

Published by:



**“Assessing the implementation  
of Public Order and Security Policies  
in the Context of Kosovo  
Visa Liberalization Process”**

**Mentor VRAJOLLI**

Supported by:

**European Fund for the Balkans**

*Bringing the Western Balkans closer to the European Union*

**1st November 2012**

PUBLISHED BY:



POLICY PAPER:

**ASSESSING THE IMPLEMENTATION OF PUBLIC  
ORDER AND SECURITY POLICIES IN THE  
CONTEXT OF KOSOVO VISA LIBERALIZATION  
PROCESS**

AUTHOR:

Mentor VRAJOLLI

**European Fund for the Balkans**

*Bringing the Western Balkans closer to the European Union*

The Project is supported by "The European Fund for the Balkans. A joint initiative of the Robert Bosch Foundation, the Compagnia di San Paolo, the ERSTE Foundation and the King Baudouin Foundation. Hosted by NEF".

Prishtina, Kosovo  
1st November 2012

### **ABOUT THE AUTHOR:**

THE AUTHOR OF THIS PAPER IS MR. MENTOR VRAJOLLI, SENIOR RESEARCH/ SECRETARY OF KOSOVAR CENTER FOR SECURITY STUDIES (KCSS). MR.VRAJOLLI IS ONE OF THE PROMINENT MEMBERS OF KCSS. HE IS AN AUTHOR AND CO-AUTHOR OF DIFFERENT RESEARCH PUBLICATION AND HAS ALSO BEEN INVOLVED IN THE DIFFERENT RESEARCH AND ADVOCACY PROJECT RUN BY KCSS (FOR MORE DETAILS PLEASE SEE THE KCSS WEBPAGE: [WWW.QKSS.ORG](http://WWW.QKSS.ORG)).

### **RESEARCH TEAM:**

MENTOR VRAJOLLI, SENIOR RESEARCHER

SKENDER PERTESHI, RESEARCHER

SOFIJE KRYEZIU, RESEARCHER

### **PEER REVIEW AND EDITING**

FLORIAN QEHAJA, EXECUTIVE DIRECTOR

ARMEND MUJA, HEAD OF PROGRAMME AND RESEARCH

**ADDRESS:**

SYLEJMAN VOKSHI, 13/3

10000 PRISHTINA, KOSOVO

E-MAIL: [INFO@QKSS.ORG](mailto:INFO@QKSS.ORG)

OFFICIAL WEB-PAGE: [WWW.QKSS.ORG](http://WWW.QKSS.ORG)

TEL: +381(0) 38 221 420

**© COPYRIGHTS**

ALL RIGHTS RESERVED BY KOSOVAR CENTRE FOR SECURITY STUDIES (KCSS).

ALL VIEWS EXPRESSED IN THIS POLICY PAPER ARE OF THE AUTHOR AND MAY NOT NECESSARILY REPRESENT THE DONOR'S VIEW. THE ORIGINAL VERSION OF THE PAPER IS IN ENGLISH WHEREAS THE ALBANIAN AND SERBIAN VERSIONS ARE TRANSLATION.

# TABLE OF CONTENT

LIST OF ABBREVIATIONS .....	6
EXECUTIVE SUMMARY.....	8
METHODOLOGY.....	10
GRADINGS ON THE IMPLEMENTATION OF EACH STRATEGY.....	12
<b>CHAPTER I</b> .....	14
CONTEXT OF VISA LIBERALISATION.....	14
<b>1.1.</b> THE BACKGROUND OF PUBLIC ORDER AND SECURITY POLICIES: INTRODUCTION OF PROCESS OF EU VISA LIBERALIZATION WITH WESTERN BALKANS.....	14
<b>1.2.</b> KOSOVO'S POLITICAL CHALLENGES IN THE VISA LIBERALIZATION STRUCTURED DIALOGUE.....	16
<b>1.3.</b> INTERNAL IMPLICATIONS OF PROLONGED VISA DIALOGUE WITH KOSOVO (2009- 2012).....	17
<b>CHAPTER II</b> .....	19
IMPLEMENTATION OF PUBLIC ORDER AND SECURITY POLICIES .....	19
<b>2.1.</b> IMPLEMENTATION OF INTEGRATED BORDER MANAGEMENT POLICIES IN KOSOVO.....	19
<b>2.2.</b> IMPLEMENTATION OF GOVERNMENTAL POLICIES IN PREVENTING AND COMBATING THE ORGANIZED CRIME, CORRUPTION AND TERRORISM.....	25
<b>A.</b> PREVENTION AND COMBATING OF ORGANIZED CRIME.....	25
<b>B.</b> PREVENTION AND COMBATING OF CORRUPTION IN KOSOVO.....	38
<b>C.</b> PREVENTION AND COMBATING OF ORGANIZED CRIME.....	43
<b>BIBLIOGRAPHY</b> .....	47

## LIST OF ABBREVIATIONS

B&H	Bosnia & Herzegovina
CSDP	Common Security and Defence Policies
DCAF	Geneva Center for Democratic Control of Armed Forces
DCT	Department of Counterterrorism
EU	European Union
WB	Western Balkan
EULEX	European Rule of Law Mission in Kosovo
EUROJUST	European Union's Judicial Cooperation Unit
EUROPOL	European Police Office
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit
FYR	Former Yugoslavian Republic
GIZ	German Agency for International Cooperation
IBM	Integrated border management
INTERPOL	International Criminal Police Organization

KCSS	Kosovar Center for Security Studies
KDI	Kosovo Democratic Institute
KFOR	NATO Kosovo Force
KIA	Kosovo Intelligence Agency
KP	Kosovo Police
MAFRD	Ministry of Agriculture, Forests and Rural Development
MEF	Ministry of Economy and Finance
MESP	Ministry of Environment and Spatial Planning
MFA	Ministry of Foreign Affairs
MoIA	Ministry of Internal Affairs
MTT	Ministry of Transport and Infrastructure
MoH	Ministry of Health
NATO	North Atlantic Treaty Organization
PSSVS	Phyto-Sanitary and Veterinary Service
SDAC	Specialized Department for Anticorruption
UN	United Nations
UNMIK	United Nation Mission in Kosovo

## EXECUTIVE SUMMARY

The visa liberalisation process was part of the European perspective offered to Western Balkans (WB) countries at the Thessaloniki Summit 2003. While all countries of the WB entered into some form of contractual modality for visa liberalisation with the EU, Kosovo was left out of the process in part due to political status uncertainties and in part because of lack of EU members' consensus over the issue.

The WB countries moved at varying speeds and scope of reforms. By 2009 three countries concluded the process while another two were given an additional year to address the remaining shortcomings. Unable to be part of the same process in the absence of the green light from the European Commission, the Government of Kosovo unilaterally launched its 'roadmap' as if it was part of the regional process – it implemented the same approach and structure compared to other regional cases. Kosovo remains the only country in the region whose citizens are still unable to travel freely to EU.

The official European Commission Visa Liberalisation Roadmap for Kosovo was launched only in 2012. This contractual arrangement with EU seeks commitment from all respective institutions in implementing policies in the areas of: documents security, border control and migration policies, public order and security policies and fundamental rights and freedoms. The scope and implications for Kosovo in the Roadmap are quite extensive and broad for a thorough analysis. It is for this reason that this study will narrow its focus to only public order and security. The study adopts the methodological approach developed by Kosovo Centre for Security Studies as part of a regional consortium of think tanks titled 'Monitoring and Evaluation of Good Governance in Security Sector'. The approach is guided by a grading system of the legal framework and implementation capacity. The same has been adjusted to assess the degree and progress made by Kosovo in integrated border management, combating and prevention of organized crime, corruption and terrorism.

This study reveals that the Kosovo legislation framework is generally aligned to the EU Aquis Communautaire. Few instances that need further amendments are underway and will enter into force in 2013. An increased pace of legislative activity and attempts to advance the implementation process were noted between 2008 and 2012. Our research identified a number of laws and strategies which have been developed but still need the endorsement of Kosovo Assembly. Significant progress was noticed in implementation of the Integrated Border Management policies and also preventing and combating

the organized crime which among others includes the trafficking of human beings and drugs. Very limited results have been found in preventing and combating corruption. The progress in combating terrorism is measured in the context of the overall consolidation of security sector and justice system.

The first chapter of this study examines the context of visa liberalisation and political developments. The second chapter includes an extensive analysis of progress achieved in the legislative framework and implementation capacity in the areas of integrated border management, organized crime, corruption and terrorism.

## METHODOLOGY

Findings and assessments made in this policy brief are based in various data collection methods. The study is primarily based on desk research and processing of statistical data where necessary. Assessments have also been complemented by face-to-face interviews with fifteen key informants and non-participatory observation. A number of stakeholders have been consulted in the process including practitioners, policy-makers, media, civil society organisations and international representatives. The methodological approach is based on a framework developed by Kosovar Center for Security Studies (KCSS) in cooperation with a number of regional think tanks and which centres on measuring both policy-making and implementation process. It first assesses the degree of progress and method of policy-making and then analyses the progress made in enacting the policies and actions endorsed by the policy-making bodies. The complete framework can be assessed in the Methodology Chapter of regional publication “Almanac on Security Sector Oversight in the Western Balkans” (2012)[1], and the same can be found also in the book published by KCSS titled ‘Monitoring and Evaluation of Good Governance in the Kosovo Security Sector’. The same approach has been adjusted to analyse the progress made in legislation and implementation capacity in the security sector institutions responsible for fulfilling visa liberalisation criteria. A grading system from 1 (weakest) to 5 (best) is used to number the scale of progress. The grading system is justified below:

<b>GRADE 1</b>  <b>Focus is on legal norms, policies and bad practice</b>	<b>Legal and Policy Framework</b>	<b>Indicator existence of primary laws and policies</b> (e.g. whether the Law on Integrated Border Management and Strategy on Integrated Border Management have been adopted).
	<b>Implementation and Institutional Capacities</b>	<b>Indicator frequency, quantity and quality of bad practice:</b> <u>There is a widespread bad practice. There is absence of implementation of related laws and policies.</u>  <u>In-adequate allocation and management of material and human resources necessary for implementation of the laws and strategies.</u>
<b>GRADE 2</b>  <b>Focus is on legal norms, policies and practice</b>	<b>Legal and Policy Framework</b>	<b>Indicator existence of primary laws and policies:</b> The primary legislation and policies are in place.

	<b>Implementation and Institutional Capacities</b>	<p><u>Indicator frequency, quantity and quality of bad practice:</u> There is still very limited practice and attempts of introducing good practice. Good practice in implementing laws and policies has not yet become a regular phenomenon.</p> <p><u>Resources</u> have either not been allocated at all or insufficient quantity and inadequate quality of material and human resources is allocated for implementation of laws and policies.</p>
<b>GRADE 3</b>  Focus is on legal norms, policies and practice (minimum track of implementation 2 years)	<b>Legal and Policy Framework</b>	<p><u>Indicator existence of primary laws:</u> <b>The entire legislation and policies required does exist in the particular field.</b></p>
	<b>Implementation and Institutional Capacities</b>	<p>Good practice exists meaning that the laws and policies are being implemented for at least 2 years. There are still examples of limited practice in implementing parts of legislation and policies, but serious bad practice is exception.</p> <p>Some resources have been allocated so that tasks have been delegated in particularly implementing the provisions of laws and policies.</p>
<b>GRADE 4</b>  Focus is on institutionalization and positive values (more than 4 years track of implementation)	<b>Legal and Policy Framework</b>	<p><u>All the laws and policies are adopted.</u></p>
	<b>Implementation and Institutional Capacities</b>	<p>There is a notable track of record in implementing laws and policies. There is consistent implementation of laws and policies.</p> <p>The institutional capacities are well established and functional.</p>
<b>GRADE 5</b>  Focus is on institutionalization and positive values (more than 6 years track of implementation)	<b>Legal and Policy Framework</b>	<p>All the laws and policies are adopted.</p>
	<b>Implementation and Institutional Capacities</b>	<p>Significant efforts are invested in preventive and proactive work to diminish opportunities for bad practice. There is a notable track record of implementation. Implementation has become a rule and bad practice is an exception.</p>

## GRADINGS ON THE IMPLEMENTATION OF EACH STRATEGY

CRITERIA	Justification	Grade
Implementation of Integrated Border Management Policies	<p><i>The legal framework on the Integrated Border Management (IBM) is already in place and is aligned with the Acquis Communautaire and other key international norms. Also the strategic policy framework is in place and highly advanced.</i></p> <p><i>All respective IBM institution and coordination mechanisms are in place and over the past four years their capacities has been increasingly strengthened. The personnel working on the area of IBM are well trained, equipped with the advanced technologic equipments and with a track of experience in exercising their duties. There is a need for additional track of practice in implementing IBM policies. Particularly, the internal control of IBM mechanisms remains still a concerning area which requires further improvement.</i></p> <p><i>Kosovo has developed sound cross-border cooperation with Albania, Montenegro and also with Macedonia (albeit there are still no joint Border Police patrolling with the former). The cross-border cooperation with Serbia still relies on the political developments and the implementation of agreement on IBM reached in Brussels.</i></p>	<b>3.5</b>
Prevention and Combating the Organized Crime Policies	<p><i>The basic legal framework for combating the organized crime is already in place. The adoption of new Criminal Code which will enter in force in 2013 will further improve the institutional effort to prevent and combat these phenomena. The adoption of specific law against organized crime (which is included in the legislative agenda of Kosovo Assembly) would further improve the institutional efforts in this area, although this is not a precondition when it comes to implementation of Visa Liberalization with Kosovo Roadmap. Meanwhile also the strategic framework for combating and preventing the organized crime is in place and all respective mechanisms for combating organized crime phenomena are in place.</i></p>	<b>3.0</b>
Combating and Prevention of Trafficking and Human Beings	<p><i>The new Criminal Code has improved the legal bases for combating the trafficking of human being. It reinforced the sanctioning of some new criminal offences especially with regards to child trafficking. The strategy on Trafficking of Human Beings (2011-2014) is in place while the new National Strategy against the Trafficking of Children complements the policy framework in combating the human trafficking. There is four years of track of implementation in the field.</i></p> <p><i>A special task force was established to tackle with the challenges related to human trafficking while the task force on child trafficking is in the process of consolidation...In the last couple of years Kosovo Police reported increase of efficiency in destroying the networks of human trafficking. This came as a result of the increasing capacities of Police to combat this phenomenon.</i></p> <p><i>The results are shown in light of the increased efforts to achieve technical requirements for EU visa liberalization and other integration processes. More efforts are needed to prevent and combat the children trafficking.</i></p>	<b>2.5</b>

Implementation of Anti-Drug Trafficking Strategy	<p><i>Drug trafficking is also sanctioned by the criminal code. The National Anti-Drug Strategy and Action Plan (2009-2012) served as initial policy framework to combat the drug trafficking while the new strategy is expected to be adopted by the end of 2012. The findings of the research identified considerable improvement of anti-drug institutional efforts. Since then the institutional capacities in this area has been doubled. The Kosovo Police reports that its results in fighting drug smuggling are one of the highest comparing to other countries in the region. There is a need for consistency in implementing anti-drug policies also in the upcoming years.</i></p>	<b>3.5</b>
Implementation of Anti-Corruption Strategy	<p><i>Over the last four years the legal framework for combating the corruption was almost completed. The new Criminal Code included a complete chapter which provides sanctions against corruption acts (which was not the case with the previous Criminal Code). The only law reported to be missing is Law on Extended Powers for Confiscation of Assets Acquired by Criminal Offence which still remains on the legislative agenda. Overall, the existing legislation in this area is aligned with EU Acquis and other international standards. Considering that the Anti-Corruption Strategy (2009-2011) has already expired the new strategy is on the process. The draft has been criticized by latest EU feasibility study therefore the upcoming strategy needs to be adjusted with the EU recommendations.</i></p> <p><i>There is a limited track of progress in implementing the legal and policy framework. The most notable achievements have been identified in the establishment of new mechanisms. In addition to the Anti-Corruption Agency (established since 2006) two additional mechanisms were established: Anti-Corruption Task Force (which operates under the auspice of Prime Minister) and the National Council for Anti-Corruption (which operates under the President). Meanwhile new legislation such as declaring of assets and financing of the political parties has increased the institutional efforts for preventing the corruption. There are very limited results in combating corruption.</i></p>	<b>2.0</b>
Implementation of Strategy Against Terrorism	<p><i>As regarding the counter-terrorism measures, the legal and policy framework is already in place and is aligned with the EU Acquis and other international standards. The terrorism is identified as one of the threats by the National Security Strategy of Republic of Kosovo. The National Strategy and Action Plan against Terrorism 2009-2012 is in place.. From the institutional point of view, the establishment and consolidation of the Kosovo Intelligence Agency contributed to the increase of the institutional capabilities to prevent and combat this phenomenon. There are no further information identified as for the institutional capacities to implement the policy framework in this field.</i></p>	<b>3.0</b>

# 1 | I. CONTEXT OF VISA LIBERALISATION

## 1.1 THE BACKGROUND OF PUBLIC ORDER AND SECURITY POLICIES: INTRODUCTION OF PROCESS OF EU VISA LIBERALIZATION WITH WESTERN BALKANS

The idea of EU visa liberalization for Western Balkans (WB) countries was introduced at the Thessaloniki Summit in June 2003. The EU Council proposed a list of reforms that all countries needed to undertake in order to benefit from a free visa regime. In other words the Council made it clear that countries' progression in the process of visa liberalisation was dependent on their willingness and capability to implement substantial reforms in the areas of rule of law and security. WB countries were asked to strengthen their capacities in combating organised crime, corruption, illegal migration as well as enhance their capacity to administer and exercise border control and security of official identification documents<sup>1</sup>.

The first follow-up initiative came three years later in 2007 when WB countries with the exception of Kosovo signed the Visa Facilitation and Readmission Agreements<sup>2, 3</sup>. This represented a contractual arrangement that outlined and clarified the procedures and actions that needed to be concluded during the Structured Dialogue before the green light for EU Free Visa Regime could be

---

1 Thessaloniki Agenda, European Council, 15 June 2003, [http://ec.europa.eu/enlargement/enlargement\\_process/accesion\\_process/how\\_does\\_a\\_country\\_join\\_the\\_eu/sap/thessaloniki\\_agenda\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accesion_process/how_does_a_country_join_the_eu/sap/thessaloniki_agenda_en.htm) (last checked: 29th June 2012).

2 Kosovo during this period was on the final stage of status negotiation. Less than 4 months after, in the 17th of February 2008 Kosovo declared its independence.

3 Ibid, Albania had already signed the Readmission Agreement with EU back in 7th November 2005

granted<sup>4</sup>. Readmission Agreements were aimed at gaining the commitment of WB countries to readmit their nationals living in EU member states without a legal residential status.<sup>5</sup>

The signing of these agreements and the ensuing dialogue influenced comprehensive reforms throughout the region and led to significant progress in institutionalizing reforms in rule of law and security areas. Hence, in mid-2008 the European Commission delivered the Visa Liberalisation Roadmaps to Albania, Bosnia & Herzegovina (B&H), FYR Macedonia, Montenegro and Serbia. Kosovo was left out of the initiative in view of the political complexities that resulted in the aftermath of the declaration of independence from Serbia. The Visa Roadmap outlined the technical criteria categorized into several blocks. The first block underlined the need to improve Document Security, the second block specified measures and conditions for an Integrated Border Management, the third block titled Public Order and Security highlights the need for advancing institutional efforts in combating and preventing organized crime, corruption, terrorism, promote judicial cooperation in criminal matters and protection of personal data.<sup>6</sup> The final block deals with the issue of Fundamental Rights and Freedom of Movement which are indirectly related to the third block on Public Order and Security.

The European Commission dialogue with WB countries followed a bilateral approach and allowed individual countries to speed up the implementation of the visa liberalisation roadmap. While the criteria could be assessed as technical, they nonetheless triggered many efforts to attain the desired level of reforms. As a result all WB countries, Kosovo being the exception, concluded their reforms and were granted a free visa regime by December 2010. FYR Macedonia, Montenegro and Serbia were judged to have successfully implemented the actions of the 'Roadmap' in 2009 while Albania and B&H were asked to continue implementing reforms until 2010. This makes Kosovo the only place without liberalized visa process with EU.

---

4 Council of Europe, *Agreements with the countries of the Western Balkans on the facilitation of the issuance of visas*, 8th November 2007, [http://europa.eu/legislation\\_summaries/enlargement/western\\_balkans/l14578\\_en.htm](http://europa.eu/legislation_summaries/enlargement/western_balkans/l14578_en.htm)

5 Council of Europe, *Readmission agreements with the countries of the western Balkans*, 8th November 2007 [http://europa.eu/legislation\\_summaries/enlargement/western\\_balkans/l14562\\_en.htm](http://europa.eu/legislation_summaries/enlargement/western_balkans/l14562_en.htm)

6 Check Block 3 of Visa Liberalization Roadmaps with; Albania, Bosnia & Herzegovina, Macedonia, Montenegro and Serbia

## 1.2. KOSOVO'S POLITICAL CHALLENGES IN THE VISA LIBERALIZATION STRUCTURED DIALOGUE

Kosovo institutions' main strategic goals after the declaration of independence were the integration of Kosovo in the EU and NATO. It has since become a complex issue given the lack of unity of EU over its independence – some 22 EU members have since recognized the independence of Kosovo while five others members such as Spain, Greece, Romania, Slovakia and Cyprus have failed to do so. However, the EU has had a stake in Kosovo developments in the past decade and it would be logical to see the process initiated despite some delays<sup>7</sup> In particular the launching of European Union Rule of Law Mission in Kosovo (EULEX) in 2008 which is the largest rule of law mission ever launched under the EU Common Security and Defence Policy (CSDP) provided additional responsibilities to the EU to ensure Kosovo's European future.

Kosovo's progress towards the visa liberalisation process is hampered by the fact that it shares a long border with Serbia and which has failed to take steps of cooperation in areas where its position towards Kosovo would be compromise<sup>8</sup>

The EU has facilitated a dialogue between Kosovo and Serbia starting from March 2010 and has made both the visa liberalisation regime for Kosovo and Serbia's membership candidacy a condition tied to the success of the dialogue. Two new important agreements were reached between Prishtina and Belgrade under the auspices of EU: the Integrated Border Management and Regional Cooperation and the Freedom of Movement Agreement.

Despite the laudable progress made in signing these agreements, no significant steps have taken place in implementing them. Agreements were politically difficult and unpopular choices in both countries. However, the European Commission judged that Kosovo had maintained a constructive role during the dialogue and finally recommended the initiation of Visa liberalisation structured Dialogue [19 January 2012]. The Structured Dialogue with Kosovo began in May 2012 and a Visa Liberalisation Roadmap was handed in June of the same year. In addition, the EU Commission also launched the feasibility study for the

<sup>7</sup> KCSS interview with Lutfi Haziri, Member of Kosovo Assembly, Chairman of Committee for European Integration, 27th June 2012

<sup>8</sup> Ibid:

### **1.3. INTERNAL IMPLICATIONS OF PROLONGED VISA DIALOGUE WITH KOSOVO (2009- 2012)**

While the EU visa liberalisation has been generally described as a process involving mainly technical reforms and decision-making, it still had far reaching political implications in the case of Kosovo. Faced with a political impasse due to initial objections from EU members that did not recognise its independence and difficulties resulting from a complicated relation with Serbia, the Government of Kosovo launched a self-devised visa liberalisation roadmap in order to fulfil whatever conditions it could control.<sup>9</sup> The first step in this direction was the unilateral adoption of the 'Action Plan for the Implementation of Kosovo Government Roadmap on Visa Liberalisation with the European Union' which in itself reflected a similar structure and approach to the one being negotiated by EU with other WB countries.

This study has found that the initiation of the 'Action Plan' resulted in the adoption of some important government policies in the area of public order and security – document security, integrated border management, migration and fundamental rights related to the freedom of movement. In other words, this step triggered a notable dynamism in concluding the first generation of laws and national strategies covering the process. The most important changes noted in this phase were the adoption of a new Criminal Code, a new Law on Integrated Border Management and Control of State Borders (2008), the Law on Asylum (2011), the Law on Foreigners (2011), the Law on Anti-Corruption Agency (2010), the Law on Money Laundering and Terrorist Financing (2010) and the Law on the Protection of Personal Data (2010).

In addition to legislative amendments, the study also revealed an increased pace of efforts to enact the legislation during this phase. Some of the strategies related to the process that the Government passed were the National Integrated Border Management Strategy (2010-2012), the National Strategy and Action Plan Against Organised Crime (2009-2011), National Strategy and Action Plan Against Drug Trafficking (2009-2011), the National Strategy and Action Plan against Trafficking in Human Beings (2009-2011), the National Strategy on

---

9 KCSS interview with Mr. Fatmir Xhelili, Former Deputy Minister of Internal Affairs (2007-2010), currently an elected member of Kosovo Assembly and also a member of Committee on Internal Affairs, Security and Kosovo Security Force, 14th June 2012,

Migration (2009-2012), the National Strategy for Reintegration of Repatriated Persons (2009-2012) and the Anti-Corruption Strategy (2009-2012). A number of other strategies and actions were subject to modification to align them with European standards.

The official EU Visa Liberalisation Roadmap for Kosovo was delivered by the European Commission four years later in June 2012. The phase in between was challenging for both EU domestic reasons and political complexities surrounding the political status of Kosovo. The following chapters will therefore assess the progress reached by the institutions of Kosovo in implementing policies, prevention and combating of organized crime and corruption.

# 2

## II. IMPLEMENTATION OF PUBLIC ORDER AND SECURITY POLICIES

### 2.1. IMPLEMENTATION OF INTEGRATED BORDER MANAGEMENT POLICIES IN KOSOVO

#### LEGAL FRAMEWORK

The policy on Integrated Boarder Management (IBM) is regulated by the Law on Integrated Management and Control of the State Border that entered into force in June 2008 as part of the legal package introduced by the Comprehensive Proposal for the Kosovo Status Settlement. Both local<sup>10</sup> and international<sup>11</sup> officials have assessed the legislation adopted in this area to be highly advanced and in line with EU Acquis.<sup>12</sup> The aim of the law was to establish sustainable coordination and cooperation between all competent (local and international) authorities involved in the border security and facilitates the free movement of people and goods. The law would enable the conditions for establishing an efficient and effective border management structure in order to have open but controlled and secured borders.<sup>13</sup>

10 KCSS interview with Col. Shaban Guda, Directory for Integrated Border Management (IBM), Kosovo Police, 27th August, 2012

11 KCSS interview with: Karin Marmsoler, *Policy Advisor - Rule of Law*; European Union Office in Kosovo 29 June 2012

12 KCSS interview with Col. Shaban Guda, Directory for Integrated Border Management (IBM), Kosovo Police, 27th August, 2012

13 Law on Integrated Management and Control of the State Border, Article 1, Kosovo Assembly, 15th June 2008,

According to the provisions of this law the inter-agency cooperation shall be carried out by the Border Police, Customs Service, Phyto-Sanitary and Veterinary Service (PSSVS) as well as and all other relevant agencies as defined in the National Strategy for Integrated Border Management.<sup>14</sup> In the first four year phase after the adoption of the law the Government has passed a number of administrative directives and strategies to strengthen the implementation capacities. These subsequent steps have by and large completed the legal infrastructure related to integrated border management.

**IBM  
STRATEGY**

The 'National Strategy of Republic of Kosovo for Integrated Border Management (2009-2012)' was adopted by the Government in April 2009. The strategy is based on the EU IBM approach and builds on three essential pillars – intra-service cooperation, intra-agency cooperation and international cooperation.<sup>15</sup> The government has to create a coordinating structure under the leadership of the Ministry of Internal Affairs that would be tasked with both decision-making and supervisory authority. The structure should include representatives from the Ministry of Economy and Finance (MEF), Ministry of Environment and Spatial Planning (MESP), the Ministry of Agriculture, Forests and Rural Development (MAFRD), the Ministry of Transport and Infrastructure (MTT), the Ministry of Health (MoH) and the Ministry of Foreign Affairs (MFA). The second layer of management includes the Executive Board which consists of the National IBM Coordinator, the Assistant General Director for Border Police, General Director of Kosovo Customs, the Chief Executive of the Agency for Veterinary and Food, the former Agency for the Coordination of Development and European Integration and other representatives as deemed necessary.<sup>16</sup>

<sup>14</sup> Law on Integrate Management and Control of the State Boarders, Article 1, Kosovo Assembly, 15th June 2008, [http://www.kuvendikosoves.org/com-mon/docs/ligjet/2008\\_03-L065\\_en.pdf](http://www.kuvendikosoves.org/com-mon/docs/ligjet/2008_03-L065_en.pdf)

<sup>15</sup> National Strategy of Republic of Kosovo for Integrated Boarder Management (1999-2012), Kosovo Government, April 2012, [http://www.mpb-ks.org/repository/docs/Strategjia\\_Anglisht\\_FINAL\\_National\\_strategy\\_of\\_the\\_Republic\\_of\\_Kosovo\\_2009.pdf](http://www.mpb-ks.org/repository/docs/Strategjia_Anglisht_FINAL_National_strategy_of_the_Republic_of_Kosovo_2009.pdf)

<sup>16</sup> National Strategy of Republic of Kosovo for Integrated Boarder

The entire package of strategies and action plans resulted from the decision of the government to launch its own process of fulfilling the visa liberalisation conditions in 2008 and covered a period of three years. The process of admending the existing strategy has been completed and a modified version will be endorsed by the end of 2012.<sup>17</sup> No substantial changes are expected. In addition to the IBM strategy other related strategies have been adopted in the area of organized crime, counter-terrorism and migration issues. The evaluation of the implementation of the strategies in organised crime and counter-terrorism will be done in the following chapters while the migration policy is not subject of this paper.

IMPLEMENTATION  
OF  
**INTERNAL  
IBM  
COOPERATION**

The first steps to implement this strategy involved the establishment of a coordination team headed by the Deputy Minister of Internal Affairs. IBM related agencies and the Government established the National Centre for Border Control in order to increase efficiency and foster coordination. This centre is composed of Police, Custom and Phyto-Sanitary and Veterinary Service and aims to facilitate information sharing on issues related to IBM. The newly established mechanism helped improve coordination considerably. Various bodies and services now organize joint patrols, checkpoints, exchange equipment and information as well as organise joint training sessions.<sup>18</sup> This is generally assessed to have produced results and improvements at border-crossings.<sup>19</sup>

The lack of joint databases remains one of the key weaknesses.<sup>20</sup> However, agencies have launched a new

---

Management (1999-2012), Kosovo Government, April 2012, [http://www.mpb-ks.org/repository/docs/Strategjia\\_Anglisht\\_FINAL\\_National\\_strategy\\_of\\_the\\_Republic\\_of\\_Kosovo\\_2009.pdf](http://www.mpb-ks.org/repository/docs/Strategjia_Anglisht_FINAL_National_strategy_of_the_Republic_of_Kosovo_2009.pdf)

17 Interview with Col. Shaban Guda, Directory for Integrated Border Management (IBM), Kosovo Police, 27th August, 2012

18 Ibid:

19 Ibid:

20 Ibid:

initiative to development a joint system of information sharing as part of IBM team.<sup>21</sup> This involves considerable budgetary implications and may take time to complete. Kosovo Police officials stressed the importance of completing this step though pointed out that the development of a joint database is not in itself an EU condition for visa liberalisation.<sup>22</sup>

The limited level of internal control and oversight seem to be more pressing problems at this point. This is evidenced by the lack of a systematic control process at some border crossings.<sup>23</sup> The Kosovo Police officials have admitted weakness in this area but argued that this only occurs during the holiday periods when a combination of outward flows of tourists and inward flow of the Kosovan Diaspora overburdens the existing capacities. According to police estimates the number of people crossing the border with Albania varies between 30,000-40,000 thousand and this is well above the available police capacities to handle this number. This would put into doubt the ability to exercise appropriate levels of control. While the officials recognised this challenge, they also stated that passenger cars and people are the only exception since the transport of goods undergoes a regular close inspection.

The lack of capacities and experience with internal control leaves considerable space for the occurrence of corrupt practices. While this is understandable for a relatively new inspectorate, this also points out to the need to increase supervisory capacities in order to prevent potential misuse of authority at border-crossings.<sup>24</sup>

IMPLEMENTATION  
OF  
**IBM**  
INTER-BORDER  
COOPERATION

In addition to the component of internal cooperation, the Government has made significant progress in regional and international cooperation. The most notable examples are the implementation of IBM with Albania, Macedonia and

21 Ibid:

22 Ibid:

23 Interview with: Karin Marmsoler, *Policy Advisor - Rule of Law*; European Union Office in Kosovo 29 June ,

24 Ibid:

Montenegro. The new policy proved most effective with Albania's border-crossings. This has led into a better and faster management of the flow of goods and people which peaks to very high numbers particularly during the summer season. Officials from both countries have established joint Border Police patrols as well as a single crossing point. The procedures in part simplified because of linguistic affinities have also reduced the amount of waiting time at the border.<sup>25</sup>

The IBM proved effective also in the case of Macedonia albeit not at the level and scope with the case of Albania. No joint patrols and single crossing points are in place. There have been talks between Kosovo officials and Macedonian officials over the issue of documents required to pass into each others' territory. However the research identified regular meetings between the IBM coordination teams taking place and concrete steps related to these issues are expected to be made soon.

Our research has identified a sound track of cooperation between Kosovo and Montenegro. There has been close cooperation between respective IBM coordination teams. Furthermore there were joint police patrolling in both parts of the border especially after the handover of responsibilities from KFOR to Kosovo Police. However, a deepening of cooperation seems in part to be conditioned by the unresolved issue of border demarcation.<sup>26</sup> Having a clearly defined border with Kosovo has not been a condition for Montenegro during its visa liberalisation dialogue and Government officials do not expect this issue to lessen their chances for a quick conclusion of the process.

The implementation of IBM with Serbia remains a politically sensitive and complicated issue. This is also difficult because the presence of Kosovo police in the northern Kosovo crossing points (Bernjak and Jarina) has been a challenging

---

25 KCSS interview with Behar Selimi, Former Director of Kosovo Police, currently a Member of Kosovo Assembly, 11th June 2012

26 Drawing Boundaries in the Western Balkans, Between the People's Perspective, Saferworld, October 2011, <http://www.saferworld.org.uk/downloads/pubdocs/Drawing%20boundaries%20in%20the%20Western%20Balkans.pdf>

security issue. The implementation of IBM in the other crossings (Merdare and Dheu I Bardhë) under full control by Kosovo authorities should be less complicated. The control of central government over the northern part dominated by the Serbian ethnic community has been weak at best. Attempts by the Government to assume full control have resulted in backlash and led to the burning of border-crossings by the extremists.<sup>27</sup> This tense and fragile situation has become a fertile ground for potential illegal smuggling. Both borders crossings are under EULEX control and include little or no control by Kosovo Police.

Serbia refuses to recognise the independence of Kosovo and has failed to accept the existence of border-crossings. Instead it has maintained that these crossings are administrative lines. However, this political challenge has greatly affected the success of implementing the IBM. Some form of understanding has been achieved during the Prishtina-Belgrade dialogue facilitated by the EU. An agreement on IBM as well as freedom of movement, documents and vehicle licence plates has been reached in 2012 but its implementation has been slow in part due to domestic political developments and elections in Serbia.<sup>28</sup>

Kosovo has made significant progress also in establishing cooperation with countries beyond its neighbours. However considering that broader regional and international cooperation is subject to the agreements in the different cooperation fields (such as: migration, asylum, police cooperation, criminal justice cooperation as well as the other economical agreements) which are also related to the border policies, this may be a subject of a specific research in the future and will not be discussed in this paper.<sup>29</sup>

27 MBROJTËSI (Defender), Volume IV- No. 2, Kosovo Police, Official Kosovo Police Magazine, May 2008, <http://www.kosovopolice.com/repository/docs/inter-net.pdf>

28 See the transcript of UN Security Council Sixty-seventh year 6822nd meeting, New York, Tuesday, 21, August 2012, 10 a.m. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20S%20PV%206822.pdf>

29 Interview with Col. Shaban Guda, Directory for Integrated Border Management (IBM), Kosovo Police, 27th August, 2012

## 2.2. IMPLEMENTATION OF GOVERNMENTAL POLICIES IN PREVENTING AND COMBATING THE ORGANIZED CRIME, CORRUPTION AND TERRORISM

The phenomena of organized crime and corruption have been widespread in Western Balkans due to the conflicts and weakness of the state institutions. This study has found some progress in Kosovo in terms of strengthening the institutional capacities to prevent and combat organized crime and corruption. While terrorism is not perceived to be a major threat to Kosovo, the Government has put in place some steps in order to guarantee safety and security. This chapter analyses these phenomena and progress made in Kosovo in three subsequent sub-chapters: (a) Prevention and Combating of Organized Crime, (b) Prevention and Combating of Corruption and (c) Prevention and Combating of Terrorism.

### A. POLICIES IN PREVENTING AND COMBATING

#### LEGAL FRAMEWORK

In the recent years, prevention and combating of organized crime in Kosovo has become an issue which has drawn greater institutional and public attention. Over the last four years Kosovo institutions have adopted various legislation pieces including: the law on special prosecution as well as the other laws related to the border integrated management; anticorruption; witness protection; international judicial cooperation; as well as the new Criminal and Criminal Procedure Code (which will enter into force on the 1st of January 2013). The Law on Prevention and Combating of the Organized Crimes is still missing. This is supposed to be one of the most important legal instrument to aid the efforts of combating and preventing organized crime. Likewise, the law on prevention and combating trafficking of the human beings has not been adopted yet.<sup>30</sup> Nevertheless, the legislation has

<sup>30</sup> Interview with Arben Pacarrizi, Kosovo Police, Department against Drug Trafficking 25 June 2012

been included in the legislative agenda and is supposed to be adopted soon.<sup>31</sup> In lieu of these laws, combating and prevention of organized crime and human trafficking will be based only in the criminal code and criminal procedure code. Therefore, in the upcoming period the MoIA and the Assembly need to work more intensively in completing the legal framework in this field.

Kosovo officials have claimed that the legislation related to combating and prevention of organized crime in Kosovo has been adopted based on the international democratic standards and are in compliance with EU Acquis Communautaire. In this regard, it worth mentioning that Kosovo institutions and in particular the Ministry of Internal Affairs, the Ministry for European Integration and Kosovo Assembly Committee for European Integration have been very active in harmonizing the legislation based on the Acquis Communautaire. However, good intentions have failed to materialise successfully due to the lack of expertise and institutional capacity at the Assembly of Kosovo. Steps to address these bottlenecks were undertaken by the international donors and European Union external assistance programme.<sup>32</sup>

## STRATEGIES

In addition to the laws, the Government has taken steps to develop subsequent policies and strategies namely the Strategy on Organized Crime, the Strategy on Trafficking of Human Beings and the Strategy on Drug Trafficking. Each of these strategies required establishing specific task forces for implementing its objectives. While the decision to establish different task forces reflects commitment, on the other hand it should be noted that there are significant overlaps and

<sup>31</sup> See the Speech of President of Assembly of Kosovo, Mr. Jakup Krasniqi, published in the official webpage of Assembly of Kosovo,

<sup>32</sup> KCSS interview with Lutfi Haziri, Member of Kosovo Assembly, Chairman of Committee for European Integration, 27th June 2012

It is worth mentioning particularly the support provided by The German Agency for International Cooperation (GIZ), but also by other local and international institutions such as Geneva Centre for Democratic Control of Armed Forces, Levizja FOL (Movement Speak), Kosovo Democratic Institute (KDI), as well as Kosovar Center for Security Studies (KCSS) itself.

**NATIONAL  
STRATEGY FOR  
COMBATING  
CRIME**

considerable unnecessary budgetary implications.<sup>33</sup> Indeed, there were different calls directed towards the Government to draft a super-strategy compiled of all branch strategies aiming to centralise institutional efforts in combating and preventing the organized crime.<sup>34</sup>

Nevertheless, considering that the progress on EU integration and visa liberalization remains as one of the highest priorities of Kosovo Government and prevention and combating of the organized crime phenomena an important block of it, the Government decided to draft specific strategies for the each component of wider organised crime which resulted in the increase of budgetary costs. While the success is claimed in introducing this approach, over the course of its implementation there were some shortfalls when it comes to combating organized crime. Considering that there were separated task-forces established within the police institutions in many cases it created a lack of communication between different branches of the police e.g. narcotics, human trafficking and other. In many cases they didn't show propensity to share information and work together, with critics reporting the existence of mistrust among actors.<sup>35</sup>

The main strategy guiding institutional efforts is the National Strategy and Action Plan of Republic of Kosovo against the Organized Crime (2009-2011) which aims to serve as the core institutional platform for preventing and combating the organized crimes in the country. The strategies define the combating and prevention of organized crime based on the international definitions reflecting upon the suppression and punishment of: 1) to trafficking in of the human beings, especially women and children; 2) migrant smuggling; and 3) illicit production and Trafficking of weapons, weapon parts

33 KCSS interview with Rifat Marmallaku, Former Colonel of Kosovo Police, Independent Analyst of Security Policies, 13th June 2012

34 KCSS interview with Rifat Marmallaku, Former Colonel of Kosovo Police, Independent Analyst of Security Policies, 13th June 2012

35 KCSS interview with Peter Ahtelik, Organized Crime Unit, EULEX Police, 13th July 2012,

and ammunition.<sup>36</sup> Apart from the Organized Crime Strategy, also other separate sector based strategies were adopted, such as: IBM strategy, “National Strategy and Action Plan to Combat Trafficking in the Human Beings”<sup>37</sup> and also “National Anti-Drug Strategy and Action Plan” which aimed to regulate all specific areas correlated to the prevention and combating of organized crime.

Most of these strategies have been adopted during the period 2008-2009 with validity of 3 years period, which means that some of them have already expired or will expire by the end of 2012. Until October 2012, only the human trafficking strategy has been renewed into a new National Strategy and Action Plan to Combat Trafficking in the Human Beings (2011-2014).<sup>38</sup> Officials state that the delays over modifying the existing strategies occurred as the results of Government’s expectation to receive the Kosovo Roadmap first and then to consider the inclusion of these guidelines provided by Roadmap in new updated drafts of strategies. In this regard, the modified strategies expected to be in force soon are supposed be more advanced and fully reflecting the requirements out of visa liberalization roadmap as well as overall EU integration pre-conditions.

**NATIONAL  
STRATEGY ON  
COMBATING  
THE HUMAN  
BEING  
TRAFFICKING**

The illegal trafficking of human beings has been sanctioned by the criminal code.<sup>39</sup> Although it was supposed that Kosovo should have a special law on combating and prevention of trafficking of human beings this did not happen.<sup>40</sup> These

36 See the Page 7 of ‘National Strategy and Action Plan of Republic of Kosovo against the Organized Crime’ (2009-2011), Kosovo Government, June 2009

37 See the respective strategies “National Strategy and Action Plan to Combat Trafficking in the Human Beings (2008-2011) & (2011-2014)”, Ministry of Internal Affairs,

38 KCSS Interview with Arben Pacarrizi, Kosovo Police, Department against Drug Trafficking in 25 July 2012

39 See Article 139:Trafficking in Persons, Provisional Criminal Code, Kosovo Assembly, United Nation Mission in Kosovo (UNMIK), Special Representative of Secretary General, [http://www.unmikonline.org/regulations/2003/RE2003\\_25\\_criminal\\_code.pdf](http://www.unmikonline.org/regulations/2003/RE2003_25_criminal_code.pdf)

40 KCSS interview with Arben Pacarrizi, Kosovo Police, Department against Drug Trafficking 25 July 2012

delays were caused mainly because the new criminal code which was supposed to precede this law was still in the process of adoption. Overall, the old criminal code did sanction the majority of situations which involving trafficking of human beings, however there were still some conflicting and ambiguous provisions which needed to be addressed. The amended Criminal Code is expected to include provisions related to human trafficking offences including forcible begging, petty thieves and drug dealers.<sup>41</sup>

The cases of human trafficking have been considered as very worrisome. In an attempt to streamline the public institutions efforts in combating the phenomena, the Government adopted the 'National Strategy and Action Plan to Combat Trafficking in Human Beings (2008-2011)'.<sup>42</sup> The strategy has been renewed and has enshrined the new provisions of the Criminal Code.<sup>43</sup> The new strategy opened the way for adopting a new strategy on child trafficking.<sup>44</sup> This resulted in, the adoption of a consolidated version of National Strategy against the Trafficking of Children by creating a new anti-trafficking pillar.<sup>45</sup>

Our sources referenced considerable progress in strengthening the coordination and increasing of the institutional efforts and capacities in preventing and combating the trafficking of human beings.<sup>46</sup> Among the first efforts was the establishment of National Coordination Office against the Trafficking of Human Beings. This office organizes different meetings and reports regularly to the inter-Ministerial group

---

41 Ibid:

42 See the respective strategies "National Strategy and Action Plan to Combat Trafficking in the Human Beings (2008-2011) & (2011-2014)", Ministry of Internal Affairs, 2008

43 KCSS interview with Arben Pacarrizi, Kosovo Police, Department against Drug Trafficking 25 July 2012

44 Ibid:

45 Ibid:

46 2012 Trafficking in Persons Report – Kosovo, United States Department of State, 19 June 2012 [http://www.unhcr.org/refworld/country\\_USDOS\\_SRB\\_4fe30cb832\\_0.html](http://www.unhcr.org/refworld/country_USDOS_SRB_4fe30cb832_0.html)

which is involved in implementation of strategy and action plan. Furthermore, the Section for Education and Protection of the Victims was functionalised and designed to operate under the KP Directory for Investigation of Trafficking of Human Beings.<sup>47</sup> On the other hand, a slightly more challenging issue was the coordination of efforts between different task forces for implementation of anti-trafficking strategy. Our research has noted several cases when different departments within the Police have failed to share information.<sup>48</sup> These irregular practices with Police came down as a result of lack of experience in adopting a more cohesive approach to crime prevention and as such require immediate steps.

According to the statistics provided by Police, during the last three year there was an average of 52- 69 cases investigated for organized crimes of human being trafficking. The study noted an increased effectiveness on the side of the Police to investigate and prosecute these cases. The number of people charged for human trafficking went from 52 subjects in 2011 to about 183 in 2012.<sup>49</sup> However these figures only represent the cases of women trafficking and make no reference to other potential cases especially child trafficking. The new Criminal Code which is expected to enter into force as of 2013 has addressed the issue and shall provide a legal instrument to tackle a widespread phenomenon of forced begging.

Police statistics analysis reveals that there has been a decrease in the number of victims originating from foreign countries though that seems to have nearly replaced by an increase in the number of domestic victims.<sup>50</sup> While not much progress can be traced in terms of reducing the number of victims, the statistics demonstrate an increased effectiveness by the

---

47 KCSS interview with Arben Pacarrizi, Kosovo Police, Department against Drug Trafficking 25 July 2012

48 KCSS interview with Peter Achtelik, Organized Crime Unit, EULEX Police, 13th July 2012

49 See Tables 1 bellow provided by KP Directory for Investigation of Trafficking of Human Beings

50 See table 2 bellow provided by KP Directory for Investigation of Trafficking of Human Beings

border police to prevent cases of bringing victims into the statistics demonstrate an increased effectiveness by the border police to prevent cases of bringing victims into the territory of Kosovo. The cooperation with the judiciary remains still challenging with respect to drug trafficking however over the past few years there has been considerable improvement also in this sector.

**Table 1: Number of investigation cases undertaken by Kosovo Police during the last 4 years:<sup>51</sup>**

Cases/ Investigations	2009	2010	2011	2012 January-June
Open investigation cases	69	57	66	64
Cases delivered to the Prosecution /Courts	55	50	65	59
Cases – information under investigation	14	7	47	49
Cases based on types of Criminal Charges	2009	2010	2011	2012
Human trafficking	32	31	28	21
Enabling Prostitution	4	8	11	18
Prostitution	11	14	17	22
Imposing slavery / unwillingly working	/	/	/	/
Other charges	22	4	10	3
<b>Total of cases</b>	<b>69</b>	<b>57</b>	<b>66</b>	<b>64</b>
Controlling of the Suspected Premises	2009	2010	2011	2012 January-June
Number of controls	521	709	342	197
Closed suspected premises	70	88	37	19

<sup>51</sup> Table provided by Kosovo Police, 25th July 2012

Arresting based on the Criminal Charges/ Last 4 years	2009	2010	2011	2012 January-June
Human Trafficking	34	76	91	74
Enabling Prostitution	3	13	39	26
Prostitution	9	27	50	31
Other Charges	6	5	3	4
<b>Total Arrestment</b>	<b>52</b>	<b>121</b>	<b>183</b>	<b>135</b>

**Table 2: Statistics about the origin of the human beings trafficking victims in the last four years<sup>52</sup>**

Origin of the identified trafficking victims	2009	2010	2011	2012 January-June
Kosovo	16	28	35	26
Albania	3	7	1	1
Moldova	8	1	/	2
Bulgaria	1	/	/	/
Serbia	1	2	3	/
Poland	/	1	/	/
Slovakia	/	/	/	1
<b>Total of the identified victims</b>	<b>29</b>	<b>39</b>	<b>39</b>	<b>30</b>
<b>Total of the minor trafficking victims</b>	<b>7</b>	<b>16</b>	<b>7</b>	<b>8</b>

52 Table provided for by Kosovo Police, 25th July 2012

NATIONAL  
**ANTI-DRUG**  
 STRATEGY

Drug Trafficking has been an issue of great concern for Kosovo during the past few years. Different reports have identified Kosovo as transit country for trafficking of drugs, blurring highly its image. In order to improve the situation in the ground the in 2009 the government adopted the National Anti-Drug Strategy and Action Plan (2009-2012).<sup>53</sup> This strategy served as the main institutional platform to prevent and combat the drug trafficking in Kosovo. The strategy promotes care and rehabilitation of drug users; prevention of drug use and experimentation with drugs; early interventions to reduce drug-use related health and social consequences; and access to treatment, social rehabilitation and reintegration which is in line with the international standards.<sup>54</sup>

According to the officials the implementation of this strategy went relatively well. Based on the evaluations made in April 2012, it was considered that around 70% of objectives identified by this strategy were accomplished.<sup>55</sup> From overall 57 activities, 19 were to reduce the demand for drugs, 23 were to reduce the number of drug providers, whereas 14 were against collaborators and their coordination. The area in which the taskforce has shown the most progress was the reduction of drug providers, with 89% of objectives accomplished, while the lowest progress was achieved in reducing the demand for drugs with only 39% of the objectives accomplished.<sup>56</sup>

According to the police officials from September 2011 the capacities of KP Directorate for Investigation of Drug Trafficking have doubled.<sup>57</sup> Lately KP has arrested many

53 See the National Anti-Drug Strategy and Action Plan (2009-2012), Ministry of Internal Affairs, June 2009, [http://www.mpb-ks.org/repository/docs/strategjia\\_16\\_06\\_09\\_finale\\_kombetare\\_ENG.pdf](http://www.mpb-ks.org/repository/docs/strategjia_16_06_09_finale_kombetare_ENG.pdf)

54 See the National Anti-Drug Strategy and Action Plan (2009-2012), Ministry of Internal Affairs, June 2009, [http://www.mpb-ks.org/repository/docs/strategjia\\_16\\_06\\_09\\_finale\\_kombetare\\_ENG.pdf](http://www.mpb-ks.org/repository/docs/strategjia_16_06_09_finale_kombetare_ENG.pdf)

55 KCSS interview with Captain Bahri Shala, Kosovo Police, Department against Human Trafficking 25 July 2012

56 Ibid:

57 Ibid:

criminal groups' members and has confiscated a large amount of drugs. More precisely, according to officials the Kosovo Police in the period January 2009 – July 2012 showed an impressive growth of trends when it comes to investigations initiated by Police against the drug trafficking dealers, which ranged at around 20% to 25% per each consecutive year.<sup>58</sup> The Kosovo Police continued to provide evidence of drugs captured. The vast majority of drugs quantity captured in Kosovo originated from abroad and it was mainly

destined (especially the cannabis and heroin) to reach the EU Member States, which somehow reaffirmed that until lately Kosovo was highly used as a transit country.<sup>59</sup>

However, the officials claim that Kosovo is no longer seen as the transit country. The statements of Kosovo Police officials went even further to claim that Kosovo has become the most efficient country in region when it comes to preventing and combating the trafficking of drugs<sup>60</sup> while not providing sufficient evidence of measuring the progress in other countries of the region. However, important indicators which show that the quantity of drugs circulating in Kosovo is slowly decreased are reinforced by the fact that lately there have been more and more cases when small drug dealers were captured cultivate drugs by themselves.<sup>61</sup>

On the other hand, there are rumours that the drugs price in the black market has been increased significantly in the last couple of years.<sup>62</sup>

Apart from drug capturing, during the police operations for capturing drug dealers there have been also confiscations of

58 See Table 3 bellow

59 European Monitoring Center for Drugs and Drug Addiction, Country Overview: Kosovo, Last checked 02 September 2012, <http://www.emcdda.europa.eu/publications/country-overviews/xk#dro>

60 KCSS interview with Captain Bahri Shala, Kosovo Police, Department against Human Trafficking, 25 July 2012

61 Ibid:

62 See table 3 bellow

the significant amount of money, weapons and vehicles.<sup>63</sup> The research team observed a number of press statements of Police and MoIA on the capture of drug smugglers and drugs substances.<sup>64</sup> The increased efforts for combating drug smuggling may be analysed in the context of the need to exercise results in the process of EU integration. However one can conclude that the results in fighting drug smuggling are externally driven and the efforts for fulfilling visa liberalisation process are considered as incentives.

It is worthwhile highlighting that the results in fighting drug trafficking is done in lieu of Kosovo's membership in the regional initiatives and networks. While Kosovo continues to be left out of these initiatives any success in fighting these challenges is done locally while it is widely known that the drug smuggling is trans-regional and trans-national problem. Further, the officials reported for the lack of direct cooperation with international police institutions such as the Interpol, Europol and Eurojust.<sup>65</sup> The KP has already established a Directorate for Law Enforcement International Cooperation which aims to increase the bilateral and multilateral cooperation with other police institutions.

---

63 See table 4 bellow

64 Kosovo Police Arrested five persons and confiscated 300 kilograms of narcotics [Policia e Kosovës arrestoi pese persona dhe konfiskoi 300 kilogram substance narkotike], Kosovo Police, Press Release, 6th July 2012, <http://www.kosovopolic.com/?page=1,26,2616>

65 Interview with Col. Shaban Guda, Directory for Integrated Border Management (IBM), Kosovo Police, 27th August, 2012

**Table 3: Quantitative dates provided by Kosovo Police about the investigation of drug trafficking cases in Kosovo over the last four years:<sup>66</sup>**

Dates Provided by Years	Type of Investigation		Ethnicity			Gender		Type of Allegations		
	Opened Cases	Suspected	Albanians	Serbs	Others	Males	Females	Trafficking	Possession	Cultivating Drugs
2009	272	414	393	5	16	391	23	90	147	35
2010	313	463	419	22	22	448	15	125	146	42
2011	407	547	507	13	27	529	18	143	234	53
2012	285	476	426	13	37	460	16	86	200	4
<b>Total</b>	<b>1277</b>	<b>1900</b>	<b>1745</b>	<b>64</b>	<b>102</b>	<b>1828</b>	<b>72</b>	<b>444</b>	<b>727</b>	<b>134</b>

**Table 4: The amount of drugs captured by Kosovo Police during the 2011/2012:** <sup>67</sup>

	Difference Shown in: %	Difference	2012	2011	Confiscations
	54%	17.89	51.01	3,3 12	Heroin KG
	1,016%	911.22	1,000.84	89.62	Marijuana KG
	183%	4.66	7.21	2.55	Cocaine KG
	100%	6316	6316	0	Cannabis Seeds
	2,929%	7822	8,098	276	Cannabis Plants
	78%	-538	153	691	Ecstasy
	-92%	2,812.4	256	3,068.4	Others Kg
	157%	22	43	14	Weapons
	543%	51,205€	60,630€	9,425€	Money
	76%	13	30	17	Cars

## B. PREVENTION AND COMBATING OF CORRUPTION IN KOSOVO

The corruption is a widespread phenomenon affecting the public sector not only in Kosovo but also wider in the Western Balkans. Kosovo is in the middle of the transition period and has yet to conclude important institutional reforms in order to fulfil EU integration criteria. There is a need for more progress in preventing and combating corruption in the country and the Government is yet to prove its seriousness in tackling the issue.

### LEGAL FRAMEWORK

When it comes to adopting legislation, legal framework in the area of combating and preventing the corruption is relatively in place which has been pointed out also in the latest Feasibility Study published by European Commission for Kosovo.<sup>68</sup> The majority of legislation in this area has been renewed during the last couple of years. The new Law on Anti-Corruption Agency itself was entered in force since January 2010. Soon after, this law followed by other related legislation including: “Law on Declaring, Origin and Control of Properties of the Senior Public Officials and also Declaring of the Gifts for all Public Officials.”<sup>69</sup> and “Law on Prevention of Conflict of Interest in Exercising Public Functions”,<sup>70</sup> Law on Financing the Political Parties<sup>71</sup> and Law on Public Procurement in Republic of Kosovo and Law on Protection of Informants (Whistle-blowers)<sup>72</sup>.

<sup>68</sup> Commission Communication on a Feasibility Study for a Stabilization and Association Agreement between the European Union and Kosovo, European Commission, Brussels, 10th October 2012, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2012/package/ks\\_analytical\\_2012\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_analytical_2012_en.pdf)

<sup>69</sup> Law on Declaring, Origin and Control of Properties of the Senior Public Officials and also Declaring of the Gifts for all Public Officials, Kosovo Assembly, Official Gazette, 14 September 2011

<sup>70</sup> Law on Prevention of Conflict of Interest in Exercising Public Functions, Kosovo Assembly, Official Gazette, 14th September 2011

<sup>71</sup> Law on Financing the Political Parties, Kosovo Assembly, 6th October 2010, <http://www.assembly-kosova.org/common/docs/ligjet/2010-174-eng.pdf>

<sup>72</sup> Law on Public Procurement in Republic of Kosovo, Kosovo Assembly, 31st August 2011, <http://www.assembly-kosova.org/common/docs/ligjet/Law%20on%20public%20procurement.pdf>

In addition, there is also new legislation coming which will complete the legal framework in this area. Thus, the new Criminal Code which will be entering in force starting from January 2013 is going to further enforce the institutional efforts in combating the corruption phenomena. Unlike the previous Code, the new Criminal Code contains a complete chapter which sanctions corrupted officials and other criminal acts related to Official Duty.<sup>73</sup> The only important law has not been adopted yet is the "Law on Extended Powers for Confiscation of Assets Acquired by Criminal Offence" which has been cycling for a while in the receptive Committees of Assembly of Kosovo.<sup>74</sup> Otherwise, the adopted anti-corruption legislation is aligned with the EU Acquis and represents sufficient legal bases for combating and prevention of corruption of senior institutional officials.

## ANTI-CORRUPTION STRATEGY

Alongside efforts for completing the legal framework in the area of anti-corruption, the officials refer to progress in defining institutional policies to prevent and combat the corruptions phenomena in the country. Hence, over the last 3 years the National Strategy and Action Plan against Corruption 2009-2011 represented the most important policy document approved by Assembly of Kosovo which was used to prevent and combat the corruption phenomena in Kosovo. This strategy aimed to progress lively reduces corruption phenomena in the governmental and other public institutions. However the quality of the strategy has been highly criticized by different civil society actors involved in overseeing the corruption sector. Their main concerns were that while the strategy was valued, it did not properly define the timeframe for implementing of planned activities and their financial implication was not compatible with the planned activities while there were also concerns that it had limited the role of

<sup>73</sup> Criminal Code of Republic of Kosovo, Assembly of Kosovo, Official Gazette, 20th April 2012 <http://www.assembly-kosova.org/common/docs/ligjet/Kodi%20penal.pdf>

<sup>74</sup> See the Draft Law on Extended Powers for Confiscation of Assets Acquired by Criminal Offence, Assembly of Kosovo website (last checked 11.10.2012): <http://www.kuvendikosoves.org/common/docs/ligjet/04-L-140.pdf>

Anti-Corruption Agency in supervising the implementation of the strategy.<sup>75</sup>

Nevertheless, despite the reservations, this strategy is still active as a platform for prevention and combating of corruption until the new strategy is adopted. Considering that this strategy has already expired, the new strategy entitled “National Strategy and Action Plan against Corruption 2002-2016” is already in the agenda. The new Strategy aims cover a longer period as it is going to cover a 5 years period. Meanwhile, the content of the new draft of the strategy is not significantly changed from its precursor. Nevertheless, the Feasibility Study published lately by European Commission drew some serious concerns about the content of this draft strategy which is one of the main reasons why there were delays in approving it.<sup>76</sup>

PREVENTION

Overall, when it comes to implementation of the current anti-corruption strategy the progress has been more tangible with respect to prevention measures. During the last couple of years different anti-corruption mechanisms were established with a more strategic level role such as Anti-Corruption Task Force which was established by Government and National Council against Corruption which was established by President. Thus, both the Task Force and the Council aims to coordinate and strengthen institutional efforts in preventing corruption, which in one way another is also a task of the Anti-Corruption Agency. Indeed this is the main reason why both the Council and the Task Force have been heavily criticized by the civil society as an attempt to control the role of the Agency rather than to have any real contribution in preventing and combating the corruption phenomena.<sup>77</sup>

<sup>75</sup> Policy Document: *Deficiencies of Anti Corruption Strategy and its Action Plan 2009-2011 (Dobësitë e Strategjisë Kundër Korrupsion dhe Planit të Veprimit 2009-2011)*, Levizja FOL, Page 4, 2010, [http://levizjafol.org/images/uploads/files/Hulumtim\\_Politikash\\_Dobesite\\_e\\_Strategjise\\_Kunder\\_Korrupsion\\_dhe\\_Plani\\_i\\_Veprimit\\_2009-2011.pdf](http://levizjafol.org/images/uploads/files/Hulumtim_Politikash_Dobesite_e_Strategjise_Kunder_Korrupsion_dhe_Plani_i_Veprimit_2009-2011.pdf)

<sup>76</sup> Commission Communication on a Feasibility Study for a Stabilization and Association Agreement between the European Union and Kosovo, European Commission, 10th October 2012 [http://ec.europa.eu/enlargement/pdf/key\\_documents/2012/package/ks\\_analytical\\_2012\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_analytical_2012_en.pdf) (page 10)

<sup>77</sup> For more, please see the article published by Koha Ditore in 1stJan-

Apart from creating institutional mechanisms to prevent corruption, there were also concrete measures under taken such as the declaration of assets by senior officials who had been latterly published in the webpage of the Anti-Corruption Agency and against those who refuse to declare the assets there have initiated also the respective judicial procedures.<sup>78</sup> However, also in this case there have been concerns when it comes to commitment of the respective institutions to initiate procedures against senior officials who refused to declare the assets. Furthermore, despite that lately in all District Courts new special prosecutors to investigate the corruption affairs of senior public officials have been appointed, the level of individuals convicted for corruption affairs remains relatively low.<sup>79</sup>

Recently there were some concrete steps to strengthen the institutional capacities in combating the corruption phenomena. The Kosovo Police has now fully consolidated its Specialized Department for Anticorruption (SDAC) which is supposed to improve the efficiency of police in combating corruption phenomena.<sup>80</sup> An anti-corruption coordinator was appointed within the Office of the State Prosecutor and one prosecutor per district prosecution office was assigned to corruption cases. There were concrete steps in improving cooperation between prosecutors. The increase in the salaries of judges and the completion of the reappointment process were marked as a step further to prevent corruption in judiciary.<sup>81</sup>

---

uar 2012: <http://www.kohaditore.com/index.php/repository/.../Binder1.pdf?page=1,13,82576>

78 European Partnership Action Plan, Kosovo Government, December 2011, [http://www.mei-ks.net/repository/docs/Plani\\_i\\_veprimit\\_te\\_Partneritetit\\_Evropian\\_2012.pdf](http://www.mei-ks.net/repository/docs/Plani_i_veprimit_te_Partneritetit_Evropian_2012.pdf)

79 Annual Report 2011, Kosovo Police, Publish in 2011 [http://www.kosovo-police.com/repository/docs/RAPORIT\\_I\\_PK-SE.pdf](http://www.kosovo-police.com/repository/docs/RAPORIT_I_PK-SE.pdf)

80 European Partnership Action Plan, Kosovo Government, December 2011, [http://www.mei-ks.net/repository/docs/Plani\\_i\\_veprimit\\_te\\_Partneritetit\\_Evropian\\_2012.pdf](http://www.mei-ks.net/repository/docs/Plani_i_veprimit_te_Partneritetit_Evropian_2012.pdf)

81 Kosovo 2011 Progress Report, European Commission, 12th October 2011, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/ks\\_report\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/ks_report_2011_en.pdf)

COMBATING | In the other hand, when it comes to combating the corruption opinions have been even more divided. So far the numbers of investigation cases run against senior officials for committing corruption affairs has been relatively limited whereas the number of individuals imprisoned for conducting corruption is very symbolic. However considering that corruption is often linked to the organized crime or at least involves a group of well organized people in conducting it, undoubtedly the investigation of corruption affairs remain the most challenging issue for the judiciary.

When it comes to investigations there were a number of cases<sup>82</sup> which were initiated either by Police of Anti Corruption Agency. The PK SDAC during the period April 2010-December 2011 has registered 47 cases. In the other hand, Anti-Corruption Agency which is the leading anti-corruption agency in Kosovo, during 2011 has investigated in total 160 cases which had basic elements to start-up of preliminary investigation procedure. Of this total number of cases initiated by Agency, 12 cases were initiated against were judges and other staff of the Courts, 30 cases were governmental officials, 56 cases were local governmental officials and 3 other cases were against prosecution officers. However for further criminal proceedings to the competent authorities went only 39 of them, with a total of 121 persons suspected to be involved in these corruption affairs.<sup>83</sup> Since January 2009, a total of thirty verdicts against corruption crimes have been issued by mixed panels of EULEX judges and Kosovo judges, thirty defendants were found guilty, nine were acquitted. On other corruption cases, 216 cases are inherited from previous years and 92 were reported in the period October 2010 – July 2011.

Also during the 2012 there were cases registered of individuals arrested and investigated for the corruption affairs. During this

82 Annual Report 2011, Kosovo Police, Publish in 2011 [http://www.kosovopoliice.com/repository/docs/RAPORIT\\_I\\_PK-SE.pdf](http://www.kosovopoliice.com/repository/docs/RAPORIT_I_PK-SE.pdf)

83 Annual Report 2011 (January – December), Anti-Corruption Agency, Published in 2012 <http://www.akk-ks.org/repository/docs/Annual-Report-2011-ACA-fv.pdf>

year the most notable cases were the arresting of 4 Police officers in March,<sup>84</sup> arresting of the chief of Anti-Corruption Task Force in April,<sup>85</sup> investigations of 8 judges and 1 prosecutor by EULEX Police,<sup>86</sup> and other big cases which shows that there is an increasing when it comes to institutional willingness to combat corruption in the main public domains.

## C. PREVENTION AND COMBATING OF TERRORISM

The risk and threat assessments does not perceive terrorism as a direct threat to Kosovo. Until now no serious global related terrorist threats posed towards Kosovo citizens or towards international personnel working for the international missions deployed here. Kosovo's lack of involvement even in the symbolic level in the global war against terrorism was due to the lack of military force which technically prevented Kosovo taking place in the global security processes. Nevertheless, this does not mean that Kosovo should or have neglected the threats posed by terrorism, considering over the last decade that this phenomenon have been widespread all over world, leaving no country in the comfortable position.

### LEGAL FRAMEWORK

From the legal point of view, so far the terrorism have been sanctioned mainly by Provisional Criminal Code who provides harsh penalties for individuals who commit criminal act related to terrorism including the financing and other ways of supporting it.<sup>87</sup> Meanwhile, recently the new Criminal Code

84 See Balkan Insight Article " <http://www.balkaninsight.com/en/article/kosovo-police-arrests-4-pdk-senior-officials-in-vushtrri-municipality>

85 See Article "Head of anti-corruption task force arrested for corruption", 4th April 2011, [http://setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2012/04/04/feature-03](http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/04/04/feature-03)

86 See Article "EULEX accuse 8 Judges and 1 Prosecutor for Corruption", Voice of America, <http://www.zeramerikes.com/content/kosove-tete-gjyqtare-te-akuzuar-per-korrupsion/1450112.html>

87 Provisional Criminal Code of Kosovo, Art 105, Kosovo Assembly & UNMIK, 6th June 2003, [http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2003regs/RA2003\\_25\\_CCintranet.pdf](http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2003regs/RA2003_25_CCintranet.pdf)

(which is going to enter in force by January 2013) has improved further the regulation of counterterrorism measures by further expanding the articles against the terrorist acts, financing and other supportive means of provided for this phenomena. For more, in addition to including new articles, the new Criminal Code has increased also the sentence committing terrorist acts.<sup>88</sup>

Some other laws have been evidence in the field such as: legislation on IBM (which aims to strengthen the border control as a key for preventing the diffusion of terrorist activities in Kosovo territory); The Law on Foreigners and the Law on Asylum (which aims streamline the process for individuals seeking asylum or foreign resident status in Kosovo, making it easier for the KP to establish the identity of aliens who raise terrorist concerns); The Law on the Prevention of Money Laundering and Terrorist Financing<sup>89</sup> which was adopted in 2010 has improved the legal background especially when comes to criminal activities related to financing the terrorism phenomena.

**ADAPTION OF STRATEGIES**

There have been different security sector strategies adopted by Kosovo Government which have included also some very important aspect of preventing and combating the terrorism. According to the officials, among the other sector based strategic documents the counterterrorism measures has been also included in the National Security Strategy of Republic of Kosovo, a document which was contested as it does not reflect the local context and need. However, other strategies which have been made available for the public such as National Strategy and Action Plan against Terrorism 2009-2012, IBM strategy, anti-corruption strategy, provides sufficient measures to prevent and combat the terrorism in the country. The Kosovo Strategy against Terrorism has included five levels of actions

<sup>88</sup> Criminal Code of Republic of Kosovo, Art 135, Assembly of Kosovo, Official Gazette, 20th April 2012 <http://www.assembly-kosova.org/common/docs/ligjet/Kodi%20penal.pdf>

<sup>89</sup> Law on the Prevention of Money Laundering and Terrorist Financing, Kosovo Assembly, 18 October 2010, <http://www.assembly-kosova.org/common/docs/ligjet/2010-196-eng.pdf>

against terrorism starting from prevention, pursuit, protection, preparation and reaction.<sup>90</sup>

**IMPLEMENTATION**

However, there has been also institutional consolidation tasked to prevent and combat terrorism in Kosovo. One of the largest steps in this direction is the consolidation of the Kosovo Intelligence Agency (KIA). According to its officials, this Agency has become operational, which means that Kosovo now is developing an institution with the primary role to collect and analyse information related to potential terrorist activities against citizens and Kosovo. Important progress has been identified also with regards to financial intelligence and money laundry. In order to increase the role of financial intelligence lately the Kosovo government has promoted the Financial Intelligence Unit (FIU) into the new agency called Financial Action Task Force (FATF). Among the main activities exercised by this agency are conducting investigations about the transactions above 10,000 Euros, suspicious transactions and structured transactions.<sup>91</sup> Similarly, also Kosovo Police has recently promoted the Counterterrorism Unit (CTU) into the Department of Counterterrorism (DCT), which showing that terrorism phenomena is been taken seriously by the government. According to the sources, in general this new department is considered operational particularly on the intelligence-gathering level however it needs to develop further the cooperative relationship with relevant government agencies and the religious communities.<sup>92</sup>

Regional cooperation on combating terrorism is another important segment of prevention and combating the large scale criminality. However having in mind the lack of statehood recognition from key regional and international

90 Republic of Kosovo National Strategy and Action Plan against Terrorism, Kosovo Government, Prishtina, June 2009 [http://www.mpb-ks.org/repository/docs/Strat\\_Terror\\_Eng.pdf](http://www.mpb-ks.org/repository/docs/Strat_Terror_Eng.pdf)

91 United States Department of State, Country Reports on Terrorism 2011 - Kosovo, 31 July 2012, available at: <http://www.unhcr.org/refworld/docid/501fbc0c.html> [accessed 12 September 2012]

92 United States Department of State, Country Reports on Terrorism 2011 - Kosovo, 31 July 2012, available at: <http://www.unhcr.org/refworld/docid/501fbc0c.html> [accessed 12 September 2012]

rule of law, security and justice organization this topic is very broad and complicated, therefore it needs to be treated in the specific study and will not be a subject of this paper. Whereas, when it comes to the Northern Kosovo, it worth mentioning that despite all the challenges that Kosovo institutions are facing there in implementing public order and security policies, due to its political sensitiveness and the broad involvement of international community (EULEX&KFOR) until now these issues has been treated only under the isolated frame of EU facilitated technical dialogue between Kosovo and Serbia. More specifically, the EU made no indication so far that the situation in the northern Kosovo may have any direct or indirect negative consequences which may affect the visa liberalization structured dialogue with Kosovo. Therefore having in mind the lack of correlations with the visa liberalization process the situation in Northern Kosovo was not a subject of this chapter.

# BIBLIOGRAPHY

## INTERVIEWS

1. KCSS interview with Arben Pacarrizi, Kosovo Police, Department against Drug Trafficking, 25 July 2012
2. KCSS interview with Behar Selimi, Former Director of Kosovo Police, currently a Member of Kosovo Assembly, 11th June 2012
3. KCSS interview with Captain Bahri Shala, Kosovo Police, Department against Human Trafficking, 25 July 2012
4. KCSS interview with Col. Shaban Guda, Directory for Integrated Border Management (IBM), Kosovo Police, 27th August, 2012
5. KCSS interview with Lutfi Haziri, Member of Kosovo Assembly, Chairman of Committee for European Integration, 27th June 2012
6. KCSS interview with Fatmir Xhelili, Former Deputy Minister of Internal Affairs (2007-2010), currently an elected member of Kosovo Assembly and also a member of Committee on Internal Affairs, Security and Kosovo Security Force, 14th June 2012
7. KCSS interview with Peter Ahtelik, Organized Crime Unit, EULEX Police, 13th July 2012
8. KCSS interview with Rifat Marmallaku, Former Colonel of Kosovo Police, Independent Analyst of Security Policies, 13th June 2012
9. KCSS interview with: Karin Marmsoler, Policy Advisor - Rule of Law; European Union Office in Kosovo, Prishtina, 29 June 2012

## LEGISLATION

10. Criminal Code of Republic of Kosovo, Art 135, Assembly of Kosovo, Official Gazette, 20th April 2012 <http://www.assembly-kosova.org/common/docs/ligjet/Kodi%20penal.pdf>
11. Draft Law on Extended Powers for Confiscation of Assets Acquired by Criminal Offence, Assembly of Kosovo (last checked 11.10.2012): <http://www.kuvendikosoves.org/common/docs/ligjet/04-L-140.pdf>
12. Law on Asylum Seekers Kosovo Assembly Official Gazette 21st 12 2011 <<http://kuvendikosoves.org/?cid=2,191,819>>

13. Law on Declaring, Origin and Control of Properties of the Senior Public Officials and also Declaring of the Gifts for all Public Officials, Kosovo Assembly, Official Gazette, 14 September 2011 <<http://kuvendikosoves.org/common/docs/ligjet/2010-151-eng.pdf>>
14. Law on Financing the Political Parties, Kosovo Assembly, 6th October 2010, <http://www.assembly-kosova.org/common/docs/ligjet/2010-174-eng.pdf>
15. Law on Foreigners Kosovo Assembly Official Gazette 21st December 2011 <<http://kuvendikosoves.org/?cid=2,191,816>>
16. Law on Integrate Management and Control of the State Borders, Kosovo Assembly, 15th June 2008, [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L065\\_en.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L065_en.pdf)
17. Law on Prevention of Conflict of Interest in Exercising Public Functions, Kosovo Assembly, Official Gazette, 14th September 2011 <[http://kuvendikosoves.org/common/docs/ligjet/2007\\_02-L133\\_en.pdf](http://kuvendikosoves.org/common/docs/ligjet/2007_02-L133_en.pdf)>
18. Law on Public Procurement in Republic of Kosovo, Kosovo Assembly, 31st August 2011, <http://www.assembly-kosova.org/common/docs/ligjet/Law%20on%20public%20procurement.pdf>
19. Law on the Prevention of Money Laundering and Terrorist Financing, Kosovo Assembly, 18 October 2010, <http://www.assembly-kosova.org/common/docs/ligjet/2010-196-eng.pdf>
20. Provisional Criminal Code of Kosovo, Art 105, Kosovo Assembly & UNMIK, 6th June 2003, [http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2003regs/RA2003\\_25\\_CCintranet.pdf](http://www.unmikonline.org/regulations/unmikgazette/03albanian/A2003regs/RA2003_25_CCintranet.pdf)
21. Provisional Criminal Code, Kosovo Assembly, United Nation Mission in Kosovo (UNMIK), Special Representative of Secretary General, [http://www.unmikonline.org/regulations/2003/RE2003\\_25\\_criminal\\_code.pdf](http://www.unmikonline.org/regulations/2003/RE2003_25_criminal_code.pdf)

## STRATEGIES AND OTHER POLICY DOCUMENTS

22. 'National Strategy and Action Plan of Republic of Kosovo against the Organized Crime' (2009-2011), Kosovo Government, June 2009 <[http://www.mpb-ks.org/repository/docs/ENG\\_STRATEGJIA\\_KKT\\_30\\_QERSHOR.pdf](http://www.mpb-ks.org/repository/docs/ENG_STRATEGJIA_KKT_30_QERSHOR.pdf)>
23. "Agreements with the countries of the Western Balkans on the facilitation of the issuance of visas", Council of Europe, European

- Commission, 8th November 2007, [http://europa.eu/legislation\\_summaries/enlargement/western\\_balkans/114578\\_en.htm](http://europa.eu/legislation_summaries/enlargement/western_balkans/114578_en.htm)
24. "National Strategy and Action Plan to Combat Trafficking in the Human Beings (2008-2011)", Ministry of Internal Affairs, 2008
  25. "National Strategy and Action Plan to Combat Trafficking in the Human Beings (2011-2014)", Ministry of Internal Affairs, 2011
  26. "National Strategy and Action Plan to Combat Trafficking in the Human Beings (2008-2011) & (2011-2014)", Ministry of Internal Affairs, <<http://www.mpb-ks.org/repository/docs/TQNJShqip.pdf>>
  27. "Republic of Kosovo National Strategy and Action Plan against Terrorism", Kosovo Government, Prishtina, June 2009 [http://www.mpb-ks.org/repository/docs/Strat\\_Terror\\_Eng.pdf](http://www.mpb-ks.org/repository/docs/Strat_Terror_Eng.pdf)
  28. National Anti-Drug Strategy and Action Plan (2009-2012), Ministry of Internal Affairs, June 2009, <[http://www.mpb-ks.org/repository/docs/strategjia\\_16\\_06\\_09\\_finale\\_kombetare\\_ENG.pdf](http://www.mpb-ks.org/repository/docs/strategjia_16_06_09_finale_kombetare_ENG.pdf)>
  29. National Strategy of Republic of Kosovo for Integrated Border Management (1999-2012), Kosovo Government, April 2012, [http://www.mpb-ks.org/repository/docs/Strategjia\\_Anglisht\\_FINAL\\_National\\_strategy\\_of\\_the\\_Republic\\_of\\_Kosovo\\_2009.pdf](http://www.mpb-ks.org/repository/docs/Strategjia_Anglisht_FINAL_National_strategy_of_the_Republic_of_Kosovo_2009.pdf)
  30. Readmission agreements with the countries of the western Balkans, Council of Europe, European Commission, 8th November 2007 [http://europa.eu/legislation\\_summaries/enlargement/western\\_balkans/114562\\_en.htm](http://europa.eu/legislation_summaries/enlargement/western_balkans/114562_en.htm)
  31. Thessaloniki Agenda, European Council, 15 June 2003, [http://ec.europa.eu/enlargement/enlargement\\_process/accession\\_process/how\\_does\\_a\\_country\\_join\\_the\\_eu/sap/thessaloniki\\_agenda\\_en.htm](http://ec.europa.eu/enlargement/enlargement_process/accession_process/how_does_a_country_join_the_eu/sap/thessaloniki_agenda_en.htm) (last checked: 29th June 2012)
  32. Visa Liberalization Roadmaps with; Albania, Bosnia & Herzegovina, Macedonia, Montenegro and Serbia, 2009

## LOCAL AND INTERNATIONAL REPORTS AND JOURNALS

33. Country Reports on Terrorism 2011 - Kosovo, United States Department of State, 31 July 2012, available at: <http://www.unhcr.org/refworld/docid/501fbc0c.html> [ last accessed in 12th September 2012]
34. "2012 Trafficking in Persons Report – Kosovo", United States Department of State, 19 June 2012 <http://www.unhcr.org/refworld/country,,USDOS,,SRB,,4fe30cb832,0.html>
35. "Annual Report 2011 (January – December)", Anti-Corruption Agency, 2012 <http://www.akk-ks.org/repository/docs/Annual-Report-2011-ACA-fv.pdf>
36. "Commission Communication on a Feasibility Study for a Stabilization and Association Agreement between the European Union and Kosovo", European Commission, 10 October 2012 [http://ec.europa.eu/enlargement/pdf/key\\_documents/2012/package/ks\\_analytical\\_2012\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2012/package/ks_analytical_2012_en.pdf)
37. "Country Overview: Kosovo 2011", European Monitoring Center for Drugs and Drug Addiction, Last checked, 02 September 2012, <http://www.emcdda.europa.eu/publications/country-overviews/xk#dro>
38. "Kosovo Police Annual Report 2011", Kosovo Police, 2011 [http://www.kosovopolice.com/repository/docs/RAPORIT\\_I\\_PK-SE.pdf](http://www.kosovopolice.com/repository/docs/RAPORIT_I_PK-SE.pdf)
39. Drawing Boundaries in the Western Balkans, Between the People's Perspective, Saferworld, October 2011, <http://www.saferworld.org.uk/downloads/pubdocs/Drawing%20boundaries%20in%20the%20Western%20Balkans.pdf>
40. European Partnership Action Plan, Kosovo Government, December 2011, [http://www.mei-ks.net/repository/docs/Plani\\_i\\_veprimit\\_te\\_Partneritetit\\_Evropian\\_2012.pdf](http://www.mei-ks.net/repository/docs/Plani_i_veprimit_te_Partneritetit_Evropian_2012.pdf)
41. Kosovo 2011 Progress Report, European Commission, 12th October 2011, [http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/ks\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/ks_rapport_2011_en.pdf)
42. Kosovo Police arrests four PDK officials, Balkan Insight, March 6 2012 " <http://www.balkaninsight.com/en/article/kosovo-police-arrests-4-pdk-senior-officials-in-vushtrri-municipality>
43. MBROJTËSI (Defender), Volume IV- No. 2, Kosovo Police, Official Kosovo Police Magazine, May 2008, <http://www.kosovopolice.com/repository/docs/internet.pdf>
44. Policy Document: Deficiencies of Anti Corruption Strategy and its Action

Plan 2009-2011 (Dobësitë e Strategjisë Kundër Korrupsion dhe Planittë Veprimit 2009-2011), Levizja FOL, 2010, [http://levizjafol.org/images/uploads/files/Hulumtim\\_Politikash\\_Dobesite\\_e\\_Strategjise\\_Kunder\\_Korrupsion\\_dhe\\_Plani\\_i\\_Veprimit\\_2009-2011.pdf](http://levizjafol.org/images/uploads/files/Hulumtim_Politikash_Dobesite_e_Strategjise_Kunder_Korrupsion_dhe_Plani_i_Veprimit_2009-2011.pdf)

45. Proven Efforts for Combating Corruption [Lufta e Dëshmuar Kundër korrupsionit], Article published in daily newspaper "Koha Ditore", in 1st Januar 2012, <http://www.kohaditore.com/index.php/repository/.../Binder 1.pdf?page=1,13,82576>

## NEW ARTICLES

46. "EULEX accuse 8 Judges and 1 Prosecutor for Corruption", Voice of America, <http://www.zeriamerikes.com/content/kosove-tete-gjyqtare-te-akuzuar-per-korrupsion/1450112.html>
47. "Head of anti-corruption task force arrested for corruption", 4th April 2011, [http://setimes.com/cocoon/setimes/xhtml/en\\_GB/features/setimes/features/2012/04/04/feature-03](http://setimes.com/cocoon/setimes/xhtml/en_GB/features/setimes/features/2012/04/04/feature-03)
48. "Kosovo Police Arrested five persons and confiscated 300 kilograms of narcotics" [Policia e Kosovës arrestoi pese persona dhe konfiskoi 300 kilogram substance narkotike], Kosovo Police, Press Release, 6th July 2012, <http://www.kosovopolice.com/?page=1,26,2616>
49. See the Speech of President of Assembly of Kosovo, Mr. Jakup Krasniqi, published in the official webpage of Assembly of Kosovo, June 2012 <<http://kuvendikosoves.org/?cid=1,184>>
50. "Transcript of UN Security Council Sixty-seventh year 6822nd meeting", New York, Tuesday, 21, August 2012, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20S%20PV%206822.pdf> --

