


POLICY ANALYSIS ON INSTITUTIONAL MECHANISMS IN THE FIGHT AGAINST CORRUPTION IN KOSOVO

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This paper is prepared by Kosova Democratic Institute (KDI), a member of Transparency International, with the assistance of the European Union (EU), and generous support of the United Nations Development Programme (UNDP) and Swiss Agency for Development and Cooperation (SDC) in Kosovo. The contents of this publication are the sole responsibility of KDI and in no way be taken to reflect the views of EU, UNDP and SDC.



This project is funded by
the European Union.



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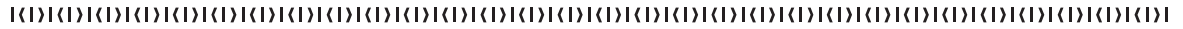
POLICY ANALYSIS ON INSTITUTIONAL MECHANISMS IN THE FIGHT AGAINST CORRUPTION CORRUPTION IN KOSOVO

This paper offers an overview of the institutional inability to fight corruption, the policy alternatives to deal with it, and some references on the best option. It examines the contents of anti-corruption laws and their application in practice. It is concerned with criminal offences and sanctions, procedural rules and institutional mechanisms as needed to combat corruption (*curative approach*). This aspect deals with corruption *ex-post* instead of *ex-ante* while the latter consists of rules and norms of good behavior (e.g. codes of ethics) which are used more as a preventive measure to combat corruption.¹ To the assessment of Kosova Democratic Institute (KDI), the legislation pertaining to corruption is largely in place although in practice it

lags behind in terms of implementation. Legal reforms thus far have served more as a *façade* for political leaders to display their efforts in repudiating corruption, while practical actions to support such efforts have not been observed. The scattering approach of establishing multiple and ineffective anti-corruption institutions proves that the political elite is not interested to fight corruption. This paper calls for a policy action to change the *status quo* in simplifying the current anti-corruption institutional mechanisms and strengthening the judicial system, in particular, making the state prosecutor more independent and competent.

¹ KDI is to publish a separate policy paper on preventive measures of combating corruption in the justice system.





KEY WORDS

- ACA** → Anti-Corruption Agency
- EULEX** → EU Rule of Law Mission
- ICAC** → Independent Commission against Corruption of Hong Kong
- KDI** → Kosova Democratic Institute
- KJC** → Kosovo Judicial Council
- KPC** → Kosovo Prosecutorial Council
- NIS** → National Integrity System
- TI** → Transparency International
- UNDP** → United Nations Development Program





1. WHAT IS THE PROBLEM?

In Kosovo, corruption remains one of the top priority issues besides unemployment and poverty. According to TI's Corruption Perception Index (CPI), the country is rated as the most corrupted in the region. Based on public perceptions, CPI ranks how corrupt the public sector is in more than 160 countries. In 2015, Kosovo was ranked in the 103rd place among 168 countries.¹ Similar findings are reported by other international organizations. In a recent series of UNDP's Public Pulse Poll published in April 2015, corruption was viewed as one of the most important problem in Kosovo, according to opinions of 1,306 respondents over age 18 across the country.²

The main problem why there is corruption in Kosovo stems from the fact that laws and legal institutions were not used as an arsenal in fighting it in practice. This failure is due to lack of political will that has produced (a) an institutional overlap and (b) weak judicial system as already indicated in the recent assessment of the National Integrity System (NIS) published by KDI in October 2015. (See link [here](#) for the full view of the report). For the purpose of clarity, KDI-TI defines *political will* as the *driving force* behind the government and/or parliament to generate political action for the purpose of improving or preserving the public wellbeing.

Civil society critics are reluctant to believe that political will can easily transcend in the fight against corruption. This is because according to the overall public perception political leaders and public officials rank as “the chief perpetrators of corruption offenses and other economic crimes.”³ This is due to the power they wield and access to public funds. As such, they exercise political influence over the judicial proceedings in order to subvert it into a “quasi-investigative process and undermine its credibility, reducing it at best to a preferred instrument of political vendetta.”⁴ There is a tendency in developing countries to ensure that investigative process does not get out of hand.

1.1 INSTITUTIONAL OVERLAP

In Kosovo, since its independence, there has been a tendency of establishing anti-corruption initiatives and institutions instead of strengthening the existing ones.⁵ There are at least five institutions that deal with corruption ranging from the State Prosecutor's Office, Special Prosecutor and the Rule of Law Mission (EULEX) to the Anti-Corruption Agency and Anti-Corruption Council of the President of the Republic of Kosovo. It is usually the case, especially in developing countries, that governments create additional independent institutions, such as the Agency, to “bolster detection efforts – or at least create the impression of their intention of doing so.”⁶ In most instances, these institutions are not proven to be effective in fulfilling their mission. However, there are exceptions to this trend, more emphasized in South-East Asia.

The most cited success model is in Hong Kong. Its Independent Commission against Corruption (ICAC) has been praised for being effective in investigating corruption allegations, auditing government institutions, and increasing public awareness.⁷ The success of ICAC is largely due to an advanced legal framework and quality and commitment of staff of to exercise their functions of prevention and prosecution of corruption.⁸ ICAC as such has managed to develop a subset of coherent and coordinated anti-corruption strategies. In Kosovo, this is not the case. The Anti-Corruption Agency is unqualified and understaffed to fulfill its mission. It has very limited legal competencies to investigate corruption allegations, and therefore, it is required to rely on sources provided by other institutions.⁹ In most cases, their indictments or reports are declared invalid by the prosecutor for lacking credible evidence.



In addition, the Anti-Corruption Agency has not been able to create coherent and coordinated strategies as it was the case with the State's Anti-Corruption Strategy and Action Plan (2013-2017). The Strategy was highly contested in the Parliament and criticized by civil society for being weak in content¹⁰ and serving more as a tick box to satisfy the EU integration priorities.¹¹ In addition, the President's Anti-Corruption Council has also been criticized for being ineffective in coordinating anti-corruption efforts. This is because its role is deemed highly political and ceremonial, and more importantly, lacks systematic follow-up on the enactment of recommendations.

changed in recent years since the cooperation between the Agency and the State Prosecutor has improved and is now more functional. In addition, the respective authorities are not exercising a proactive approach in fighting corruption.¹⁶ This is more a critique against the State Prosecutor's Office who is mainly to blame why there is a low number of convictions of corruption.¹⁷ To that effect, the State Prosecutor's Office lacks self-initiative, courage, and capacities to prosecute corruption offences.

1.2 WEAK JUDICIAL SYSTEM

To add more on the number of existing strategies, from the point of view of the judiciary, the Kosovo Prosecutorial Council (KPC) adopted in November 2013 an Action Plan to Increase the Efficiency of the Prosecutorial System in Fighting Corruption.¹² The primary objective of this Action Plan is to assist in implementing the Strategic Plan for Inter-Institutional Cooperation to Fight Organized Crime and Corruption.¹³ The effects of these strategies are rarely measured and no statistics exist. The report of the National Coordinator for Fighting Economic Crime confirms these shortcomings. The report recommends for instance that "comprehensive statistics should be included regarding convictions and confiscation [of assets]"¹⁴ since no statistics on anti-corruption measures exist.

Meanwhile, there is not a track record of corruption being prosecuted. According to the European Council, there is not enough coordination between "various authorities responsible for detecting, investigating and prosecuting corruption offences."¹⁵ This has slightly

2. FAVORABLE LAWS

The current anti-corruption laws are adequate to a large extent. In 2013, the Law on Declaration of Assets and Law on Extended Power for Confiscation of Assets were adopted after the new Criminal Code came into force in 2012. From a technical and legal point of view, the new legal provisions set in the Criminal Code have enhanced Kosovo’s ability to fight corruption in at least three respects.

2.1. CRIMINAL CODE

First, the Criminal Code (2012) regulates stiffer sentences and harsher penalties than they were available in the past. The penalty provided for corruption offences under the Criminal Code (Chapter XXXIV) ranges from six (6) months to five (5) years of imprisonment.¹⁸ These penalties were less firm on public officials according to previous legislation regulated by UNMIK.

2.2. DECLARATION OF ASSETS

Second, the Criminal Code was supplemented by an amendment to the Law on Declaration of Assets adopted in April 2013. In harmony with the new Law, any public official who fails to report or falsely report property, revenue/income, gifts and other financial/material benefits, “shall be punished by a fine or by imprisonment of up to three (3) years.”¹⁹ In the previous legislation, this was sanctioned by a low administrative fine.

2.3. CONFISCATION

Third, in addition to penalties with imprisonment, there are also provisions for confiscation of objects, including property, “used or destined for use in the commission of a criminal offense or ... derived from the commission of a criminal offense.”²⁰ Confiscation is considered an accessory punishment “that may be imposed together with a principal or alternative punishment,”²¹ such as relating to corruption.

Before the court can issue a final order on criminal forfeiture, the state prosecutor shall prove that the property “was used in the criminal offense.”²² If procedures foreseen in the Criminal Procedure Code are not sufficient, the new Law on Extended Powers for Confiscation of Assets “specifies extended powers for confiscation of assets acquired by the persons who have committed a criminal offense.”²³

3. PAPER OBJECTIVE

The ultimate argument behind this paper is that laws alone are of limited value if they are not used in sanctioning corruptive actions. But which institutions are to be held accountable in this regard? This policy paper aims to address this particular question by drawing a line between two policy alternatives.

Is it better to rely on multiple anti-corruption institutions (created by the government) and strengthen functional chain with rule of law and enforcement agencies? Or is it better to remove such institutional mechanisms and instead concentrate in empowering the state prosecutor and judiciary? To answer the two questions, greater emphasis will be weighted on two particular institutions, Anti-Corruption Agency (ACA) and State Prosecutor's Office.

This policy analysis is a document which outlines the rationale for choosing a particular policy option or course of action in a current policy debate as part of a research study on the National Integrity System (NIS) launched in October 2015 and a regional conference organized by KDI in February 2016.

The significance of having an effective legal and judicial system has been recognized in the conference as the key objective in the fight against corruption – something that all countries in region are seeking to strengthen. A major part of the regional conference involved a better understanding of the approaches, mechanisms and other tools that may be used.

The concept of the NIS has been developed and promoted by Transparency International (TI) as part of TI's holistic approach to combatting corruption. The NIS assessment offers an evaluation of the legal basis and the actual performance of institutions relevant to the overall anti-corruption system. With NIS each institution/sector is assessed along three dimensions (1) the institution's overall capacity to function, (2) its own internal governance in terms of integrity, transparency and accountability, and (3) its role in contributing to the overall integrity of the national governance system. A look at the NIS indicators gives a good indication of which areas possess high integrity and which are lagging behind. Comparing weak to strong areas helps generate competition for improvement and provides incentives for positive change.

The paper is concerned with the first and third dimension by assessing the capacities and role of Anti-Corruption Agency (ACA) as a study case and State Prosecutor in the fight against corruption.



The paper is also a product of an in-depth discussion developed in the regional conference. A group of representatives of TI and public institutions attended this conference. They came from Macedonia, Serbia, Montenegro, Bosnia & Herzegovina, and Berlin. The list of participants is enclosed in Annex 1 of this policy brief. The idea was to draw lessons of best practices that will guide KDI-TI in this policy paper. The main talking points in a nutshell are the following.

- a. It is important to build strong and independent judiciary institutions if the state is serious about fighting corruption.²⁴ If the judiciary is not independent, justice will not be served.
- b. Penalties must be hefty against all corrupt public officials without a ny prejudice.²⁵ Justice must be served equally to all irrelevant of the level of ranking of public officials. Sanctions in Kosovo as it is the case in Bosnia are rather soft and biased.²⁶
- c. Prosecutors must be more competent, effective and courageous in fighting corruption. This will ultimately depend on the institutional support and tools (e.g. alternative measures)²⁷ designed for the state prosecutor to boost up their efforts.



There is a very good legal infrastructure indeed; it just needs to be implemented as such.

Judge Emine Mustafa
SUPREME COURT KOSOVO



4. WHY IS CORRUPTION A PROBLEM?

It is important that policymakers understand the economic costs to corruption and what potential reforms should be addressed for which KDI has consulted a survey conducted by the World Bank in 1996 in order to build a theoretical conclusion and argue that corruption is bad for economics.

4.1. ECONOMIC COSTS

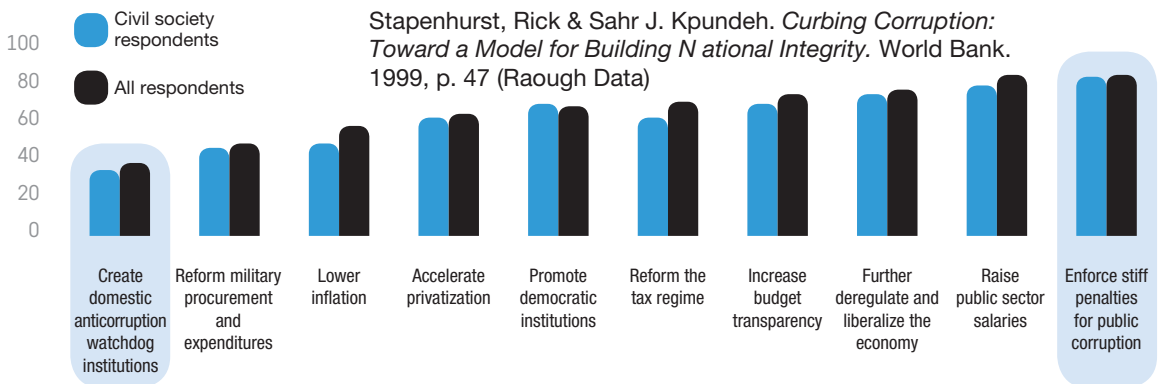
Economic costs due to corruption are unquestionably high. Corruption distorts the functioning of the free market, festers economic development, and hinders public institutions to give quality services to the communities.²⁸ According to a survey of 165 elite public and private sector leaders from 63 developing and post-communist countries, corruption has been regarded as the largest impediment to economic growth.²⁹

4.2. POTENTIAL REFORMS

The respondents viewed economic reforms as an important step to development, ranging from policies on deregulation and liberalization to fiscal modernization and privatization.³⁰

However, according to their views, delays in economic reforms are due to *corrupt interests* involved in decision-making. The findings also seem to suggest that judicial reform is as important. In fact, the highest percentage of survey respondents (above 80%) rated stiff penalties for public corruption as a priority domestic solution to corruption in their country.³¹ See the graph below for a more visual presentation of the findings.

The lowest percentage of respondents (below 40%) rated creation of domestic anti-corruption watchdog institutions (such as ACA).³² The two extremes are to serve a message to policymakers – from an international viewpoint – that the role of the state prosecutor and courts in enforcing stiff penalties is far more important than the role of the Anti-Corruption Agency in overseeing the integrity of public officials!



5. POLICY OPTIONS

This policy paper addresses two policy options. The first option is pro strengthening the judicial system, in particular the office of the State Prosecutor. This offers a solution to the first problem of the “institutional overlap,” demanding that all institutional mechanisms are simplified and greater responsibility is put on the state prosecutor to fight corruption. The second option is pro strengthening anti-corruption institutions, in particular the Anti-Corruption Agency.

Both options will be compared by examining the role of each institution in terms of *law enforcement*, which by definition is “an act in an organized manner to enforce the law by discovering, deterring, rehabilitating, or punishing people who violate the rules and norms governing that society.”³³ That said, a number of institutions are partially discussed or excluded. As for the first option, the paper will focus more on the role of the state prosecutor in fighting corruption in cooperation with judges and police. As the second option alludes more to the problem of institutional overlap, the President’s National Anti-Corruption Council and EULEX are excluded from this analysis.

The Council’s role is more as a coordinator of the works and activities of the institutions and agencies to prevent and combat corruption.³⁴ Besides its poor performance for the last four years, the Council is seen more as a facilitator in policymaking processes. Repeatedly the Minister of Justice, Mr. Hajredin Kuçi, has stated, “I’d rather attend a conference organized by civil society rather than the Council,”³⁵ in which statement he expresses his doubts regarding the work of the Council. Meanwhile, EULEX’s mandate is foreseen to end in June 2016 and no longer takes on new investigations.

5.1. OPTION 1 STRENGTHEN JUDICIAL SYSTEM, EMPOWER PROSECUTORS

This policy alternative calls for elimination of the investigative role of ACA and the overall role of the President’s Council. Accordingly, corruption should have one *address* and that should be the Office of the State Prosecutor. To be able to comprehend this policy option, in the following sections the analysis is broken down into two aspects: (a) the situation pertaining to the formal framework governing judicial institutions (**‘law’**) and how it should change, and (b) the situation regarding their actual institutional practice and behavior and how it should change (**‘practice’**).

What is the current legal situation? In Kosovo, the role of the state prosecutor is to initiate criminal investigations, discover and collect evidence and information, and finally file indictments and prosecute suspected persons for criminal offenses.³⁶ The state prosecutor has full “access to all relevant investigative information in the possession of the police during the initial step.”³⁷ The Criminal Code and Criminal Procedure Code are relatively well advanced in sanctioning corrupt activities, which may include the following: abuse and misuse of official position, office fraud, accepting and/or giving bribes, trading influence and disclosing official information. Further, the Criminal Procedure Code is specific in laying-out the rules for criminal proceedings during investigation (police), indictments (prosecutor), and trials (courts).³⁸ Criminal proceedings shall only be initiated upon the decision of a state prosecutor that reasonable suspicion exists that a criminal offence has been committed.³⁹

What should change? Nothing of high priority and relevance should change according to the policy paper. The legislation is overall comprehensive in ensuring appropriate working conditions, salaries and tenure policies for the prosecutors. The current laws give extensive powers to the State Prosecutor to do its job. In June 2015, the Law on the State Prosecutor and Law on Kosovo Prosecutorial Council (KPC) were slightly amended and supplemented. Accordingly, the government is required to provide suitable funds for the state prosecutor to perform its role,⁴⁰ so it is up to KPC to analyze and demand a larger budget if it considers this a step forward to reform. Other than revising and updating the by-laws such as the Code of Conduct, the legal framework is overall adequate as far as demanding transparency and accountability in the judicial system.

What is the practice? The existing financial, human and infrastructural resources of the state prosecutor are minimal to effectively carry out its duties. The KPC's budget is not sufficient to compensate for operational costs and salaries of newly appointed prosecutors. In 2014, the KPC had a budget of 6.9 million euros,⁴¹ slightly less than the previous year. The budget amounts to less than a half a per cent of the state budget and it paid for salaries of 139 prosecutors.⁴² A relatively small budget makes it difficult for the KPC to make up for travel costs, and more importantly, recruit additional prosecutors and staff. The number of professional associates per prosecutor is insufficient: one associate per five prosecutors. As a result, often prosecutors are occupied dealing with technical tasks rather than the content of a case. Far worse, prosecutors lack skills and experience. Their indictments are overall poorly written and do not last more than a page. As a result, the state prosecutor is ineffective in fighting corruption. As stated in the European Commission Progress Report 2014, there is no track record of corruption being prosecuted,⁴³ despite institutional efforts to make it a priority. Overall, prosecutors are not active and lack the initiative to prosecute cases. Almost all cases are initiated by the public or another institution.



Through soft sanctions, we are sending the wrong message that corruption is not being punished as it should be.

Emsad Dizdarevic
TRANSPARENCY INTERNATIONAL
BOSNIA & HERZEGOVINA

What should change in practice? The state prosecutor must act according to what the laws require. Now that they have authority over the budget, they have the ultimate say to ask for more financial support for the purpose of training and recruiting prosecutors and supporting staff. Prosecutors must be more specialized and presentable to the courts of law.⁴⁴ The prosecutor could potentially absorb some of the accumulated knowledge and best personnel of ACA to investigate corruption cases since in this option scenario ACA should no longer exercise its investigative role. It needs to build trust and encourage people to report their corruption cases and instill the confidence that every allegation is pursuable, no matter how small, and will be investigated. This will require that the state prosecutor and courts apply stiff penalties against corrupt officials in order to instill that confidence. Meanwhile, the state prosecutor must operate within a relatively well regulated administration, under the necessary political support.

5.2. OPTION 2 A STRONGER ANTI-CORRUPTION AGENCY WITH MORE LEGAL POWERS

This policy alternative calls for a stronger ACA since it argues that the judicial system is already weak and incapable in fighting corruption. Accordingly, ACA is perhaps more independent and specialized in the field of anti-corruption. To be able to comprehend this policy option, in the following sections the analysis is broken down into two aspects: (a) the situation pertaining to the formal framework governing ACA ('law') and how it should change, and (b) the situation regarding their actual institutional practice and behavior and how it should change ('practice'). As far as how ACA should improve, Hong Kong is used as a model.

What is the current legal context? By law, ACA is an independent and specialized institution in charge of implementing state policies of preventing and combating corruption.⁴⁵ The Agency's binding force is somewhat weaker than the binding force of traditional law. It can only initiate criminal charges against corrupt public officials based on evidence obtained through a preliminary investigation.⁴⁶ Although the ACA has competences to investigate corruption according to the Law on ACA, it has not been provided with the legal mechanisms to do so. For instance, prosecutors can request the application of intrusive covert and technical measures of surveillance and investigation,⁴⁷ whereas the ACA cannot do so. The ACA relies heavily on other institutions to provide data to support their investigations. The remaining role of the Agency is policymaking and prevention of corruption (e.g. monitor the anti-corruption strategy, supervise the acceptance of gifts related to performance of official duty, advise on drafting of codes of ethics, public information and education, etc.).⁴⁸

What should change? The Agency should have more legal powers to prosecute corrupt public officials. This is the case in Hong Kong and Malawi where the officials of the Agency under the orders of the Director of Public Prosecutions are allowed to investigate any bank account.⁴⁹ There the Agency or Bureau is given the le-

gal right to "monitor the assets, income, liabilities and life-styles of public officials and decision-makers."⁵⁰ If such competencies were to be given to ACA in Kosovo, it would enable it to "use monitoring as a barrier to the acquisition of illicitly-acquired wealth."⁵¹ In any case of false declaration of assets and wealth, the Agency "should have the power to freeze those assets which it reasonably suspects that may be held on behalf of people under investigation."⁵² This should be done prior to getting a court order when speed is of the essence.

What is the current situation regarding the actual institutional practice? ACA is not well resourced in both financial and human terms. In the last four years, the budget has not significantly increased. In 2014, the total allowed expenditure amounted to 485,000 euro. As the ACA's budget for 2010 was around 500,000 euro, this represents a significant decrease, especially if taken in account that the overall state budget was increased by almost a third during these years. ACA's staff contingent has increased by nearly 14 per cent and currently counts 40 people. The employees benefit from capacity-building opportunities mainly supported by international donors to improve on their skills in fighting corruption. However, ACA is still far from perfect. In a follow-up report by PECK, their assessment team observed that "the number of cases followed by the prosecution remains below 10 percent and only very few cases result in a process indictment."⁵³ In most cases, their indictments or reports are declared invalid by the prosecutor for lacking credible evidence.

What should change in practice? The Agency cannot fight corruption on its own. It must have the support of the government and other institutions including the state prosecutor.⁵⁴ The government's role is to provide sufficient financial resources in order for the Agency to develop further. In particular, the Agency must be "able to develop specialized investigative skills for its personnel to track down the illicit gains made from corruption."⁵⁵ The investigators should be able to trace the balance of illicit money through the bank account. In addition, the Agency should seek greater participation of civil society for the drafting and monitoring of anti-corruption strategy and action plan.

6. FINAL SOLUTION

Fighting corruption is an expensive and complex undertaking since it requires “considerable resources and involves special skills and a level of professionalism.”⁵⁶ It also requires a delicate balance of political support and independence that is not always readily achievable. Countries which have been more successful in the fight against corruption include those which enjoyed an advanced economic development such as Hong Kong. It was much easier for them to put anti-corruption policies into practice. Hence, to opt for any policy alternative, certain *socio-economic indicators* are to be taken into consideration.

In the case of Kosovo, the country is still in its early stage of development. It is the youngest country in Europe in terms of history and demographics.⁵⁷ It has the lowest

gross domestic product (GDP) per capita at 2,900 Euros in 2013.⁵⁸ In South East Europe, Kosovo has the highest poverty rate with almost 30 percent of population living below the poverty line and the highest unemployment rate at 30.9 percent.⁵⁹ These numbers show that the country is far behind Hong Kong in terms of economic prosperity. And if there is to learn from the ICAC model in favour of empowering ACA, difficulties will arise since there is lack of political will and lack of resources.

The most viable solution to tackling corruption is a combination of certain elements from both policy options. To start with, the following figure illustrates a visual presentation of the disadvantages and advantages with each policy option – from both a *legal* and *practice* point of view.

Identified Problems	Solution to the Problem	Legal Viewpoint		Practice Viewpoint	
		DISADVANTAGE (-)	ADVANTAGE (+)	DISADVANTAGE (-)	ADVANTAGE (+)
Institutional Overlap	OPTION 1 Stronger Prosecutor's Office	NONE	Full access to investigative information (overall favorable laws)	Minimal financial, human and infrastructural resources	NONE
		Weak Judicial System	OPTION 2 Stronger Anti-Corruption Agency	Limited mechanisms to investigate corruption (lack of accessibility)	Exclusive role in policymaking and corruption prevention



Based on the shortcomings presented per each policy option, KDI opts for (a) judiciary and other institutions to focus on implementing the existing anti-corruption laws before initiating the new ones and (b) holding accountable the judicial institutions to fight corruption instead of the Anti-Corruption Agency (ACA) and other institutions. This will require investment on financial and human capital to strengthening the State Prosecutor's office in order for it to become more proactive in sensing and fighting corruption.

From a legal point of view, the State Prosecutor and other law enforcement institutions have exclusive rights to investigating public officials who are suspected of corruption. Any help that the State Prosecutor may need should consult respective institutions which may include police. If they are competent enough in making a case to the courts of law, judges should have no other option than applying stiff penalties. This may require drafting of sentencing guidelines to help judges and prosecutors decide the appropriate sentence for a criminal offence.

From a practice point of view, ACA should not do investigative work since the Agency is deprived of legal rights. Meanwhile, its focus should concentrate on preventive measures (i.e. asset declaration, conflict of interest, etc.) and policymaking (i.e. advice on anti-corruption, code of ethics) since that is what ultimately the law requires. Investigation should be the full burden on the State Prosecutor who unfortunately lacks financial and human capacities to do its job as indicated in earlier sections of the paper. Similar assertion can be made against judges.

A hybrid type policy which is largely in favor of the first policy option is more rational for a number of reasons. First, it is easier to instill public trust by holding accountable one institution/address (i.e. state prosecutor) instead of many institutions for any successful or failed action in the fight against corruption. Second, more pressure will exert on the state prosecutor's office to fight corruption and pave the way for greater economic prosperity.

6.1. CLOSING STATEMENT

KDI calls for policymakers to simplify the current institutional mechanisms by breaking down the responsibilities of all anti-corruption institutions into one – the State Prosecutor's Office who has exclusive legal powers to investigate and indict suspected officials for corruption in cooperation with the law enforcement institutions including the police. This will require eliminating the investigative rights of ACA and the institution of the President's Council. It is time for prosecutors and adjudicators to perform what is required of them by law in a transparent and independent manner and enforce the rule of law against all corrupt public officials, whatever their position.



APPENDIX 1: LIST OF PARTICIPANTS IN THE REGIONAL CONFERENCE

The table presents the list of participants in the regional conference held on February 6 and institutions/organizations which they represent.

Name/Surname	Institution/Organization	Country
Aleksander Maskovic	Transparency International	Montenegro
Anja Osterhaus	Transparency International	Berlin
Batuhan Gorgulu	Transparency International	Turkey
Conny Abel	Transparency International	Berlin
Dragan Slipac	Agency for Prevention of Corruption	Bosnia & Herzegovina
Edisa Gjevori	Crimson Capital	Kosovo
Ehat Miftaraj	Kosovo Legal Institute	Kosovo
Emin Beqiri	Kosovo Police	Kosovo
Emine Mustafa	Supreme Court of Kosovo	Kosovo
Emsad Dizdarevic	Transparency International	Bosnia & Herzegovina
Farie Aliu	Anti-Corruption Authorities	Macedonia
Giulia Sorbi	Transparency International	Berlin
Hydajet Hyseni	Kosovo Judicial Council	Kosovo
Lulzim Sylejmani	ZKPSH	Kosovo
Metodi Zajkov	Transparency International	Macedonia
Muhittin Acar	Academic Researcher	Turkey
Nukhet Agan Atakan	Transparency International	Turkey
Osman Havolli	Chamber of Advocates	Kosovo
Plator Avdiu	Center for Security Studies	Kosovo
Shqipdon Fazliu	State Prosecutor's Office	Kosovo
Shqipe Neziri Vela	UN Development Program	Kosovo
Skender Perteshi	Center for Security Studies	Kosovo
Sladjana Taseva	Transparency International	Macedonia
Stojanka Radovic	Special State Prosecutor	Montenegro
Valbona Bytyqi	BIRN	Kosovo
Veton Durguti	Basic Court of Ferizaj	Kosovo
Ymer Hoxha	Basic Court of Prizren	Kosovo
Zef Prendrecaj	Office of the Disciplinary Counsel	Kosovo
Zyhdi Haziri	Basic Court of Gjilan	Kosovo



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