



# **CORRUPTION – WHAT IS YOUR STORY?**

DECEMBER 2015





# CORRUPTION – WHAT IS YOUR STORY?

**SUMMARY OF ACTIVITIES  
OF ADVOCACY AND LEGAL  
ADVICE CENTRE WITH  
RECOMMENDATIONS FOR  
INSTITUTIONS**



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# INTRODUCTION

Irrespective of little progress in reducing corruption, Kosovo is still at an early stage of fighting this phenomenon. The lack of priority of the State to address corruptive practices, lack of sentences about corruption of senior public officers, lack of political will, political interference, as well as non-cooperation among institutions, have created a non-punishing environment of corruptive practices in Kosovo.

Public procurement still remains a critical point where public funds are passed illegally to senior officials, who are closely tied to leading institutions for private benefits. A weak judiciary has not contributed to addressing this situation.

Corruption continues to directly affect life of citizens. High unemployment rate is a consequence of lacking investments, which during 2015 remained far from Kosovo, precisely because of corruption and judiciary's reluctance to guarantee rule of law. Visa liberalisation is also tied to processes related to rule of law and combating corruption in Kosovo.

KDI's Advocacy and Legal Advice Centre motivates active involvement of citizens in combating corruption, offering simple and reliable mechanisms so that they actively reject corruption, searching for solutions. To this end, KDI ensured free of charge line\* in the phone number 0800 77 777, where citizens can report cases, as well as email [info@kdi-kosova.org](mailto:info@kdi-kosova.org). After reporting, legal advisor contacts citizens and they review cases together, compiling them into an appropriately legal-based format and forwarding them to proper institutions. This process helps in identifying legal and practical gaps in the system, which later on serve as basis to offer recommendations to address those weaknesses.

It is encouraging to note the fact that in difficult efforts to combat corruption, there is no lack of will among

citizens to collaborate. Despite the fact that they are reluctant to make their identity public, which is a result of lacking trust on judiciary, 35 cases were reported during half a year.

This report highlights some of the reported cases in public institutions and it offers recommendations to remedy the situation in those institutions. At the same time, it mentions some activities organized with the Centre.

\* only from Vala mobile operator during  
Monday through Friday (09:00-17:00)



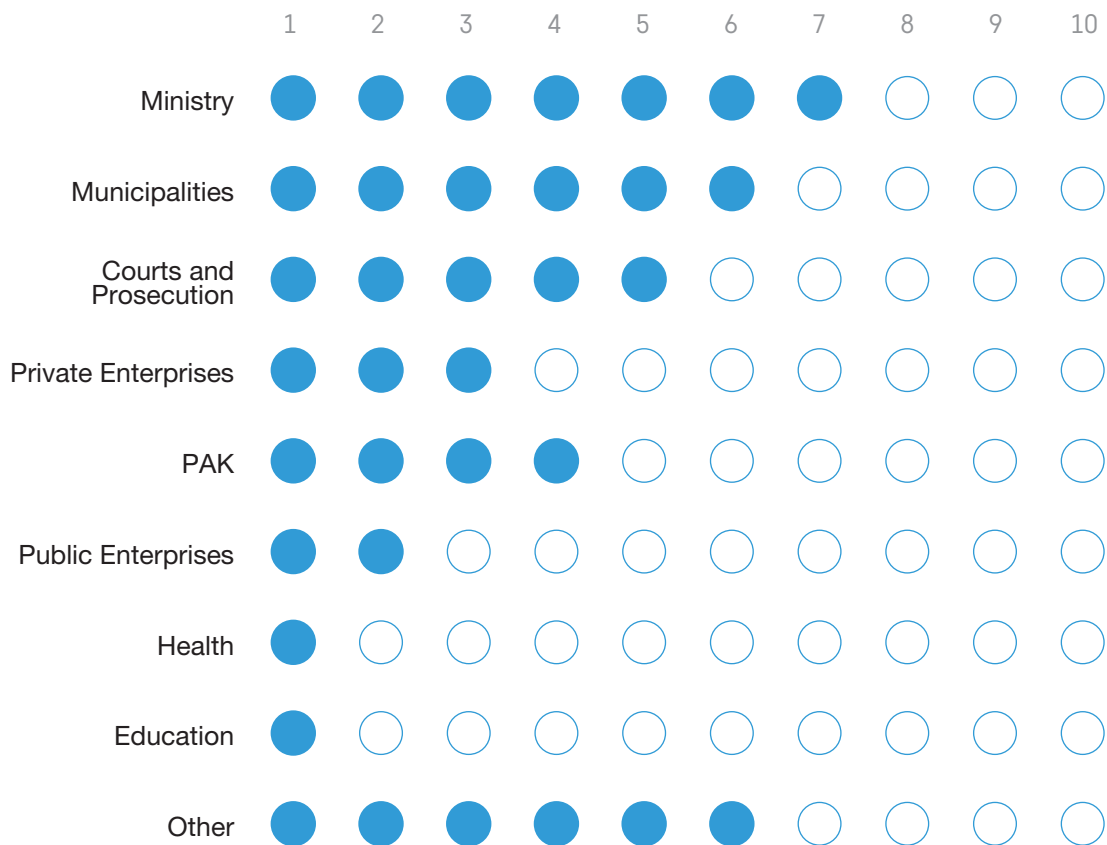
# REPORTED CASES

Corruption Perception Index <sup>1</sup> that is published by Transparency International ranks Kosovo as 110th with regard to corruption rate. Irrespective of high corruption perception rate and sensitivity of each of

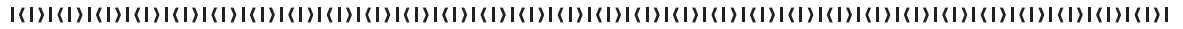
us regarding this, citizens continue to hesitate to denounce cases, mainly due to lacking trust on judiciary. The 35 cases reported during this service belong to the scope of the following institutions:

1 <https://www.transparency.org/cpi2014/results>

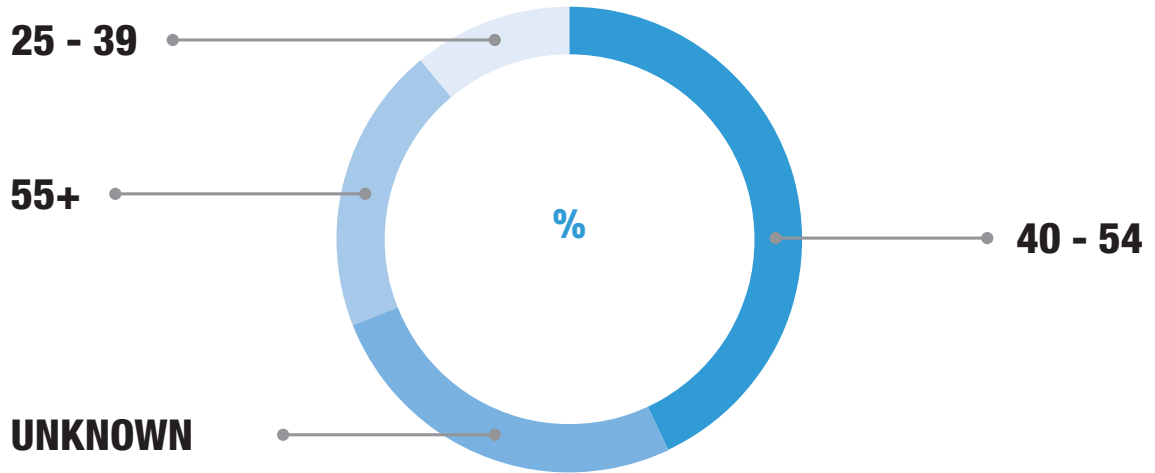
## ▼ SECTOR







▼ ACCORDING TO AGE OF THOSE WHO REPORTED CASES, WE HAVE THE FOLLOWING BREAKDOWN:



▼ ACCORDING TO GENDER OF THOSE WHO REPORTED CASES, THE FOLLOWING IS THE BREAKDOWN:

**65.7%**  
(23 cases)



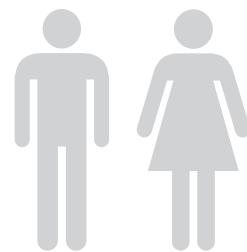
**MEN**

**14.3%**  
(5 cases)



**WOMEN**

**20.0%**  
(7 cases)

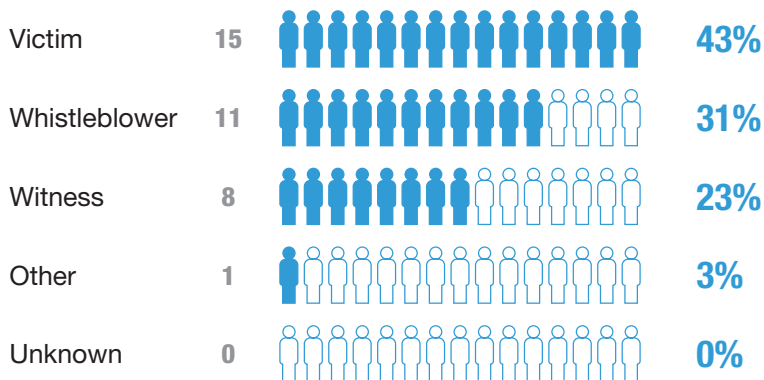


**UNKNOWN**





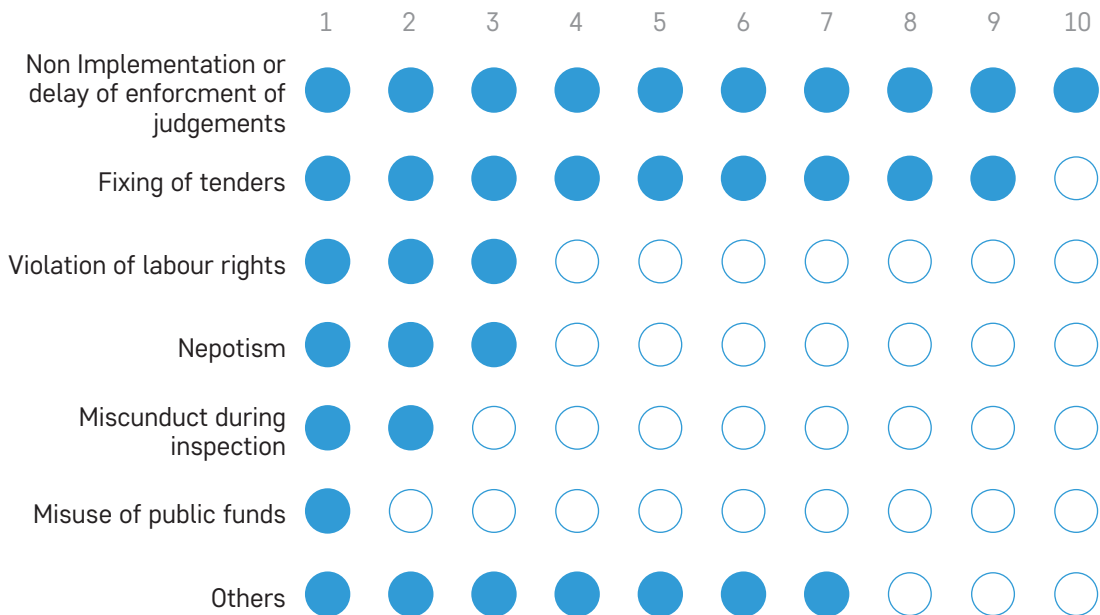
▼ **WITH REGARD TO INVOLVEMENT IN THE CASE, E.G. AS A VICTIM, WITNESS, WHISTLEBLOWER, ETC., THE FOLLOWING WAS THE BREAKDOWN:**



Regarding the nature of reported cases, lack of enforcement or prolongation of court decisions was the leading aspect, followed by tender set ups by local

and central institutions. Violation of employment rights and nepotism in recruitment of new staff members was also at high rate.

▼ **THE FOLLOWING GRAPH SHOWS THE NATURE OF REPORTED CASES:**



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## 1) CASES AT MINISTRY OF ECONOMIC DEVELOPMENT (MED)

All reported cases about potential abuses at this Ministry pertain to tender set up for services rendered to this Ministry. The complaints were about the practice of quoting, through which conditions were created so that the tender was won buy the winner who “met” the requirements. For these cases, on: 24.07.2015, legal officer addressed MED with a request for access to public documents to further analyse the reported case. Two of the reported cases were under investigations of the Kosovo Police, and access was not granted. What was observed at this Ministry and others was that procurement announcements through quoting procedure are not public. Even though this is not against the law, such practices exclude other economic operators from the applying for those tenders. Also, the amount of the contracts is very close to the upper allowed limit that the law allows for this type of procurements (with amounts of 9,725, 9,860 and 9,900 Euros each).

*Conclusion:* All these tenders are under investigations. KDI actions for further research are limited. Results from investigations will be monitored and followed up in case there is an indictment as a result of reported cases. The trend of procurement through quoting procedure is growing and in 2014 it reached the total amount of 21.8 million Euros.

## 2) MINISTRY OF PUBLIC ADMINISTRATION (MPA)

A reported case about this ministry was a result of suspicion for a quote-based contract set up, making it possible for one specific economic operator to win the contract. In order to verify allegations of the accuser, the legal officer made a request to access public documents on 14.08.2015. After lacking response, the officer also made the request in different address on

11 and 23 September, and 6 October, and he tried to reach them via phone as well, but he still did not receive a response.

Against this ministry, there was another case of the same nature, where the winner of a tender was set up, where according to the reported, the amount of the tender was under 10,000 EUR, and the difference in price between the winner and the next bidder was only 65 EUR. The same as in the first case, were requested access to public documents, but we did not receive a response.

Since all internal MPA opportunities were tried, and there was no response to our requests, then on 20 November, we addressed Ombudsperson Institution for both cases. Within 6 days, were received the confirmation that the complaint was grounded, and that the request was registered with no. 624/2015 in the database of the institution. The same written notice informed us that we would be notified about investigations regarding the case.

*Conclusions:* In cases when we did not find a response in first attempts, we did not give up on our requests, continuing to search for solutions at higher levels and institutions, as this case shows, with requests submitted to Ombudsperson Office.

## 3) UNIVERSITY OF PRISHTINA (UP)

During recruitment of new academic staff members at UP, at Faculty of Philosophy, Department of Political Sciences, we received a call about suspicion for nepotism involved in the process, i.e. hiring a spouse (without marriage) of one of the interview panel members. KDI contacted competent officials asking for explanations about the case, where the names of those involved in nepotism were mentioned. Director of Service for academic issues at the Public University of Prishtina – at the Rectorate, replied stating that all

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facts would be taken into consideration, and that all legal issues would be put in place. Immediately after this action, a decision was made to amend recruitment procedure, and this will be done based on the UP Statute for each Faculty.

*Conclusion:* Citizen dissatisfaction as a result of unfair decision in institutions such as UP may result in changing an entire process, which will not only stop the main case, but which will also prevent many potential similar cases in the future.

## 4) KOSOVO PRIVATISATION AGENCY (KPA)

A number of reports were received against this Agency from former employees of Pipeline Factory in Ferizaj, who complained about the injustice against them with the decision to privatise the factory and to lay off employees. KDI legal officer asked for explanations from KPA, with regard to non-enforcement of the final verdict no. C.nr.340/2001 issued on 11 January 2002 by Municipal Court in Ferizaj, non-enforcement of the verdict of the Constitution Court Ref. No.: AGJ 75/10, with case number KI 08/09 dated 17 December 2010, and decision of the Assembly of the Republic of Kosovo No. 04-V-799 dated 19 March 2014, on fulfilling all rights from the employment relation since 19.02.1990 to 01.05.2001 for 912 creditors (employees) of Pipeline Factory in Ferizaj.

The case has received decisions from all court instances, but they are not implemented since KPA board was not established by the Assembly.



# OTHER ACTIVITIES

## PROMOTION OF LAW ON PROTECTION OF WHISTLEBLOWERS

Another problem which to a large extent impedes the fight against corruption is non-implementation of the Law 04/L-043 on protection of corruption informants. The law aims to promote officials who report illegal actions in institutions, without consequences for them. In August 2015, KDI together with Civil Society Organizations and activists of Freedom of Speech sent a letter to senior state institutions to take action to encourage whistleblowing and protection of whistleblowers in Kosovo.

The reaction was a result of the case when in August 2015, a whistleblower and a former staff member of ProCredit Bank Mr. Abdullah Taçi was sentenced to 5,000 Euros in fines since he had retrieved bank information that raised suspicions about director of education directorate in Prizren Mr. Nexhat Çoçaj who allegedly benefited illegally from the budget of the municipality of Prizren. After publication of this information, Mr. Çoçaj was sued for abuse of office position, who, among else, is suspected of paying loan instalments and rent with the abused funds.

KDI in cooperation with other civil society members organized a performance called “walking and whistling” in support of corruption whistleblower, Abdullah Taçi. The activity was a continuation of civil society activities to oppose the practice of intimidating citizens and as a solidarity act for Abdullah Taçi.

## 9 DECEMBER, INTERNATIONAL ANTI-CORRUPTION DAY

The course of activities also includes 9 December, The International Anti-Corruption Day. During this day, the recommendations placed on congratulations cards for a year without corruption were distributed to the following institutions:

- ▶ Prime-minister
- ▶ Kosovo’s Prosecution Council
- ▶ Kosovo’s Judicial Council, and
- ▶ Kosovo Assembly Members.





The day was marked symbolically by announcing winners of the photo competition #fajikorrupsionit (#becauseofcorruption), organized by KDI in cooperation with UNDP. This competition aimed at showing destructive effects of corruption. More than 100 persons participated in the competition, posting over 130 photos in social networks such as Facebook, Twitter, Instagram with hashtag #fajikorrupsionit (as well as in other languages #becauseofcorruption or #zbogkorupcije). On this day, 20 best photos based on the give-member panel (including journalists, professional photographers, and KDI and UNDP



As a teacher at music school in Gjilan, it is hard to take pictures of children collecting waste. They asked me not to publish these photos, but I cannot help but publish the bitter reality and severe conditions they are experiencing”.

representatives) were exhibited. All exhibited photos had their powerful messages, which were best described by Arbër Elezi, one of the winners, when he said “As a teacher at music school in Gjilan, it is hard to take pictures of children collecting waste. They asked me not to publish these photos, but I cannot help but publish the bitter reality and severe conditions they are experiencing”. The same message was shared by Shpëtim Dulaku as well, who won the first award of the competition: “I practice with these youth three times a week, and this is what we face with for a long time now”.



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# RECOMMENDATIONS

The work of our organization so far, and of our Centre more specifically, assures us that our recommendations will have the adequate effects.

## ON PUBLIC PROCUREMENT THROUGH QUOTING

Considering the continued trend of spending budget through “quoting”, as a form of procurement, KDI recommends contracting authorities, such as Ministry of Economic Development, Ministry of Public Administration, and other institutions, to publish on Public Procurement Regulatory Commission (PPRC) website or their websites announcements for such activities.

We also recommend that the amount allowed for procurement through quoting is reduced from 10,000 Euros to 5,000 Euros.

## ON CONFLICT OF INTEREST IN RECRUITMENT

Full implementation of the Statute of the University of Prishtina, together with withdrawal of panel members who are in conflict of interest would improve this situation.

Also, in a longer term view, it is required to improve normative provisions on prevention of conflict of interest by specifying them for cases of such officials.

## ON ENFORCEMENT OF COURT DECISIONS (THE CASE OF PIPELINE FACTORY)

The case of Pipeline Factory in Ferizaj is not the only one of the kind in Kosovo, since there are other similar cases in Kosovo. Therefore, we recommend to the Assembly to give priority to operationalization of the board in order to unblock this issue that has been going on for years. For preventing such cases, KPA must clearly define the fate of employees of enterprises that will be privatised.

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**THIRR  
MOS U VONO**

**0800 77 777**

**KORRUPSIONI PAMUNDËSOHET  
KUR RAPORTOHET**

KDI is a non-governmental organization (NGO) committed to support development of democracy through civic engagement in public policy-making and empowerment of civil society sector with the goal to affect the increase of transparency and accountability of public institutions.

For more information on KDI, please visit: [www.kdi-kosova.org](http://www.kdi-kosova.org)

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