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Project against Economic Crime (PECK)

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CLOSING CONFERENCE

Pristina, 28 April 2015

**Final Assessment Reports (Cycle 2)
on Kosovo compliance
with international standards
for the Anti-Corruption (AC) component**

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CRIMINAL LAW, LAW ENFORCEMENT, CRIMINAL PROCEDURE AND INTERNATIONAL COOPERATION

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General findings

Kosovo *legislation* to a large extent meets the requirements of international standards in the anti-corruption area and lots of efforts are carried out to combat corruption.

To improve the fight against corruption among other things it is recommended to:

Legislation

1. Offences and sanctions.

- To take legislative measures:
 - to make third beneficiaries directly covered in the Criminal Code (active bribery);
 - to ensure that private corruption is criminalized in accordance with the Criminal Law Convention;
 - to ensure, that time-limits for investigation should not hinder the combating of corruption.
- and to consider abolishing the requirement of dual criminality.

2. Corporate liability

- to strengthen the controlling functions of the Registry of Enterprises;
- to take legislative steps to make legal entities liable to a greater extent than today and to ensure that this also happens in practice.

3. Confiscation and other deprivation of instrumentalities and proceeds of crime

- to establish an entity with particular reference to identification, tracking and freezing proceeds of crime and enhance the effectiveness of the system;
- to take steps to enlarge the scope of confiscation.

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..... most of these recommendations
require changes in the law – which have not
happened yet.

Evaluation April 2014 – Key findings:

- In 2013, all over Kosovo the number of indictments in cases of corruption were against 23 persons, 22 of them were declared guilty by the courts,
- *It is neither possible to get more information about the cases nor about the sanctions.*
- 4th November 2013, : 482 cases involving 1,396 persons on the investigation stage of the criminal procedure and
- 164 cases concerning information involving 342 persons.

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These findings substantiates the recommendations given concerning:

- improving the collection of statistics; and
- making investigation and prosecution of corruption more effective.

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Statistics

to take steps to collect appropriate and detailed information and statistics including all angles of a corruption case from the beginning to the end (including outcome of the case) in order to assess the efficiency of the investigation/prosecution (paragraph 612);

Many steps have been taken among other things:

- The National Coordinator for Combating Economic Crime should coordinate statistics and collect information;
- a strategic plan for inter-institutional cooperation for fighting corruption was set up together with
- a database to overview investigations, prosecutions and final court rulings including corruption offences;
- each basic prosecution office had a coordinator responsible for statistics.

The Assessment Team

- is however unclear which data was going to be collected;
- which institution(s) was (were) going to handle the information and
- according to which rules.
- Moreover, these measures are at the very beginning of their implementation
- *The responsibility of the implementation should be gathered at one person/institution, which should have the exclusive power to give the other entities responsible for collecting data binding instructions concerning their duties in this area.*

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.....this recommendation has been
partly implemented.

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Law enforcement

to strengthen the Special Anti-corruption Department both in relation to the competence of this department but also in relation to increasing the resources and the cooperation between prosecutors, investigators and experts.

Steps have been taken:

Among other things:

- efforts in relation to increasing of resources;
- issuing a new Action Plan on Increasing the Effectiveness of the Prosecutorial System in the Fight against Corruption; and
- an instruction concerning the competence of the SPRK (high-level corruption).

The Assessment Team

However lacked information about:

- strengthening of a central entity dealing *generally* with cases of corruption all over Kosovo (extending the SPRK competence)
- sufficient increase of resources and
- a more close cooperation between prosecutors, investigators and experts in cases of corruption.

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.....this recommendation has not been implemented.