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Project against Economic Crime (PECK)

Final Assessment Report (2nd cycle) on Kosovo
compliance with international standards in Anti-
Corruption (AC) area

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Criminalisation

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 it is recommended to:

Legislation

- make third beneficiaries directly covered in the articles about *active bribery*
- criminalize *private corruption* in accordance with the Criminal Law Convention on Corruption articles 7 and 8.
- *corporate liability*: ensure that legal entities can be held liable also in situations where it is not possible to find a natural person liable for the offence

Investigation and criminal procedure

- to extend the maximum two and a half-year *time limit* for the investigations of large bribery cases

Registry of Enterprises

- to strengthen the controlling functions of the Registry of Enterprises in order to ensure that both natural and legal persons establishing companies be checked and monitored with respect to possible criminal records and professionals disqualifications or any other pertinent information on legal persons in the registration process

Seizure and confiscation

- Conflict between CC article 96 and CPC article 278 (confiscation from a third party)
- ensure that objects intended to be used in a criminal offense can be confiscated
- Confiscation also in situations where the material benefit or an amount of money corresponding to the material benefit is not found.
- to establish (i) *an entity* within the existing structure with particular reference *to identification, tracking and freezing proceeds of crime*, and
- (ii) to enhance the effectiveness of the system through introducing mandatory benchmarks for law enforcement in pursuing illicit funds in the case of any investigation of a proceeds-generating offence.

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 (e.g. are still waiting for the actions of the prosecutor to dismiss criminal report, terminate, suspend investigations or file the indictment) and
- 164 cases concerning information involving 342 persons.

Cooperation between the counterparts

- *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.
- ◆ *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.*

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*
- ◆ *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.*