication (*January December*)

- Intranet developed
- e) Holding regular meetings with citizens and media developing a meeting plan (*January December*)

Indicators

- Realized activities
- f) Organizing information campaigns developing a campaign plan (*January December*)

Indicators

- Realized activities
- g) Standardization and unification of internal and external information (*January December*)

<u>Indicators</u>

Evaluation report

v. Cooperation with local institutions, partners and donors

ACTIVITIES

a) Holding roundtables and various meetings with the nongovernmental sector (*January - December*)

Indicators

- Realized activities
- Drafted reports
- b) Holding coordination meetings with donors (*January December*)

- Realized activities
- c) Signing agreements with institutions and forums which exercise the same mandate (*January-December*)

- Realized activities
- d) Setting priorities for the European integration process (*January December*)

Indicators

- Proposed projects drafted
- e) Assessment of donor support needs (January December)

Indicators

- Needs assessment realized

vi. Providing adequate physical infrastructure

ACTIVITIES

a) Establishment of adequate spaces including accompanying infrastructure for KPC and SP (*January - December*)

Indicators

- *Renovated facilities*
- b) Equipping the Council and Prosecutions with adequate inventory and equipment for work (*January December*)

- Evaluation report
- Equipment provided

vii. Building the professional capacity and practical skills of prosecutors and staff

ACTIVITIES

a) Training needs assessment (*July - December*)

Indicators

- Evaluation report
- b) Preparation of training policy document (*October December*)

Indicators

- Approved document
- c) Coordination with the Academy of Justice and partners for organizing trainings ensuring the participation of prosecutors (*January December*)

Indicators

- Training reports
- Registration of participation in SEMDP
- d) Ongoing evaluation of the implementation of the requirements arising from the regulation for professional development (*January December*)

Indicators

- Evaluation reports

1.3. Secretariat of the Kosovo Prosecutorial Council

i. Increase performance in coordination, collaboration, communication and accountability

ACTIVITIES

a) Review of the organizational structure of the administration of the prosecutorial system (*July - December*)

Indicators

- Compiled analysis

b) Support in providing services according to the needs of KPC, SP and the bodies that function under them (*July - December*)

I<u>ndicators</u>

- Work reports
- c) Support in providing sub-legal infrastructure (*January December*)

Indicators

- Draft drafted acts
- d) Administration of procurement processes, finance, general services, administration and personnel (*January December*)

Indicators

- Work reports
- Audit reports

ii. More efficient budget planning, assurance, management and spending processes

ACTIVITIES

a) Evaluation of necessary projects and budget planning for 2022 and forecasts for 2023-2024 (*January - December*)

Indicators

- Drafted Analyze
- b) Preparation of the draft MTEF and budget for 2022-2024, based on the needs, legislation and strategies of the prosecutorial system (*January - March*)

<u>Indicators</u>

- Compiled analysis
- Drafts of drafted documents
- c) Ensuring timely repayment of financial obligations and closing the fiscal year without liabilities through reallocations or transfers within the Council budget (*January December*)

- *Regular reports*
- d) Capital project plan and implementation of ongoing projects (*January December*)

Indicators

- *Regular reports*
- e) Support to the Committee on Budget, Finance and Personnel (*January December*)

Indicators

- *Regular reports*
- f) Cooperation, coordination and implementation of recommendations of internal and external auditors (*January December*)

Indicators

- Regular reporting
- Recommendations implemented
- g) Risk management in budget execution and related processes (*January December*)

I<u>ndicators</u>

- *Regular reporting*
- h) Good asset management of the prosecutorial system (*January December*)

- Regular reporting
- i) Preparation of self-assessment report and questionnaire according to the law on management and control and regular financial reporting (*January December*)

- Compiled report
- Regular reporting

iii. Providing services, infrastructure and raising the level of security in the prosecutorial system

ACTIVITIES

a) Management and maintenance of the infrastructure of the prosecutorial system (*January - December*)

Indicators

- Drafted Reports
- b) Increasing the efficiency of transport and security services (*January December*)

Indicators

- Drafted Reports
- c) Finalization and implementation of the adequate safety plan in all work facilities (*January December*)

Indicators

- Regular reports
- The security plan drafted / implemented

iv. Strengthening human resources in the planning and implementation of work processes

ACTIVITIES

a) Assessment and identification of human resource needs and implementation of the new personnel plan (*January - June*)

- Regular reports drafted
- Personnel plan drafted
- b) Professional capacity development of staff (*January December*)

- Needs assessment conducted
- Coordination of participation in trainings
- Training participation reports
- c) Management of the process for the realization of salaries and bonuses (*January December*)

Indicators

- Drafted reports
- v. Development and advancement of information technology

ACTIVITIES

a) Advancing the process of liaison of CMIS with the court and police system (*January - December*)

Indicators

- fully functional liaison of CMIS with courts
- fully functional liaison of CMIS with police
- b) Implementation of statistical reporting and prosecution records only through CMIS (January December)

Indicators

- Complete statistical reports produced by CMIS
- Electronic registers in the application
- c) Advancing the work safety of Recovery Center (Backup-BCC) systems in the Basic Prosecution of Gjakova (*January* -*December*)

Indicators

- Functional system

d) Advancing all levels of systems security. (*January - December*) *Indicators*

Drafted reports

1.4. Prosecution Performance Review Unit

i. Advancing internal work processes

ACTIVITIES

a) Review of the organizational and functional framework of the PPRU (*January - December*)

Indicators

- Concept designed
- b) Standardization of the system of collection, processing and reporting of statistical data (*January December*)

Indicators

- Defined standard
- c) Support in the administration of the process of evaluating the performance of prosecutors according to the annual plan for evaluating the performance of prosecutors and the requests of the Committee (*January December*)

<u>Indicators</u>

- Regular reports
- d) Support in the administration of the process of recruitment, transfer and promotion of prosecutors (*January December*)

Indicators

- Drafted reports
- e) Monitoring of quantitative trends in handling cases against organized crime, corruption, money laundering, economic crimes, human trafficking and cybercrime (*January December*)

Indicators

- Drafted reports

f) Support to KPC and OCSP for monitoring the work of prosecution offices and prosecutors upon request (*January - December*)

<u>Indicators</u>

- Regular Reports
- g) Support for the design and implementation of prosecutorial system strategies (*January December*)

Indicators

- Regular Reports
- h) Support for the implementation of the work plan of the Commission for Prosecution Administration (*January December*)

Indicators

- Regular Reports
- i) Support for drafting and implementation of work plans (*January December*)

Indicators

- Draft work plans drafted
- j) Organizing visits to the prosecution office to supervise the maintenance of registers and archiving cases (*January December*)

<u>Indicators</u>

- *Regular Reports*
- k) Maintenance of physical files of prosecutors (*January December*)

Indicators

- Files held on a regular basis

ii. Analysis of the work of prosecutors and prosecution offices

ACTIVITIES

a) Collection and processing of statistical data and reporting on the actions, workload and efficiency of the work of prosecutors and prosecution offices (*January - December*)

Indicators

- Drafted Reports
- b) Collection and processing of statistical data on the actions, workload and efficiency of the work of prosecutors for characteristic criminal offenses (*January December*)

Indicators

- Drafted Reports
- c) Collection and processing of statistical data on the actions, workload and efficiency of the work of prosecutors for the European integration processes (*January December*)

Indicators

- Drafted Reports
- d) Collection and processing of statistical data on the actions, workload and efficiency of the work of prosecutors for all requests for strategic processes (*January December*)

Indicators

- Drafted Reports
- e) Drafting of periodic and annual reports (*January-December*) *Indicators*
- Drafted reports

f) Evaluation of new subject trends (*January - December*)*Indicators*

- Assessment reports drafted

g) Compilation of various analytical reports on the performance of prosecution offices and prosecutors (*January - December*)

<u>Indicators</u>

- Analytic reports drafted

iii. Monitoring the application of electronic systems for statistical reporting

ACTIVITIES

a) Monitoring the functioning of CMIS related to statistical reporting (*January - December*)

Indicators

- Drafted reports
- b) Design of statistical report forms generated by CMIS (*January December*)

Indicators

- Designed reports
- c) Maintenance of records in the database "NORMA" (*January December*)

Indicators

- Updated Database
- d) Maintenance of records in the database "KrimKorr" (*January December*)

Indicators

- Updated Database
- iv. Supporting professional capacity building processes in the prosecutorial system

ACTIVITIES

a) Monitoring, collection, storage and processing of data for participation in trainings (*January - December*)

- Implemented training reports
- b) Drafting evaluation report to training impact (*the pilot version*) (*January December*)

- Drafted report

