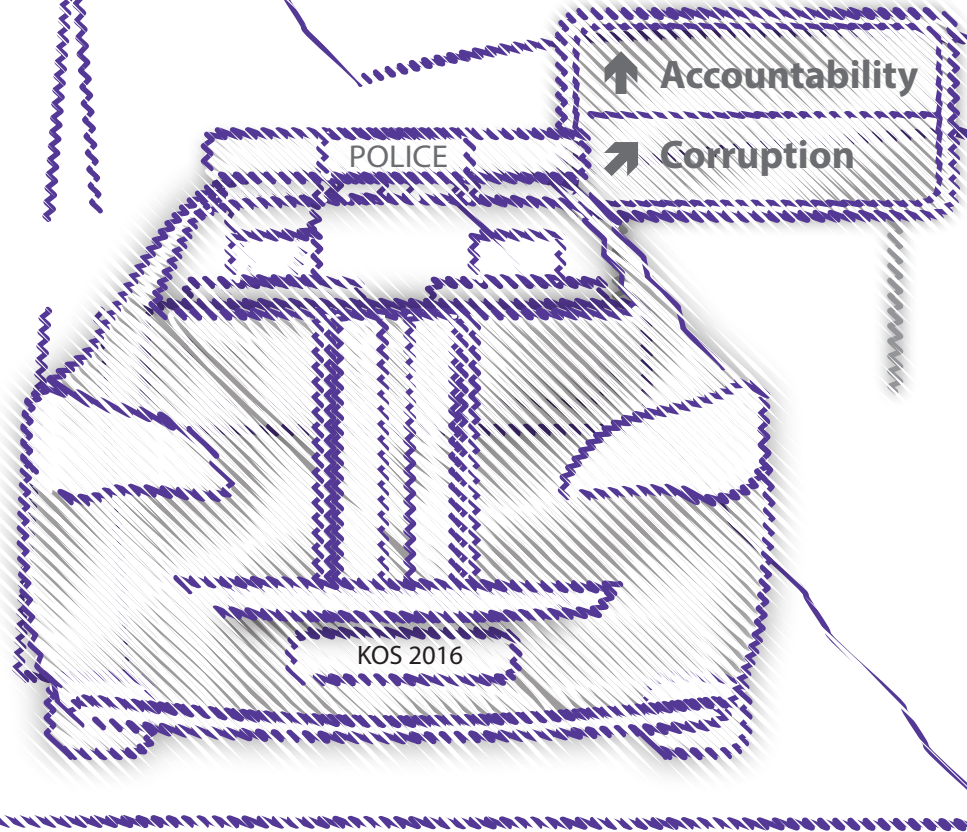


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ASSESSMENT OF POLICE INTEGRITY IN KOSOVO



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POINTPULSE 
WESTERN BALKANS PULSE FOR POLICE INTEGRITY AND TRUST

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Publisher

Kosovar Centre for Security Studies
Sylejman Vokshi Block B, Entry 2, Nr. 1, Prishtina, Kosovo
Tel: +381 38 221 420
E-mail: info@qkss.org
www.qkss.org
www.pointpulse.net

Author

Plator Avdiu

Editor

Mentor Vrajolli

Translation

Translation Centre

Design and layout

DTP Studio

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About the POINTPULSE

The POINTPULSE aim to contribute to increased trust in the law enforcement agencies in the Western Balkans by promoting police integrity. Seven civil society organizations are members of the POINTPULSE: Analytica, Belgrade Centre for Security Policy, Balkan Investigative Reporting Network, Centre for Security Studies, Institute Alternative, Institute for Democracy and Mediation and Kosovo Centre for Security Studies.

Prishtina, 2016

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SUMMARY

Kosovo Police has built its own internal governing mechanisms, especially related to internal control. However, there is still a lot to be done to make all those mechanisms more professional and stronger, and build the institutional integrity in order to prevent and fight police corruption. It seems that the main challenges that Kosovo Police faces are human resource management, the internal reform process, public procurement and prevention of abuse of official duty by the police officers.

The need to professionalize KP's human resources raised the need to undertake reforms in this institution of security starting from early retirement of police officers, which has not begun as a process yet. Weaknesses have been identified regarding updates of the files of KP's personnel. Work performance assessment does not take place regularly for the police employees. In addition, the Kosovo Police personnel does not have any health insurance or life insurance in their workplace, which may harm its human resources.

Public Procurement is another field where Kosovo Police should focus. It should pay special attention to legal procedures as defined by the Law on Public Procurement for the supervision of contracts and different projects, which get implemented by economic operators. Similarly, relevant institutional mechanisms should be strengthened in order to avoid those weaknesses reported regarding the process of preparation of tender documentation.

Kosovo Police jointly with the Kosovo Police Inspectorate should closely collaborate to draft and implement policies in the area of prevention and combating police corruption. In this regard, lack of a Kosovo Police Integrity Plan, and lack of an action plan for its practical implementation, may harm all efforts to strengthen police integrity. Meanwhile, the role of Kosovo Police Inspectorate to supervise the Kosovo Police should be active, specifically related to the inspection and investigation of police officers, including those in high ranks and at the management level of the Kosovo Police.



INTRODUCTION

The purpose of this report on the performance of the Kosovo Police is to assess the integrity of this institution. Research data were collected through monitoring and advocacy activities, interviews, review of legal documents and reports, as well as through other resources available. This research aimed to identify police integrity challenges, advocate for improvement, and ongoing democratization and professionalization of the Kosovo Police.

The report consists of four parts dealing with police integrity as a whole, including: external oversight of the Kosovo Police, internal accountability, human resource management and financial management. The criminal liability of police officers in Kosovo is not assessed, as in the other reports on police integrity in the Western Balkans, due to the lack of qualitative data on the effectiveness of investigation and prosecution for police corruption.

This report contains a package of recommendations for each of the indicators described, which are closely related to the internal governance of the Police. Findings in this report aim to serve as an advocacy tool for further institutional performance improvement, internal capacity building, and strengthening Kosovo Police integrity.

Qualitative research methods have been used for this research: review of a range of legal documents, strategies of institutions relevant to the work of Kosovo Police, annual reports of the Kosovo Police and Police Inspectorate, as well as reports of local and international organizations and other relevant resources from Kosovo's public institutions.

Additional data were collected through interviews with representatives of institutions that are responsible for the supervision of the Kosovo Police, and with other experts who are knowledgeable of the security sector in Kosovo. In addition, data collection was made possible also through focus groups with senior officials of the Kosovo Police and other institutions responsible for the external supervision of the work of the Police. Advocacy activities of the Kosovar Centre for Security Studies served also as important resources to inform the findings of this report. Lastly, Kosovo's media archival resources containing information on the Kosovo Police that reflect the police integrity were also used.



EXTERNAL OVERSIGHT

Parliamentary Oversight

Supervision of the policies in Kosovo's security sector, including Police, rests with the Assembly of Kosovo as foreseen in the Constitution of Kosovo.¹ The highest legal and political act of the country provides that "The Assembly of the Republic of Kosovo oversees the budget and policies of the security institutions as provided by law".²

Police supervision by the Assembly is made through its parliamentary mechanisms. Interpellation is the first mechanism, where a group of Assembly members may request explanation for an issue related to Kosovo Police (KP) in an Assembly session.³ Since the KP functions under the authority of the MIA, the Minister of Internal Affairs (MIA) was called for an interpellation related to specific issues regarding the Police. Another form of supervision of KP by the Assembly is the parliamentary questions for written and oral answers.

Parliamentary supervision of the KP is specifically exercised through the Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force (CIASSKSF). Regarding Police, CIASSKSF oversees KP's financial management and expenses. And, it supervises issues related to disciplinary measures against Police members in cooperation with the Kosovo Police Inspectorate (KPI).⁴ This parliamentary Committee supervises the implementation of related laws, in particular, the Law on Police and its accompanying legislation related to the work of KP. Regarding legislation, the Committee is mandated to supervise the implementation of laws. As such, MIA, KP and KPI are required to report before this Committee at least once a year on issues related to implementation of relevant laws.⁵ In addition, CIASSKSF should collaborate with MIA from which it may request concrete information, including direct reports of the Minister of Internal Affairs, and from the heads of Police and KPI, as requested by the Committee.⁶

1 Article 65, Constitution of the Republic of Kosovo (with its amendments I-XXIV).

2 Ibid, article 125.

3 Neni 44, Rregullore e Kuvendit të Republikës së Kosovës, 29 prill 2010. Qasur 9 maj 2016 në <<http://goo.gl/rQnaaA>>. [In English: Article 44, Rules of Procedure of the Assembly of the Republic of Kosovo, 29 April 2010. Accessed 9 May 2016, on: <<http://goo.gl/rQnaaA>>.]

4 Ibid, p. 51.

5 Ibid, article 73.

6 Ibid, p. 51.



CIASSKSF monitored the Law on KP during 2015, as well as drafted a report with recommendations based on the findings during the monitoring period of 2015. The Committee recommended to MIA, KP and KPI to continuously build their capacities and collaborate to perform their legal mandates.

Regarding good governance and integrity, police officers were suggested to carry out their duties and police authorizations in a legal way in accordance with the Constitution, laws and bylaws in force, and standard operation procedures, KP's Code of Ethics and international standards on law enforcement. In addition, KP members should get involved in certified training programs so that they better carry out their police duties, and protect human rights and freedoms according to the principles of legitimacy, adaptability and proportionality.⁷ The Assembly Committee recommended the implementation of the integrity test for police officers according to the model of an EU member state. Meanwhile, lawmakers called on KP to constantly hire women in all Police structures.⁸

The Committee also asked the Police to further advance its work to functionalize and standardize its sectors: Intelligence-led policing, community policing, patrolling, and maintaining public order and peace by employing acquired standards for crowd and riot controlling in cases when the order and public peace is violated.⁹ In the area of law enforcement, the Committee suggested for enhancement of relationships between the KP and the Kosovo's prosecution and courts. In addition, the creation of a Judicial Police was recommended in order to increase the efficiency of the Police in carrying out investigations on criminal cases and to ensure independence in criminal investigations.¹⁰

Despite these activities, the work and dynamics of this parliamentary Committee was affected by the political crisis which started in mid-2014 to continue in 2015 and in the four first months of 2016. Consequently, Committee members from the opposition parties did not participate in most of the committee meetings, specifically during 2015 and in the first part of 2016. Opposition members boycotted the Committee and As-

7 Komisioni për Punë të Brendshme, Siguri dhe Mbikëqyrjen e Forcës së Sigurisë së Kosovës. (Dhjetor 2015). Raport me rekomandime për mbikëqyrjen e zbatimit të Ligjit Nr. 04/L-076 për Policinë, fq. 1. [In English: Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force. (December 2015). Report with recommendations for the supervision of the implementation of the Law No. 04/L-076 on Police]

8 Ibid, p. 2.

9 Ibid.

10 For more details related to the supervision of the implementation of the Law on Police by the parliamentary committee, see: Komisioni për Punë të Brendshme, Siguri dhe Mbikëqyrjen e Forcës së Sigurisë së Kosovës. (Dhjetor 2015). Raport me rekomandime për mbikëqyrjen e zbatimit të Ligjit Nr. 04/L-076 për Policinë.



sembly's work, in general, due to their opposition of the Agreement on Association of Serbian Municipalities in Kosovo and the demarcation of the border between Kosovo and Montenegro. This affected the number of CIASSKSF meetings for the parliamentary supervision of the KP, and prevented an effective civil supervision of the security sector by the Assembly, in general.¹¹

Parliamentary supervision, specifically by the CIASSKSF, faces challenges such as lack of professional capacities due to the low number of its administrative staff.¹² Based on the Committee activities in year 2015, the parliamentary supervision of the security institutions is still superficial, and the Assembly does not provide a more thorough supervision for their operations.¹³ Therefore, the Assembly should use its own budget to invest in building Committee's professional resources by hiring experts that are knowledgeable of security issues and internal affairs. Despite the reliance of CIASSKSF on various international organizations so far, it is urgent now to build internal professional capacities so that a meaningful parliamentary supervision of the security sector is conducted through careful analyses and expertise.

Kosovo Police Inspectorate

The activities of the Kosovo Police Inspectorate (KPI) during 2015 and its supervisory role over the Kosovo Police have been discussed in other sections of this report (see the section on "Internal Accountability"). This institution, as analyzed in this report, has a mandate to conduct criminal investigations, disciplinary investigations, and integrity investigations against police officers, as well as conduct regular and extraordinary inspections of the KP.

In 2015, KPI started its expansion project in the region by opening three regional offices of this institution in Gjilan, Prizren and North Mitrovica. This is a good opportunity to raise the level of cooperation between the KPI and the citizens from various regions of Kosovo. KPI's regional offices should serve, on the one hand, to prevent criminal and disciplinary offenses by the police officers and, on the other hand, they should raise the integrity of the Police employees.¹⁴

11 Kosovar Centre for Security Studies. Annual Report 2015 – Assembly of Kosovo (Period covered: January-December 2015), p. 5.

12 Ibid, p. 11.

13 Contributions collected from the KCSS's conference on the topic: "Assessment of Kosovo Police Integrity", 26 November 2015, Prishtina.

14 Inspektorati Policor i Kosovës. Raporti vjetor 2015, f. 40. Qasur më 5 maj 2016, në: <http://goo.gl/W00DTr> [In English: Kosovo Police Inspectorate. Annual Report 2015, p. 40. Accessed 5 May 2016, on <<http://goo.gl/W00DTr>>]



From May 2016, KPI has been managed by a new Chief Executive Hilmi Mehmeti, whom MIA considered him as the was the most successful candidate for this position.¹⁵

Regarding the supervision of the KPI's work, CIASSKSF also oversees the implementation of the Law on KPI. In 2013, the parliamentary committee issued a report on the supervision of this Law, in which several irregularities related to the functioning of KPI were identified. It mentioned that the Law on KPI was being implemented only partially. Furthermore, it emphasized that KPI violated the law by hiring employees that did not have adequate education.¹⁶ Irregularities were also observed in budget management, where KPI had awarded its own personnel with two additional salaries within a calendar year without any legal basis.¹⁷ Whereas in relation to the Police, CIASSKSF did criticize KPI regarding criminal investigations against police officers. The parliamentary committee criticized KPI that it had some non-professional public appearances during the arrest of some police members suspected of having committed criminal offences. However, CIASSKSF did not specifically indicate which were those cases when the KPI behaved in a non-professional way.¹⁸ During the supervision process of the KPI, the parliamentary committee found that there were double standards employed by the KPI, when it provided recommendations for the suspension of police officers.¹⁹ The parliamentary committee provided some recommendations to avoid those irregularities, but there is no information whether such recommendations were addressed by KPI.²⁰

On the other hand, knowing that the budget of KPI is allocated through the MIA by the Government of Kosovo, there are concerns related to the impartiality of the KPI during criminal investigations or misuses that may happen within the Police. KPI functions under the authority of MIA, similar to the KP. Consequently, this arrangement was met with some critical reactions since criminal investigations conducted by KPI

15 See: <<http://goo.gl/nuxlHa>>. Accessed on 9 May 2016.

16 Komisioni për Punë të Brendshme, Siguri dhe Mbikëqyrjen e FSK-së. (Qershor 2013). Raport: Mbikëqyrja e zbatimit të Ligjit nr. 03/L-231 për IPK, fq. 9. [In English: Committee on Internal Affairs, Security and Supervision of KSF. (June 2013). Report: supervision of the implementation of the Law No. 03/L-231 on KPI, p. 9.]

17 Ibid.

18 Ibid.

19 Ibid.

20 For additional details related to the recommendations of the parliamentary committee on KPI addressed to the members of the Assembly, see: Komisioni për Punë të Brendshme, Siguri dhe Mbikëqyrjen e Forcës së Sigurisë së Kosovës. (19 qershor 2013). Raport me rekomandime për mbikëqyrjen e zbatimit të Ligjit për Inspektoratin Policor të Kosovës. [In English: Committee on Internal Affairs, Security and Supervision of Kosovo Security Force (19 June 2013). Report with recommendations for the supervision of the implementation of the Law on Kosovo Police Inspectorate.]



against police officers may hardly be considered independent or objective.²¹ Therefore, the Ombudsperson asked KPI to be discharged from investigation of criminal cases against police officers on the basis that suspicions for criminal offences, even against KP members, should be passed to the justice bodies by default.²² Instead, KPI should further consolidate and strengthen its internal mechanisms to develop the concept of the professional ethics among police officers on regular basis.²³ As an institution that supervises KP, its main function should focus on the implementation of mid-term policies to strengthen professional ethics and the integrity of the police personnel, especially in developing measures to fight police corruption.

The Institution of Ombudsperson

Another important institution that oversees KP in the area of respecting human rights and freedoms is the institution of the Ombudsperson. During 2015, the Ombudsperson and KP intensified their collaboration through joint meetings of the heads of these two institutions regarding human rights. Police issued an instruction that requires all police staff to communicate regularly with the Ombudsperson regarding timely access to KP's data and information.²⁴

Regarding the supervision of KP in the area of human rights and freedoms, the Ombudsperson institution considers the mechanism of complaints as one of the most problematic one. The Ombudsperson did not receive any complaints by police officers regarding violation of their human rights, and assessed that this might indicate potential discrimination of police personnel in their workplace. According to the Ombudsperson, the police personnel, similar to other public sector employees, are afraid to file complaints related to their human rights violation as they fear they may become victims of any revenge acts or may become subject of various pressures, which may also result in their dismissal from their duties by their superiors.²⁵

The Ombudsperson institution supervises the work of the Police in cases of public gatherings and protests. Excluding the protest of the date 28 November 2015, when the Ombudsperson found that there were serious claims for violation of human rights by

21 Transkript nga dëgjimi publik i Komisionit për Punë të Brendshme, Siguri dhe Mbikëqyrje të FSK-së, 15 dhjetor 2015, fq. 17-18. Qasur më 9 maj 2016, në: <<http://goo.gl/qqXmB8>> [In English: Transcript from the public hearing of the Committee on Internal Affairs, Security and Supervision of KSF, 15 December 2015, p. 17-18. Accessed 9 May 2016, on : <<http://goo.gl/qqXmB8>>]

22 Interview, Hilmi Jashari, Ombudsperson, 25 March 2016.

23 Contributions collected from the KCSS's conference on the topic: "Assessment of Kosovo Police Integrity", 26 November 2015, Prishtina.

24 Interview, Hilmi Jashari, Ombudsperson, 25 March 2016.

25 Ibid.



the Police,²⁶ the KP was assessed to have been very careful and cautious in this regard. The Ombudsperson did not find any suspicions or claims that the police officers had exceeded their authority or behaved wrongly against protesters in other protests.²⁷

In the meantime, the new changes in the legislation on the Ombudsperson regard this institution as a National Mechanism for the Prevention of Torture and other Cruel, Inhuman and Degrading Treatment or Punishment.²⁸ The Ombudsperson can conduct regular inspections in all centers and places where people are deprived of their freedom. The Ombudsperson aims to conduct inspections in police stations to avoid all violations that may take place regarding this issue.²⁹

The Office of the Auditor General

The function for democratic supervision of public institutions in the area of financial and economic control is exercised by the Office of the Auditor General (OAG). OAG conducts annual audits on the financial statements of public institutions. However, OAG does not prepare separate auditing reports on Police; they are included within the annual report for the financial management of MIA.

In the annual report of year 2014, OAG assessed that KP had significantly improved its control in payment executions, and in the implementation of penalties envisaged in contract awards for delays caused by economic operators.³⁰ Although OAG has constantly recommended that KP should strengthen its management control over its fleet. Still, vehicle management within the Police is not in a satisfactory level. Many police vehicles are waiting to get repaired since 2009, while most of them did not get repaired due to lack of reserve parts.³¹ OAG assessed as a risk the fact that a large number of police vehicles are still waiting to get repaired since their life expectancy is limited.³²

26 For the assessment of the Ombudsperson regarding the interventions of the Police in the protest of 28 November 2015, see the section of this report entitled "Independence of Police in Decision Making"

27 Interview, Hilmi Jashari, Ombudsperson, 25 March 2016.

28 Article 17, Law No. 05/L-019 on the Ombudsperson.

29 Transkript nga dëgjimi publik i Komisionit për Punë të Brendshme, Siguri dhe Mbikëqyrje të FSK-së, 15 dhjetor 2015, f. 17. Qasur më 9 maj 2016, në: <<http://goo.gl/qqXmB8>> [In English: Transcript from the public hearing of the Committee on Internal Affairs, Security and Supervision of KSF, 15 December 2015, p. 17. Accessed 9 May 2016, on: <<http://goo.gl/qqXmB8>>.]

30 Zyra e Auditorit të Përgjithshëm. (Qershor 2015). Raporti i auditimit për pasqyrat financiare të Ministrisë së Punëve të Brendshme për vitin e përfunduar më 31 dhjetor 2014, fq. 15. Qasur më 12 maj 2016, në: <<http://goo.gl/6XEVRp>> [In English: Office of Auditor General. (June 2015). Auditing Report on the Financial Statements of the Ministry of Internal Affairs for the year ended on 31 December 2014, p. 15. Accessed 12 May 2016, on: <<http://goo.gl/6XEVRp>>]

31 Ibid, p.22.

32 Ibid, p. 22.



For this case, the Minister of Internal Affairs had been recommended to examine the reasons why OAG's recommendation was not addressed by the Police, and to apply additional measures to tighten up the control in this unit. Other issues raised deal with the inappropriate management of KP personnel files, where recommendations on this issue were partially addressed by the Police.³³

Meanwhile, CIASSKSF suggested that KP should undertake all necessary measures to implement the OAG's recommendations on annual financial statements regarding budget expenditures and other recommendations.³⁴ The parliamentary committee observed that the Police had implemented only partially the OAG's recommendations regarding budget expenditures.³⁵ On the other hand, the Police did not provide any information related to the level of implementation of OAG's recommendations.

33 Ibid, p. 30.

34 Komisioni për Punë të Brendshme, Siguri dhe Mbikëqyrjen e Forcës së Sigurisë së Kosovës. (Dhjetor 2015). Raport me rekomandime për mbikëqyrjen e zbatimit të Ligjit Nr. 04/L-076 për Policinë, fq. 1. [In English: Committee on Internal Affairs, Security and Supervision of Kosovo Security Force. (December 2015). Report with recommendation for the supervision of the implementation of the Law No. 04/L-076 on Police, p. 1.]

35 Ibid, p. 21.



INTERNAL ACCOUNTABILITY

Integrity Plan

Kosovo Police does not have a plan (or an Integrity Plan) to develop its institutional integrity in order to strengthen its internal governance and prevent police corruption. Such a plan would serve as a guide for KP to prevent potential misuse within the Police and other corruptive practices, including accepting bribes. Also, special attention should be paid to proper and adequate management of the KP's budget, especially expenses related to public procurement activities. Furthermore, the integrity plan would focus also on preventing abuse of official position and authority by police officers during their duty performance. The integrity plan should contain an action plan as well, which would envisage the objectives of the Police for a five-year period regarding the development of integrity and credibility within the law enforcement institutions. Thus, internal control mechanisms within the Police would be responsible for its implementation, including the performance of specific tasks with clear deadlines.

Lack of an integrity plan was also identified in the Anti-Corruption Strategy 2013-2017. This document reads that such plans aim to ensure that ethical and integrity rules should be respected by every public employee in order to minimize the corruption risk,³⁶ including the Police institution. To fight corruption and build trust, this strategy calls for strengthening all internal control and disciplinary mechanisms within the KP.³⁷ Furthermore, KP has been asked to organize trainings in the area of management and investigation of corruption, as well as conduct effective internal controls in order to minimize corruption within Police.³⁸ It is unknown to what extent has KP achieved to fulfill the objectives of this strategy and those defined in the action plan regarding the fight against police corruption.

Meanwhile, with the support of the European Union, the KP is expected to start a pilot project on police integrity to prevent corruption through an early warning system. This system foresees that specific police officers are responsible for fighting corruption within the Kosovo Police. Also, senior police management, including its General

36 Agjencia kundër Korrupsionit. (Nëntor 2012). Strategjia kundër korrupsionit 2013-2017. Prishtinë: Agjencia kundër Korrupsionit, f. 22. Qasur më 6 maj 2016, në: <goo.gl/MxxdS9>. [In English: Anti-Corruption Agency. (November 2012). Anti-Corruption Strategy 2013-2017. Prishtina. Anti-Corruption Agency, p. 22. Accessed 6 May 2016 on: <goo.gl/MxxdS9>.]

37 Ibid, p. 27.

38 Agjencia kundër Korrupsionit. (Nëntor 2012). Strategjia kundër korrupsionit 2013-2017. Prishtinë: Agjencia kundër Korrupsionit, fq. 28-29. Qasur më 6 maj 2016, në: <goo.gl/MxxdS9>. [In English: Anti-Corruption Agency. (November 2012). Anti-Corruption Strategy 2013-2017. Prishtina. Anti-Corruption Agency, p. 28-29. Accessed 6 May 2016, on: <goo.gl/MxxdS9>.]



Director, shall be advised to undertake timely preventive measures to fight corruption and strengthen police integrity.³⁹

Police Internal Control

Kosovo Police has its own internal control mechanisms through which it supervises, controls and investigates police officers' activities during performance of official duty. These mechanisms have the right to investigate all disciplinary cases for serious and light violations up to the rank of police lieutenant colonel, excluding police officers in higher ranks and those in executive positions within the KP.⁴⁰ Investigations for higher rank police officers, including the KP's executive staff, are under the authority of the KPI.⁴¹ Initiation of disciplinary cases within KP against police staff can be done in three ways: (i) through internal initiation procedure by his/her supervisor, (ii) through a complaint filed by a citizen, and (iii) by official duty. In addition to this, internal control police mechanisms are responsible for reviewing and determining disciplinary measures for disciplinary cases investigated within the KP.⁴²

One of the most serious cases recorded during this period happened in April of the year 2016, when a police officers shot a citizen in the vicinity of the police station in Deçan. The citizen died from the fatal wounds he received from the police officer's gun shots.⁴³ According to Police information, the police officer had used his official gun to defend himself, i.e. 'to prevent an assault against him'.⁴⁴ However, there was no confirmation whether the victim had a gun at the moment he was shot by the police officer⁴⁵ early that morning. Media reported that KPI and State Prosecution undertook "intensive investigations" related to that case.⁴⁶ Furthermore, the State Prosecution had authorized a 48 hour detention period for the said police officer, while the KPI had recommended the suspension measure against him.⁴⁷ The Basic Court in Peja assigned a 30-day period in custody against the police officer who had fired his official gun.⁴⁸ The reasoning in the court decision mentions the possibility of the police officer to flee or influence the witnesses. While the prosecutor of the case requested the custody

39 Contributions collected from the public hearing of the Parliamentary Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force on the implementation of the Law on Police on 15 December 2015.

40 KP's written answers sent to KCSS by email on 29 April 2016.

41 Ibid.

42 Ibid.

43 See: <goo.gl/CQTrIN>. Accessed 16 September 2016.

44 Ibid.

45 See: <goo.gl/Bpr01D>. Accessed 16 September 2016.

46 See: <goo.gl/BhbyLq>. Accessed 16 September 2016.

47 Ibid.

48 See: <goo.gl/LL9jU5>. Accessed 16 September 2016.



measure under the suspicion that the police officer had committed a murder.⁴⁹ In the court session after the murder, the police officer defended himself saying that the one he shot in self-defense was not ‘a random and honest citizen’.⁵⁰ Furthermore, he said that person was punished with 10-year imprisonment and was a suspect of the KP in Deçan for various criminal offences.⁵¹

During this period, respectively in September of this year, a police officer was arrested by his colleagues of the PK’s Directorate for Investigation of Trafficking with Narcotics under the suspicion that he was transporting narcotics for two different criminal groups.⁵² The police officer was arrested in flagrancy. And according to the investigations conducted by KP for about three months on this case, the police officer had transported narcotics several times towards Podujeva for those criminal groups. When he was arrested and searched, 15 kilograms of marijuana were found in his vehicle while he was trying to deliver them to a certain location. According to KP’s information, narcotics entered Kosovo through Albania, were transported to the region of Peja, to reach at their destination in Podujeva with the intention to be trafficked towards European Union countries.⁵³ During KP’s operation, the house and accompanying facilities of the suspected police officer were searched, while his gun and other means were confiscated.⁵⁴

Regarding KPI’s activities in relation to the complaints filed against the Police, it received 628 complaints against police officers during 2016. Out of this number of complaints, 390 had elements of criminal offences and were forwarded to KP’s Directorate for Professional Standards (DPS) since they were qualified as disciplinary violations by the KPI. In the first part of 2016 (January-June), 109 police officers, respectively 1.4 percent of the total number of police officers, were investigated by the KPI under the suspicion that they have committed criminal offences.⁵⁵ As a consequence of KPI’s investigation, and out of the total number of investigated police officers, KPI recommended the suspension of 24 police officers suspected for having committed criminal

49 bid.

50 See: <goo.gl/1AOrrz>. Accessed 16 September 2016.

51 Ibid.

52 Adelina Ahmeti. (24 shtator 2016). Aksioni: Arrestimi i Policit për Transport Marijuane. Kallxo.com. Qasur më 25 shtator 2016, në: <goo.gl/GCbHY0>. [In English: Adelina Ahmeti. (24 September 2016). Action: Arrest of the Police for Transporting Marijuana. Kallxo.com. Accessed 25 September 2016, on <goo.gl/GCbHY0>.]

53 See the video of the TV program “Drejtësia në Kosovë”, 24 September 2016, on: <goo.gl/JuaqOK>. Accessed 25 September 2016.

54 Ibid.

55 Nikolla, A. (20 shtator 2016). Për 6 muaj, 109 policë nën hetime. Zëri. Qasur më 21 shtator 2016, në: <goo.gl/IVKEZZ>. [In English: Nikolla, A. (20 September 2016). In 6 months, 109 police officers under investigation. Zëri. Accessed 21 September 2016, on: <goo.gl/IVKEZZ>.]



offences. KPI's recommendation for their suspension came as a result of administrative procedures to ensure development of investigation against those police officers.⁵⁶

Offences most often investigated by the KPI against KP include those endangering public traffic, abuse of position and official authority, light injuries, mistreatment while exercising the official duty or authorization, and other offences. When investigating criminal cases, KPI collaborates with the State Prosecution. Despite these statistics, however, no information is known about the development status of those investigations or what their result is.⁵⁷

On the other hand, KPI seems to have not been active regarding inspections against KP during 2016 (January- October) when compared to the previous year. While in 2015, KPI published eight different inspection reports against KP in total,⁵⁸ it published only two inspection reports in 2016 as of the second half of October).

Conflict of Interest and Asset Declaration

The legal framework regarding prevention of conflict of interest and asset declaration was adopted by the Assembly of Kosovo a few years ago. The Law No. 04/L-051 on Prevention of Conflict of Interest in Discharge of Public Functions was adopted in 2011. Its purpose is to prevent conflict between public interest and private interest of senior officials in discharge of public functions.⁵⁹ The object of this law is to define rules, subjects, responsibilities and competencies required for identification, treatment and solution of cases of the conflict of public and private interests of senior officials in discharge of public functions.⁶⁰

According to Anti-Corruption Agency (ACA), failure to amend and supplement this Law continued to hamper the fulfilment of Agency's mandate in relation to prevention of conflict of interest cases. This because ambiguities and gaps were identified during the implementation of the Law in its actual form, which hampered the work of ACA, with special emphasis on the exercise of two or more positions/functions at the same time by senior public officials of Kosovo's institutions.⁶¹

56 Ibid.

57 Ibid.

58 See KPI's inspection reports, available at: <goo.gl/6cLKRI>. Accessed 5 October 2016.

59 Article 1, Law No. 04/L-051 on Prevention of Conflict of Interest in Discharge of Public Functions.

60 Ibid, Article 2.

61 Agjencia kundër Korrupsionit. (Mars 2016). Raport Vjetor Janar – Dhjetor 2015. Prishtinë: Agjencia kundër Korrupsionit, f. 1. Qasur më 16 shtator 2016, në: <goo.gl/nsV1eT>. [In English: Anti-Corruption Agency. (March 2016). Annual Report January – December 2015. Prishtina. Anti-Corruption Agency, p. 1. Accessed 16 September 2016, on <goo.gl/nsV1eT>.]



This Law, however, is not in compliance with the Criminal Code of the Republic of Kosovo (Code No. 04/L-082). On the one hand, the Criminal Code defines the conflict of interest by an official person as a criminal offence;⁶² on the other hand, the current Law on Prevention of Conflict of Interest in Discharge of Public Functions regards it only as minor offence, which envisages different fines for officials in conflict of interest.⁶³ In this regard, the current Law on Prevention of Conflict of Interest in Discharge of Public Functions should be amended and harmonized with the Criminal Code regarding the conflict of interest, which considers the latter as a criminal offence.

The Law No. 04/L-050 on Declaration, Origin and Control of the Property of Senior Public Officials and Declaration, Origin and Control of Gifts for all Official Persons was adopted in 2011, and lately amended in 2014. This Law defines obligations of senior public officials to declare their property, revenues and the origin and obligation of ACA to control declared property and origin of property as well as obligations of all public senior officials to declare gifts and the origin of gifts.⁶⁴ This Law, among others, regulates the procedure on declaration and control of property, declaration of revenues and obligations of senior public officials and of their family members and also regulates defined sanctions, as well the procedure on declaration, control and origin of gifts received by all public officials.⁶⁵

Regarding potential cases of conflict of interest of police officers, the ACA annual report for year 2015 does not indicate any case of conflict of interest of senior KP officers.⁶⁶ There are no information of conflict of interest of police officers for year 2016. The issue of conflict of interest seems to be very challenging for the institution of the Kosovo Police. When the risk assessment on corruption phenomena was conducted, KP identified the conflict of interest as a high risk for its officials. Consequently, ACA suggested KP to issue internal regulations to enhance its integrity and prevent cases of conflict of interest within the Police.⁶⁷ However, we do not have information whether KP issued such regulations as a measure to prevent involvement of its police officers in conflict of interest.

Regarding regular annual asset declaration of senior officials for year 2016, the total

62 Article 424 and Article 441, Criminal Code of the Republic of Kosovo, Code No. 04/L-082.

63 Article 20, Law No. 04/L-051 on Prevention of Conflict of Interest in Discharge of Public Functions.

64 Article 1, Law No. 04/L-050 on Declaration, Origin and Control of the Property of Senior Public Officials and Declaration, Origin and Control of Gifts for all Official Persons.

65 Ibid, Article 2.

66 Agjencia kundër Korrupsionit. (Mars 2016). Raport Vjetor Janar – Dhjetor 2015. Prishtinë: Agjencia kundër Korrupsionit, fq. 24-26. Qasur më 16 shtator 2016, në: <goo.gl/nsV1eT>. [In English: Anti-Corruption Agency. (March 2016). Annual Report January – December 2015. Prishtina. Anti-Corruption Agency, p. 24-26. Accessed 16 September 2016, on <goo.gl/nsV1eT>.]

67 Interview with a senior official of the Anti-Corruption agency, 15 February 2016.



number of KP's senior officials required to declare their assets was 54.⁶⁸ This number includes the General Director of KP, two Deputy-Directors of KP, Directors of respective Police Departments, Directors of different directorates that function within the KP, directors of the Regional Police Directorates and other senior officials within KP. There is no information whether any of these senior officials within KP failed to declare their assets for year 2016 or whether they filed false declarations with the ACA. Through a random sample methodology (by drawing a lot), ACA selected several senior officials of public institutions, who will undergo a full control process by ACA based on their asset declaration for year 2016.⁶⁹ In this way, some of KP's senior officials will also undergo this asset control process, including KP's management, some of directors of KP's Regional Police Directorates, as well as some Police departmental directors.⁷⁰

On the other hand, regarding declaration of gifts received by public institutions during 2015, KP received two protocol gifts in 2015, which were declared with the ACA.⁷¹ However, the ACA report does not provide information about the value of those gifts received by KP, and whom it received from.

68 Anti-Corruption Agency – Regular annual declaration 1 – 31 March 2016. Accessed 17 September 2016, on: <goo.gl/Aj4nzG>.

69 See the ACA press release on 16 June 2016, on: <goo.gl/hEgllZ>. Accessed 17 September 2016.

70 Anti-Corruption Agency – The list of senior public officials who will undergo full verification of their assets. Accessed 17 September 2016, on: <goo.gl/KGe9nb>.

71 Agjencia kundër Korrupsionit. (Qershor 2016). Raport – Deklarimi i dhuratave të pranuar nga institucionet gjatë vitit 2015. Prishtinë: Agjencia kundër Korrupsionit, fq. 1-2. Qasur më 16 shtator 2016, në: <goo.gl/RDlylR>. [In English: Anti-Corruption Agency. (June 2016). Report – Declaration of gifts received by institutions during year 2015. Prishtina: Anti-Corruption Agency, p. 1-2. Accessed 16 September 2016, on: <goo.gl/RDlylR>.]



HUMAN RESOURCE MANAGEMENT

Human resource in the Kosovo Police are generally regulated by the Law No. 04/L-076 on Police. Regarding police employees, the Kosovo Police (KP) has the following categories of employees according to the current legal framework: a) police officers who take an oath and have the authority to exercise and perform authorization and police duties; b) civil personnel that provide support and administrative services, but who do not have authority to exercise police authorization; and c) police cadets.⁷² The civilian personnel is part of the Kosovo civil service, while police officers are not civil servants.⁷³ Neither the Law on Police, Law on Civil Servants of the Republic of Kosovo nor the Law on Labor describe the work relationship of the police officers. However, the work relationship of the KP's personnel is regulated through KP's bylaws for the three mentioned categories, including other human resource issues in this institution. Different from other public institutions, KP does not publish its bylaws that regulate various issues of interest to this institution. According to the Police, such documents are not published since they mainly regulate internal issues of the KP. All those wishing to have access to those documents should file their request to the KP as envisaged by the Law on Access to Public Documents.⁷⁴

According to KP's Development Plan 2016-2020, KP will invest in the professionalization and advancement of its human resources. It reads that it will pay specific attention to capacity building, advancement and duty performance by employing the best standards for managing the police personnel, such as through a human resource management system, provision of ongoing trainings and healthcare.⁷⁵ Regarding the professionalization of human resources, the KP put the following objectives: career development of KP's personnel in accordance with their work performance; advancement of the human resource management system in KP; healthcare provision for all employees through an efficient healthcare system, and; enhancing the quality of training programs.⁷⁶

During this period, there were no changes in the legal framework for the management of human resources in KP.

72 Article 44, Law No. 04/L-076 on Police.

73 See Article 3 and Article 4 of the Law No. 03/L-149 on Civil Servants of the Republic of Kosovo.

74 Intervistë me një zyrtar të lartë të PK-së, 18 dhjetor 2015.

75 Policia e Kosovës. Plani Zhvillimor Strategjik 2016-2020, f. 13. Qasur më 16 prill 2016, në: <<http://goo.gl/3w61BX>> [In English: Kosovo Police. Strategic Development Plan 2016-2020, p. 13. Accessed 16 April 2016, on: <http://goo.gl/3w61BX>]

76 Ibid.



Practices and Organizational Structure

The Human Resource Department (HR) of the KP is responsible to implement policies related to human resources and trainings for KP's personnel. According to the KP's rules, HR Department should ensure to recruit KP's personnel according to professional qualifications and merits through a fair and transparent competition. In this regard, the scope of work of the HR Department includes provision of an efficient system for the career management and development of all police personnel. According to its job description, this department should also guarantee non-discriminatory policies for the police staff at all levels, including a fair gender-balanced representation and a reflection of Kosovo's multi-ethnic character.⁷⁷

KP's human resources were built, supported and consolidated by the international community in Kosovo (United Nation Mission in Kosovo – UNMIK), which had a decisive role in this institution since its establishment (1999) to the declaration of Kosovo's Independence (2008). Development of human resources continued also after local institutions were delegated the management competences. Therefore, KP is constantly reforming itself regarding police officers' trainings and institutional development⁷⁸ to ensure a good institutional governance and strengthen police integrity

KP is listed among the public institutions with the highest number of employees, almost 9,000. Therefore, more than half of KP's budget goes to salaries. According to the table below, the total number of KP's employees is 8,981, out of them 7,885 or 88 percent are police officers under the uniform, while 1,096 or 12 percent are civilian staff.

Table 1 : Number of employees (uniformed officers and civilian staff) in the Kosovo Police⁷⁹

Personnel	Number	Percent
Police Officers	7,885	88%
Civilian Staff	1,096	12%
Total	8981	100%

77 For more details about this Police department, see: <<http://goo.gl/sZIGmN>>. Accessed 15 September 2016.

78 Transkript nga dëgjimi publik i Komisionit për Punë të Brendshme, Siguri dhe Mbikëqyrje të FSK-së, 15 dhjetor 2015, f. 9. Qasur më 15 shtator 2016, në: <<http://goo.gl/qqXmB8>> [In English: Transcript from the public hearing of the Committee on Internal Affairs, Security and Supervision of KSF, 15 December 2015, p. 9. Accessed 15 September 2016, on: <<http://goo.gl/qqXmB8>>.]

79 Policia e Kosovës – Drejtoria për Planifikim Strategjik dhe Çështje Ligjore. Raporti vjetor i punës së Policisë së Kosovës 2015, f. 6. Qasur më 17 shtator 2016, në: <goo.gl/H2HvXk>. [In English: Kosovo Police – Directorate of Strategic Planning and Legal Affairs. Annual report of the work of the Kosovo Police 2015, p. 6. Accessed 17 September 2016, on <goo.gl/H2HvXk>.]



Regarding gender representation in KP, 86 percent of the employee are men, while only 14 percent are women. However, according to current legal framework, all public institutions are required to have an equal 50/50 gender-balanced representation.⁸⁰

This measure of gender representation would be difficult to be implemented having in mind that there is a huge gap of gender representation, specifically in the security sector of Kosovo. Furthermore, there is a skepticism whether this legal provision would be implemented since employees are already working for public institutions, including KP.⁸¹ However, KP may increase the number of women in KP during the recruitment of new police officers as a result of early retirement of some police officers.

Table 2: Number of Kosovo Police personnel by gender representation⁸²

Personnel by gender	Number	Percentage
Men	7729	86%
Women	1252	14%
Total	8981	100%

According to the following table, ethnic minorities in Kosovo are represented in the Police institution. In this regard, 7,521 KP employees or 84 per cent, including civilian staff and uniformed officers, belong to the majority Albanian population of Kosovo. And 1,460 employees or 16 percent belong to ethnic minorities in Kosovo, including Serbs, Bosniaks, Turks, Roma, Ashkali, Egyptian and other ethnic minorities.

Table 3: Number of Kosovo Police personnel by ethnic representation⁸³

Personnel by ethnicity	Number	Percent
Albanian	7521	84%
Minorities	1460	16%
Total	8981	100%

80 Article 6, Law No. 05/L-020 on Gender Equality.

81 Interview, Hilmi Jashari, Ombudsperson, 25 March 2016.

82 Policia e Kosovës – Drejtoria për Planifikim Strategjik dhe Çështje Ligjore. Raporti vjetor i punës së Policisë së Kosovës 2015, f. 6. Qasur më 17 shtator 2016, në: <goo.gl/H2HvXk>. [In English: Kosovo Police – Directorate of Strategic Planning and Legal Affairs. Annual report on the work of the Kosovo Police 2015, p. 6. Accessed 17 September 2016, on <goo.gl/H2HvXk>.]

83 Ibid.



Main Challenges

Although KP in 2016 had a relatively high budget in the amount of 85,479,000 Euros,⁸⁴ however, this budget was lower than the budget for year 2015, which was 89,470,530 Euros.⁸⁵ It was reduced for about 4 million, or approx. 5 percent, compared to that of year 2015. Reduction of KP's budget found the Government of Kosovo under harsh criticism by experts of security issues and KP officers. According to them, this may negatively impact the internal reform process within the KP. According to them, KP needs urgent investments to strengthen its technical and professional resource capacities.⁸⁶ Senior KP officials expressed their concern that the reduction of KP budget for year 2016 will make it harder for KP to achieve its objectives, such as supply of official police uniforms, retirement process of police officers, recruiting new police staff, the operations of the Directorate for the Protection of Witnesses and other issues.⁸⁷

Another challenge is the average age of Kosovo's police officers, which is 43. More than 4,000 police officers in Kosovo are above 40 percent, 2,091 are above 46, while about 1,000 are of 55 years old.⁸⁸ This opens up the opportunity for early retirement of police officers and, at the same time, reforming KP's human resources.

As a consequence of early retirement reforms, more than 1,000 police officers are expected to retire. The Draft Law on the Retirement of Police Officers of the Kosovo Police and Employees of the Kosovo Police Inspectorate with Police Authorization has been developed. This draft law envisages the early retirement for the employees of both these two institutions, specifying that officers with police authorizations enjoy the right to regular retirement when they achieve the age of 55.⁸⁹ However, this draft law, which was drafted by MIA, KP and KP union, has not been approved by the Government and consequently has not gone through any parliamentary procedure for

84 Revised budget of the Republic of Kosovo for year 2016, Table 2: Summary of Budget Allocations (In Euro) and Table 3.1: The Revised Budget for the Central Level (in Euros), Law No. 05/L-109 on amending and supplementing the Law No. 05/L-071 on the Budget of the Republic of Kosovo for the year 2016.

85 Policia e Kosovës – Drejtoria për Planifikim Strategjik dhe Çështje Ligjore. Raporti vjetor i punës së Policisë së Kosovës 2015, fq. 17. Qasur më 17 shtator 2016, në: <goo.gl/H2HvXk>. [In English: Kosovo Police – Directorate of Strategic Planning and Legal Affairs. Annual report on the work of Kosovo Police 2015, p. 17. Accessed 16 September 2016, on: <goo.gl/H2HvXk>.]

86 Emisioni Puls, "Kush po e rrezikon sigurinë?", KohaVision (KTV), 21 mars 2016. Qasur më 17 shtator 2016, në: <goo.gl/rfxWE0>. [In English: TV Program Puls, "Who is threatening the security?" KohaVision (KTV), 21 March 2016. Accessed 17 September 2016, on: <goo.gl/rfxWE0>.]

87 Meeting minutes of the parliamentary Committee on Internal Affairs, Security and Supervision of Kosovo Security Force, 20 November 2015, p.4. Accessed 17 September 2016, on: <goo.gl/aQYxll>.

88 See: <goo.gl/EQMyUV>. Accessed 17 September 2016.

89 Article 6, Draft Law on Retirement of Police Officers of the Kosovo Police and Employees of the Kosovo Police Inspectorate with Police Authorizations.



further approval. Meanwhile, the parliamentary Committee on Internal Affairs, Security and Supervision of the KSF recommended the Government to allocate a budget for the implementation of this draft law once it becomes effective in order to improve the average age within the KP.⁹⁰

After their early retirement, police officers will receive 60 percent of their gross salary for which an agreement was reached between KP, MIA and the KP Union.⁹¹ In this regard, expectations are that about 1,000 police officers will retire, and 1,000 others will be recruited once the legislation on early retirement of police officers becomes effective. Regarding recruitment, respectively employing police officers, KP should pay special attention to ensuring a fair and transparent process for the recruitment of police officers. This is necessary to avoid any issues of nepotism or conflict of interest during this complex process for the reformation of KP's human resources.

Another challenge for the Kosovo Police is the lack of a health insurance scheme. This issue was not regulated by the Government of Kosovo. Although current legislation provides for social security of police officers, the Government has not allocated any budget for social security of the police officers. A health insurance scheme for the police officers is expected to start being implemented from January 2017. In this regard, the Police Union met with the Ministry of Health to find ways for implementing a health insurance scheme for the police staff.⁹² KP Union notified that collection of contributions for the health insurance fund of the police officers has started since July 2016. The contribution to the health insurance fund will be 7 percent of the base salary of police officers, where 3.5 percent will be paid by the employee, and 3.5 percent by the employer.⁹³ However, we do not have information whether this is being implemented.

In addition to lack of health insurance, Kosovo police officers do not enjoy life insurance either in cases of loss of life or disability while performing their official duties. This type of insurance is necessary for any police officer due to serious injuries and wounds they may receive while on duty. Lacking life insurance, police officers suffering any injuries while performing their official duties do not receive any compensation for such injuries, except that they receive medical assistance for the treatment of their injuries.⁹⁴

90 Meeting minutes of the parliamentary Committee on Internal Affairs, Security and Supervision of Kosovo Security Force, 22 December 2015, p. 3. Accessed 15 September 2016, on: <goo.gl/XmigBY>.

91 Ibid.

92 See: <goo.gl/3eLZ7T>. Accessed 15 September 2016.

93 Ibid.

94 Interview, Kreshnik Gashi, Editor at BIRN (Ballkan Investigative Reporting Network), 3 April 2016.



FINANCIAL MANAGEMENT

Public Procurement

The public procurement sector in Kosovo is regulated by the Law on Public Procurement, which has undergone through constant amendments. This law was constantly criticized for being non-compatible with the circumstances, and that it had become an obstacle for the well-functioning of the public procurement activities. Similar to other public institutions in Kosovo, KP follows this law for public procurement activities. The new amendments in the Law on Public Procurement in 2016 define, for the first time, when the rules of this law shall apply for contracts in the area of defense and security. Having in mind the sensitivity of the defense and security sector, there are cases when specific procedures of public procurement for specific types of contracts are applied, i.e. rules of the Law on Public Procurement are not followed. In this regard, the law shall not apply with regard to the supply of various equipment, and for the procurement of sensitive works and services. The Law shall not be applied with regard to the supply of military equipment either.⁹⁵

In this context, the Government of Kosovo should approve a Regulation for defense and security purposes, but such regulation has not been approved yet. Cases when the amended Law or the Regulation shall not apply include contracts where disclosure of information is in contrary to the essential interests of its security,⁹⁶ and in some other cases. For these situations, other specific public procurement rules shall be followed. The amendment to the Law on Public Procurement were made as a result of the European Union requirement to harmonize the Law with the EU legislation, respectively with the Directive No. 2009/81/EC⁹⁷ on the procurement of contracts in the fields of defense and security.

Reports for irregularities and weaknesses during the tendering process under the public procurement activities of the KP were also recorded during this reporting period. In this regard, the Procurement Review Body (PRB) took 13 decisions in 2016 based on complaints filed by economic operators regarding specific tenders related to the Kosovo Police.

95 Article 3, Law No. 05/L -068 on amending and supplementing the Law No. 04/L-042 on Public Procurement in the Republic of Kosovo, amended and supplemented by the Law No. 04/L-237.

96 Ibid.

97 See: <goo.gl/UsM0V1>. Accessed 15 September 2016.



Decisions by the PRB in 2016 for the public procurement of the KP showed that some of the complaints filed by the economic operators were rejected on false grounds, either by declaring them non-responsive bidders, or because they had not met the tender requirements as requested by the KP.⁹⁸

In addition to PRB, the OAG had also noticed deficiencies in regard to respecting public procurement rules by the Kosovo Police. During the period of January – December 2015, OAG found that KP had 19 active contracts, awarded through an open procurement procedure, for the maintenance of its vehicles. However, in 2015, KP awards 15 additional contracts through the price quotation procedure in the amount of 35,695 Euros, and avoiding open procurement procedure. KP justified its action due to the diversity of vehicles it possesses. However, OAG, in its audit report, assessed that KP had developed a weak procurement plan.⁹⁹ Furthermore, this procurement procedure was seen as dangerous as it harms competition and questions the quality of services received against the value of the money spent. Consequently, OAG had recommended the Minister of Internal Affairs jointly with the KP General Directors to ensure that the Procurement Office of the KP should make careful analysis during the planning process so that requests for similar services should be tendered using the framework contract procedure in order to avoid awarding contracts with price quotation procedure.¹⁰⁰

Weaknesses were also reported regarding implementation of specific KP projects, where economic operators delayed the completion of works contracted. The completion of the contract “Building the Warehouse for the Storage of Hazardous Materials in the Vrella Camp in KP” in the amount of 29,928 Euros was delayed for 137 days, while the awarded contract specified that the completion period would be no more than 30 calendar days. The completion of the other contract “Supply and Mounting of Doors with Sensors and the Installation of Emergency Stairs in the KP Administration Building” in the amount of 9,182 Euros was delayed for 22 days. Delays happened also during the renovation of a room in the Regional Police Directorate in Ferizaj in the amount of 25,370 Euros. The economic operator had 75 calendar days to complete the work, while he completed it with 115 days of delay.¹⁰¹ These delays were classified by

98 For more information, see PRB’s decisions on KP’s public procurement activities: <goo.gl/U04Qw1>. Accessed 15 September 2016.

99 Zyra e Auditorit të Përgjithshëm. (Qershor 2016). Raporti i auditimit për pasqyrat financiare të Ministrisë së Punëve të Brendshme për vitin e përfunduar më 31 dhjetor 2015, f. 17. Nr. i Dokumentit: 21.16.1-2015-08. Qasur më 16 shtator 2016, në: <goo.gl/wfe9m8>. [In English: Office of Auditor General. (June 2016). Audit Report on Financial Statements of the Ministry of Internal Affairs for the year ended on 31 December 2015, p.17. Document No.: 21.16.1-2015-08. Accessed 16 September 2016, on: <goo.gl/wfe9m8>.]

100 Ibid.

101 Ibid, pp. 18-19.



OAG as medium risk, which may prevent the efficiency of KP' operations to achieve its objectives. Also, failure of contract completion may increase budget obligations towards the end of fiscal year, which may also end up as obligations for the next fiscal year budget.¹⁰² Therefore, OAG, in its report on financial statements of the MIA, recommended to the Minister of Internal Affairs and KP General Director to respect the deadlines for contract completion by strengthening the control over the planning process, monitoring and implementation of capital project through a careful analysis of potential risks and obstacles in contract completion.

In addition to delays in contract completion, delays were also recorded in the execution of payments to economic operators by the KP, thus failing to meet legal deadlines.¹⁰³ According to OAG, delays of KP to execute payments to economic operators may increase the risk for additional compensations. Furthermore, this increases the risk of failure in payment execution due to the lack of budget, thus carrying over the obligations to the next budget year.¹⁰⁴ Therefore, OAG recommended that KP should regularly supervise its budget execution process and pay invoices within legal deadlines.

Another weakness noticed in KP's public procurement activity relates to the irregular payment certification. OAG data show that KP's weak planning may increase the risk for higher invoice amounts than what initially was planned for that specific purpose. Therefore, OAG recommended that KP applies additional control to requesting units so that their requests are better structures, clearer and more accurate. Specifically, the certifying officer was recommended to control all payments to verify whether they are in compliance with the awarded contract.¹⁰⁵

In meantime, three KP's tenders were investigated by the Kosovo Police Inspectorate (KPI) in 2015: supply with uniforms for KP, construction of facility K9, the tender on renovation of a firearms training facility. There is no information about further development of those investigations and whether irregularities were found during the public procurement activities for those cases.

Since 2012, a significant number of KP vehicles are waiting to get repaired or maintained. There are 131 vehicles in the parking lot of the KP, or 10 percent of all vehicles that KP owns, which have remained unrepaired. This is due to lack of reserve parts,

102 Ibid, p. 19.

103 Ibid, p. 20.

104 Ibid.

105 Ibid, p. 21.



shortages in staff, and the age of those vehicles.¹⁰⁶ This challenge was identified as high priority risk by OAG. OAG invited the Minister of Internal Affairs and the General Director of the KP to review the reasons why this matter was not addressed until then. Also, OAG recommended KP to implement additional measures to strengthen the control over this unit so that defects of KP vehicles are identified and repaired in an efficient way and long waiting lists are avoided. This would ensure efficient use of KP vehicles.¹⁰⁷

106 Zyra e Auditorit të Përgjithshëm. (Qershor 2016). Raporti i auditimit për pasqyrat financiare të Ministrisë së Punëve të Brendshme për vitin e përfunduar më 31 dhjetor 2015, f. 28. Nr. i Dokumentit: 21.16.1-2015-08. Qasur më 16 shtator 2016, në: <goo.gl/wfe9m8>. [In English: Office of Auditor General. (June 2016). Audit Report on Financial Statements of the Ministry of Internal Affairs for the year ended on 31 December 2015, p.28. Document No.: 21.16.1-2015-08. Accessed 16 September 2016, on: <goo.gl/wfe9m8>.]

107 Ibid.



RECOMMENDATIONS

- ▶ Kosovo Assembly should be more active, and should play a bigger role in the democratic supervision of the Kosovo Police. The Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force should invest in its professional human resources by hiring experts to conduct meaningful parliamentary supervision of the security sector, specifically of the Kosovo Police. Current human resource capacities of the Committee are insufficient to oversee KP's financial expenditure, and the implementation of the legislation for the Kosovo Police. On the other hand, Kosovo Police should address the Committee's recommendations regarding implementation of the Law on Police.
- ▶ Police officers and civilian staff within the Police should be encouraged to report any case of their human right violations with the institution of the Ombudsperson. Police employees that exercise their right to file a complaint for their violation of human rights should not become target of discrimination, victimization or revenge by their superiors within the Police.
- ▶ Kosovo Police should address the recommendations of the Office of Auditor General regarding expenditure and financial control as identified in the audit annual reports.
- ▶ Kosovo Police, in collaboration with the Ministry of Internal Affairs, should develop an Integrity Plan for the professional development of the Police institution. Such a plan should aim to prevent and combat abuse practices within the Police, including bribes or police corruption. This plan:
 1. Should prevent and fight abuse of finances and budget of the Kosovo Police, especially in regard to potential misuse during public procurement activities in the Kosovo Police.
 2. Should pay special attention to prevention of abuse of official position by the police staff during their performance of official duties.
 3. Should enhance the internal control and disciplinary mechanisms of the Kosovo Police. They should be independent from the management level of the Kosovo Police in order to meet the above-mentioned objectives and be able to implement the Integrity Plan and fight police corruption.
- ▶ Internal control mechanisms of the Kosovo Police, and police officers themselves, should be encouraged to report police officers, including higher management



levels, when they suspect that they have committed any criminal offence. Therefore, internal KP's mechanisms, including those of the Investigation Department on fighting corruption and organized crime within the Kosovo Police, should be strengthened.

- ▶ Kosovo Police Inspectorate should be more active in supervising the Kosovo Police, specifically police officers with higher ranks and those at the management level of the Kosovo Police. It should also investigate and inspect regularly different activities of the Kosovo Police.
- ▶ The Draft Law on the Retirement of Police Officers of the Kosovo Police and Employees of the Kosovo Police Inspectorate with Police Authorizations should be adopted in order to start with the early retirement process of police officers. Kosovo Government should allocate sufficient funds in 2017 to implement the plan for early retirement of police officers. Kosovo Police should plan and prepare for necessary reforms of its human resources, for recruitment of new police officers by ensuring equal and fair competition for all candidates interested to work for the Kosovo Police.
- ▶ At the beginning of 2017, the Government of Kosovo should allocate a budget to implement the health insurance scheme of all police employees and life insurance scheme in case of loss of life or disability while performing their official police duty. In this regard, the Police management and Kosovo Police Union should insist to have both insurance schemes implemented for the benefit of the Police employees.
- ▶ Kosovo Police should follow all legal provisions as defined by the Law on Public Procurement regarding preparation of tender documentation. During public procurement activities, Kosovo Police should not impose limitations to reduce the participation of economic operators in a procurement activity, which has happened many times so far. Kosovo Police should ensure a fair and equal process for all economic operators.
- ▶ Kosovo Police should exercise a meaningful supervision of economic operators while they perform contracts or project to ensure they respect the deadlines envisaged in the awarded contracts. Contract completion deadlines should be respected in order for the Police to meet its objectives and perform police operations efficiently. In cases of delays in contract performance, Kosovo Police should impose fines against economic operators that perform unsatisfactorily.



- ▶ Kosovo Police should better manage its own assets, especially its own vehicle fleet. The large number of unrepaired vehicles, a total of 131, shows that KP needs a better asset management system. In addition, causes for such a long waiting period for its vehicles to get repaired or maintained should be identified.
- ▶ The current Law on Prevention of Conflict of Interest in Discharge of Public Functions should be harmonized and become compliant with the Criminal Code of the Republic of Kosovo regarding the issue of conflict of interest. The Law should define the conflict of interest as a criminal offence (as it is defined by the Criminal Code), and not as a minor offence.
- ▶ Despite declaration of assets and gifts by senior officials of the Kosovo Police before the Anti-Corruption Agency, it is still unknown to what extent that information is accurate. Therefore, the Anti-Corruption Agency should verify the accuracy of information received from the Kosovo Police regarding asset declarations.

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