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ASSESSMENT OF POLICE INTEGRITY IN KOSOVO



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POINTPULSE 
WESTERN BALKANS PULSE FOR POLICE INTEGRITY AND TRUST

ASSESSMENT OF POLICE INTEGRITY IN KOSOVO

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About the POINTPULSE Network – Five civil society organizations: Belgrade Centre for Security Policy (BCSP) and Balkan Investigative Reporting Network (BIRN) from Belgrade, Centre for Security Studies (CSS) from Sarajevo, Institute Alternative (IA) from Montenegro and Kosovar Centre for Security Studies (KCSS) from Prishtina, networked into POINTPULSE Network aimed to oversight of police integrity in the Western Balkans. The POINTPULSE aim to contribute to increased trust and confidence in the law enforcement agencies in the Western Balkans by fighting police corruption and promoting police integrity.

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List of abbreviations

ACA	Anti-Corruption Agency
Committee	Parliamentary Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force
I PRO	Information and Public Relations Office
KCSS	Kosovar Centre for Security Studies
KIA	Kosovo Intelligence Agency
KP	Kosovo Police
MIA	Ministry of Internal Affairs
PIK	Police Inspectorate of Kosovo

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SUMMARY

The Kosovo Police is ranked by the citizens of Kosovo among the most trusted institutions; however, its independence and integrity require further improvement. There have been several occasions when the Minister of Internal Affairs, albeit indirectly, commented on police operations; this was noticed particularly during the 2015 protests in Kosovo against the Government. This raises the issue of depoliticization of the police force, as well as claims that the latter is influenced by the executive power.

As regards other components of integrity, the Kosovo Police still does not possess the 'integrity plan' which would guide the most fundamental principles on enhancing accountability, impartiality and honesty. Bearing in mind that members of the police force are among the oldest in the region when it comes to average age, the early retirement of approximately 1,000 police officers and the recruitment of new ones will represent quite a challenge. There is also a need for better cooperation between the Kosovo Police and the State Prosecutor's Office, the strengthening of professional capacities and human resources of the Police Inspectorate of Kosovo needed for inspecting and investigating the police, and for better supervision of the police activities by external oversight institutions, the Assembly of Kosovo in particular.

This report aims to assess the integrity within the Kosovo Police and to address the key problems and challenges. Progress and regress in relation to police integrity is measured through six sections or indicators: the transparency of police work, the influence of political interests on the operational work of the police, human resources management, financial management, internal control and external oversight of police work. Given that this is a comprehensive study, it provides a qualitative analysis of the relevance of integrity principles, with the aim of keeping the Kosovo Police accountable, honest and ethical.

The study revealed six major findings. (i) In general, the Kosovo Police is transparent in terms of providing information to the media and the public. The police Information and Public Relations Office is in charge of conducting all the activities related to transparency. However, the police are far from being perfect in this context. There should be far less bureaucracy when it comes to access, statistics, data and detailed information about its work. Therefore, the Kosovo Police should be more proactive to ensure its timely transparency concerning the requests from media, non-governmental organizations and other relevant parties.

(ii) As long as there are assumptions that the police is under political control of the executive power, this area remains among the most sensitive. The current legal framework does not guarantee full operational independence from the Kosovo Government and the Ministry of Internal Affairs. Senior management of the police is politically elected by the Minister of Internal Affairs and the Prime Minister. In addition, the Kosovo Police is accused of having been under political pressure during the 2015



opposition protests against the Government. Also, the majority of Kosovo citizens believe that the political influence on the police is very strong.

(iii) The legislation on the recruitment and ranking system is considered good; however, the Draft Law on Early Retirement of Police Officers has not yet been enacted. The biggest challenges to the human resources management within the police are the ranking process, early retirement, and recruitment of new police officers. The Kosovo Police is considered among the 'oldest' police forces in the region and should therefore be reformed. In total, there are 7,634 police officers on active duty. There is a need to provide the police units, civilian personnel and police officers of different ranks within the police with additional training in order to improve the performance of the administrative part of the police as well as police authorization.

(iv) In the last three years, the Kosovo Police was subjected to criticism regarding the management of public funds, particularly concerning its public procurement system. This sector was criticized in international and local organizations' reports for not being transparent, accountable and for not respecting the law and the public procurement procedures. The KP has managed to establish bodies in charge of internal control and management of public finances, such as an internal audit unit and a public procurement department.

(v) Legal and policy documents regulating the mechanisms of internal control of police work are in place. However, further progress is needed to strengthen the integrity policy and define it even better. Furthermore, the Kosovo Police does not have its own integrity plan, and there should be integrity tests to assess the performance of police officers. Despite this, every year the police performs a performance assessment of police officers through a questionnaire related to the daily work of each officer. The Police Inspectorate, which is an agency independent from the police and operating within the Ministry of Internal Affairs, has not been able to provide integrity tests for police officers.

(vi) There is a need to improve the external oversight of institutions over the work of the police. Parliamentary oversight has been insufficient to supervise the implementation of the Law on Police and other related activities of the Kosovo Police in the years 2014 and 2015. In these two years, it has not provided any monitoring reports on the police. As regards the submission of asset declarations of senior police officers to the Anti-Corruption Agency, the latter does not have a legal mandate to verify financial and material sources of declared assets.



TRANSPARENCY

The citizens and media in Kosovo perceive the Kosovo Police as a sufficiently transparent institution.

Transparency of policing is well regulated

Transparency of the police is one of the guiding principles of the KP, foreseen in the Law on Police in order to provide information to the public and ensure that the institution of the police is open to the public.¹ This legal definition is rather general; however it is strengthened further through the strategic documents of the MIA. They state that the police operational issues and the activities of the police that are of public interest are covered by the IPRO of the KP, which aims to provide full and timely information to the public through the media.² According to the documents that serve to define the public relations of the police, the media has access to the police information upon request or proactively,³ which implies information, press releases, various campaigns, communication through the Internet and the social networks, as well as press conferences. However, there are restrictions when it comes to police information concerning national security, public order and the reputation of others,⁴ which may not be available to the public. The police however have not specified what constitutes sensitive information not to be made accessible to the public.

Unveil more information about the police performance

The public can obtain information from the police regarding its work and decisions if such information does not threaten the public interest.⁵ Public communication of the KP is conducted through the IPRO of the KP at the central and regional levels of the police.⁶ The primary role of the IPRO is to organize, manage and coordinate all the activities related to cooperation between the police and the media.⁷ It prepares reports on a daily basis – 24 hour reports – about the overall activities of the police, press conferences, information provided upon request to the media or other stakeholders, on various information campaigns, etc. In addition, every year the police regularly publish their annual report, which comprises the most important activities and statistics for the previous twelve months. This report contains general information on the annual activities of the police and mainly summarizes

1 Article 2, Law on Police, No. 04/L-076.

2 Ministry of Internal Affairs. *Communication Strategy and Action Plan of the Ministry of Internal Affairs 2014-2016*. MIA, 2014: 4-10. <<http://goo.gl/JxUSDU>>

3 Ibid: 10-11.

4 Ibid: 10.

5 Sutaj, Visar and Canhasi, Artan. *National Integrity System Assessment Kosovo*. Prishtina: Kosova Democratic Institute, Transparency International Kosova, 2015: 94. <<http://goo.gl/BjqW3m>>

6 IPRO is organized at central level within the General Directorate of the Kosovo Police and it has eight regional offices in the Regional Directorates of the police in Prishtina, South Mitrovica, North Mitrovica, Pejë, Gjiilan, Ferizaj, Gjakovë and Prizren.

7 Focus group with police officers of the Kosovo Police organized by KCSS, 7 October 2015.



the information already published by the police during the previous 12 month period. It should cover the internal functioning of the police and the performance assessment conducted by the police much more comprehensively. An important part when it comes to transparency of the police is the publication of press releases on the website of the police, so that representatives of the media, citizens and other parties can be informed about the activities of the KP.

Police officers have not passed security clearance

Another step towards transparency of the KP is the security clearance conducted by the KIA of police officers and other officials of state institutions who have access to classified information.⁸ A large number of officials in the KP have failed to pass the vetting procedure of the KIA. Furthermore, the police did not implement the decisions of the KIA related to the vetting process. Consequently, senior officials of the police are still working in positions that they held prior to KIA's vetting decisions, although they had failed the vetting process based on the Law on Classification of Information and Security Clearance.⁹ All police officers who had failed the vetting process have filed appeals and are now awaiting court decisions. However, the KIA's vetting procedure concerning the police and non-implementation of the latter's decisions shows that there is a lack of coordination and cooperation between these institutions.

Recommendations

1. The Information and Public Relations Office of the police should be more open to the public. Precisely, the IPRO should provide more detailed information to the public, the media, and to non-governmental organizations upon their requests. As it is generally known that they provide general and superficial information, the KP and its IPRO need to also provide more statistics on various issues to the relevant parties.
2. There should be less bureaucracy in terms of providing information concerning the activities of the police quickly and on a timely basis.

8 Muharremi, Robert. *Security Vetting*. Prishtina: Kosovar Center for Security Studies, 2014. <<http://goo.gl/fg0aCU>>
9 Kosovar Center for Security Studies. *Progress in Kosovo's Vetting and Procurement in the Security Sector – Input for Country Report 2015*, 2015: 13.



MANAGEMENT AND THE DECISION-MAKING PROCESS

Full operational independence of police from the Government and the MIA has not been provided. There are assumptions that the Minister of Internal Affairs and the Government politically interfere in police field work.

Operational independence of the police is not ensured

The police operate under the authority of the Minister of Internal Affairs and are directly accountable to the Minister concerning the administration and management. However, the Minister's authority "does not include the operational management of the police."¹⁰ However, based on Kosovo's Constitution, the Prime Minister appoints the Director General of the police upon the recommendation of the Government.¹¹ The Director General of the KP is elected without a public competition and according to the practice gleaned from previous appointments he is elected mainly from among the police officers who have acted as Deputy Directors General of the KP. The Minister of Internal Affairs establishes a commission to select and nominate candidates for the positions of Director General and Deputy Directors General of the police. The Director General of the police and the Deputy Directors General are appointed for a period of five years, with the possibility of being reappointed after five years by the appointing authority.¹² Given that they are appointed by the Minister of Internal Affairs, not only the Director General but also his Deputies are dependent on the Government for their appointment. On the other hand, the Director General of the police has the right to appoint Directors of Departments of the KP, Regional Police Directors, as well as Police Station Commanders.¹³ In this way, the Government exercises executive control and influences the selection of senior management of the KP. Along with political influence, the KP is also financially dependent on the government as the latter allocates the budget to the police. When it comes to the budget, the Director General of the police prepares it and submits it to the Minister of Internal Affairs for review.¹⁴

Police officers in higher positions promote the interests of political parties

Since 2008, the relevant Kosovo institutions exercising external oversight of the KP have actively expressed their criticism regarding the politicization of the police through the influence of the political party¹⁵ that leads the Government. In their words, the fact that senior management of the police is appointed and controlled by political bodies demonstrates that heads of police do not represent the

10 Article 5, Law on Police, No. 04/L-076.

11 Article 128, Constitution of the Republic of Kosovo (with amendments I-XXIV)".

12 Article 37, Law on Police, No. 04/L-076.

13 Article 37, 40, 41, Law on Police, No. 04/L-076.

14 Article 51, 21, Law on Police, No. 04/L-076.

15 Democratic Party of Kosovo (PDK) as the biggest Government ruling party has been frequently criticized of exercising political influence on the Kosovo Police through the Government.



interest of the police but rather the political interests, that is to say, the interests of the Prime Minister and the Minister of Internal Affairs.¹⁶ Furthermore, oversight bodies of the Kosovo Assembly have accused the Government of interfering in the operational work and management of the police during the police operation in Mitrovica in July 2011.¹⁷ This was when the former Kosovo's Prime Minister took an immediate decision to dismiss the then Director General of Police, and to subsequently appoint his Deputy Director General as Acting Head of the KP.¹⁸ The decision to dismiss the former head of the police did not provide any specific reasons for such action, which was perceived as a strong act of political pressure on the police from the executive power.¹⁹

On the other hand, protests that occurred in Prishtina during 2015 against some of the actions and decisions of the Government have created a big challenge for the KP in terms of maintaining public order and safety. The use of force by police officers during the protests has led Kosovo's opposition to assume that the police is a politicized institution, and that its operations are influenced by the political orders of the Government.²⁰ However, this has been constantly denied by the police, insisting that they are independent from the MIA in relation to the operational plans, including operational management during protests. As the police operational plans are prepared by the Department of Public Order and the Director General of the KP, the police considers that there is no interference by the MIA, other governmental bodies, or political parties in its operations.²¹

Nevertheless, in October 2015 police officers stopped a Member of the Assembly who belongs to one of the opposition's parliamentary groups,²² which initiated once again the debate on the issue of possible politicization of the KP. As he was arrested by police officers who did not possess a warrant issued by the Prosecutors' Office,²³ the opposition parties accused the police of being politically instructed by the Government to stop and arrest its political opponents.²⁴ In addition, a statement of the Minister of Internal Affairs who – on the same day – condemned the opposition's throwing tear gas at the Assembly's session, contributed to this case being viewed as external pressure on the work of the police by those who have criticized the police for its politicization.²⁵

16 Interview, Hasan Preteni, the Director of Anticorruption Agency, 24 June 2015.

17 Interview, Rexhep Selimi, Member of the Parliamentary Committee on Internal Affairs, 30 September 2015.

18 Office of the Prime Minister of Kosovo. *Kryeministri shkarkon Drejtorin e Përgjithshëm të Policisë*. 2011. <<http://goo.gl/kI9B4z>>

19 Interview, Rexhep Selimi, Member of the Parliamentary Committee on Internal Affairs, 30 September 2015.

20 Koha Net. *Vetëvendosje e Qeveria akuzojnë njëra tjetrën për dhunë, KMDLNI-ja të dyja*. 2015. <<http://goo.gl/6tV5JG>>

21 Interview, Baki Kelani, Spokesperson of the Kosovo Police, 7 October 2015.

22 Albin Kurti, a Member of the Kosovo Assembly from the Self-Determination Movement, was stopped and interviewed at the police station in Prishtina and afterwards released. He was arrested under the suspicion of throwing a tear gas in the session of the Kosovo Assembly on 8 October 2015. For more details, see the following video link: <<https://goo.gl/lkYGro>>

23 Gashi, Kreshnik. *Zyrtare: Policia Nuk Pati Urdhër Arrest për Albin Kurtin*, 2015. <<http://goo.gl/9ERTVK>>

24 See: <<http://goo.gl/rxdvje>>

25 Telegrafi. *Hyseni: Po tentohet të instalohet logjika e anarkisë*, 2015. <<http://goo.gl/0nJEVp>>

**Box 1: Absence of coordination between the Kosovo Police and State Prosecutor**

An important component of this section is the existing relations between the KP and the Prosecutors' Office. Knowing that the Prosecutors' Office is in charge of leading the investigations concerning various criminal and civil offenses, it is accused of its lack of cooperation with the police concerning serious crimes, in particular when it comes to combating corruption in the cases investigated by relevant police units.²⁶ In the 2015 Kosovo's Progress Report of the European Commission, it is mentioned that judicial structures are still prone to political interference. Furthermore, the EU calls for strengthening the cooperation between the police and prosecution on high-level corruption cases by use of joint investigation teams.²⁷ This demonstrates that there is a lack of coordination among those institutions, which should be crucial for achieving a better situation in the area of rule of law in fighting organized crime and corruption.

Citizens recognize the influence of politics on policing

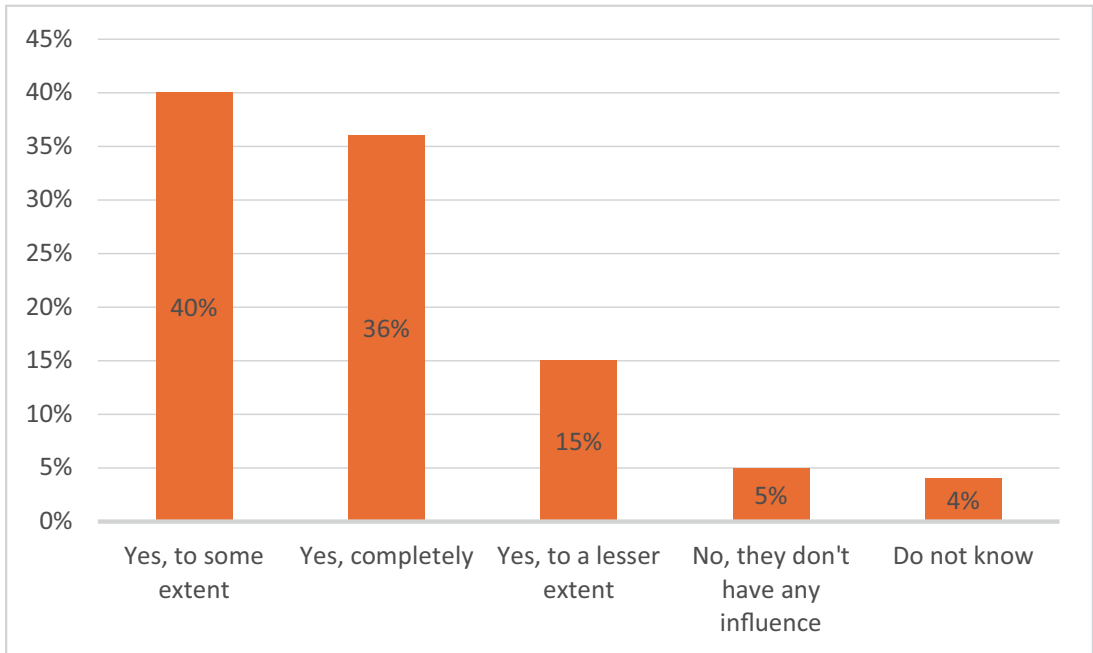
It is worth mentioning that citizens of Kosovo believe that political influence on the KP is quite strong. According to an opinion poll conducted during the mid-2015 within the POINTPULSE project, 91 percent of the citizens are of the opinion that the police are politicized and under the political control of the Kosovo institutions. Forty percent think that political interference exists to some extent, 36 percent firmly answer that the police is completely under political pressure, and 15 percent think that there is some political influence on the police. Only 5 percent of respondents believe that politics have no influence whatsoever on the KP (chart 1).

26 Interview, Fidan Kalaja, Deputy Executive Director of the FOL Movement, 5 October 2015.

27 European Commission. Kosovo 2015 Report. Brussels: European Commission, 2015: 12-15. <<http://goo.gl/UR5Mjp>>



Chart 1: Political influence on the KP²⁸



Recommendations

1. The government, including the Ministry of Internal Affairs, should not interfere in the internal duties of the police, especially in the management of operational plans. The Minister of Internal Affairs and other senior officials of the Government should not comment on operational plans of the police.
2. There should be better cooperation between the police and the State Prosecutors' Office in conducting joint investigations of high-level corruption cases.

²⁸ Avdiu, Plator and Perteshi, Skender. *Perception of citizens on police integrity in Kosovo*. Belgrade, Prishtina: Belgrade Centre for Security Policy, Kosovar Centre for Security Studies.



HUMAN RESOURCES MANAGEMENT

The biggest human resource challenges are the promotion and early retirement of police officers.

Legal framework is sound, but the capacities are low

The legal framework concerning the human resources management in the KP is considered relatively sound as regards the issues of recruitment or selection of employees and the ranking system of KP officers.

The Human Resources Department of the KP is in charge of all the activities related to the management of human resources. Although the KP is a professional police force set up by the international community, it lacks sufficient resources within its various units. There is a need to provide the police units, civilian personnel and police officers of different ranks within the police with additional training in order to improve the performance of the administrative part of the police as well as police authorization.

Early retirement is not well regulated

The Draft Law on Early Retirement of Police Officers has yet to be enacted, while the current legislation does not provide any provision in this regard.

The Kosovo Police has 7,634 officers on active duty and their average age is the highest in the Western Balkans region.²⁹ It is estimated that more than 4,000 police officers are 40 years old, 2,091 police officers are 46 years old, while less than 1,000 police officers belong to the 55 year old group.³⁰ Consequently, the MIA, in close cooperation with the General Police Directorate and the Police Union, got directly involved in drafting the Law on the Early Retirement of Police Officers. Based on police data, the Draft Law will foresee that the retirement age of police officers will be 55, and that 1,000 police officers will retire once the new legislation comes into force.³¹ One thousand police officers whose average age is around 55 will retire gradually, and new police officers will be selected and recruited.³²

However, this process is expected to be accompanied by some challenges. There is a risk of nepotism during the recruitment of new police officers. Given that Kosovo has a high unemployment rate, and that a large number of people will express interest in applying for a job position in the police force,

29 Sutaj, Visar and Canhasi, Artan. *National Integrity System Assessment Kosovo*. Prishtina: Kosova Democratic Institute, Transparency International Kosova, 2015: 94. <<http://goo.gl/BjqW3m>>

30 See: <<http://goo.gl/07mf1D>>

31 Interview, Baki Kelani, Spokesperson of the Kosovo Police, 7 October 2015.

32 Focus group with police officers of the Kosovo Police, organized by KCSS on 7 October 2015



the process should be conducted very strictly by the police and reviewed by the relevant oversight institutions. Also, the recruitment of new police officers should contribute to enhancing the capacity building and professionalism of the KP human resources.

The police budget for 2015 is EUR 89,905,831, while the average monthly salary in the KP is around EUR 450.³³ Police officers are also entitled to salary supplements for duties that involve danger, for working under pressure, for overtime work and work in shifts, work during the holidays or while-on-leave, for special assignments and the use of special skills.³⁴ However, there are currently no retirement-related financial benefits for police officers.³⁵

Non-transparent process of promotion

Promotion of police officers is viewed as the second biggest challenge when it comes to the human resources management in the KP. The police believe that promotion, as a process, is transparent and open to the public. However there are objections as to how the police administer the entire process.³⁶ There have been criticisms of the fact that senior management of the police had promoted police officers without taking into consideration the criteria in the field of professionalism and education in the ranking process.³⁷ In addition, the previous Government was criticized for exercising political control over the police concerning the promotion of some of its senior officers, as well as using its influence to prevent the career advancement of police officers who were not supportive of Government policies.³⁸

Problems with ranking system

The ranking system within the KP is regulated by an internal procedure which has undergone transformational changes. From 1999 when the KP was established by the international community until 2008, this process was conducted by the United Nations Mission in Kosovo (UNMIK) which had executive power over the police. Following Kosovo's Declaration of Independence in February 2008, competencies have been transferred to domestic institutions within the police, which are now in charge of the police officers' ranking system. The system includes the following ranks: junior police officer, police officer, senior police officer, sergeant, lieutenant, captain, major, lieutenant-colonel, and colonel.³⁹

33 Sutaj, Visar and Canhasi, Artan. *National Integrity System Assessment Kosovo*. Prishtina: Kosova Democratic Institute, Transparency International Kosova, 2015: 94. <<http://goo.gl/BjqW3m>>

34 Article 47, Law on Police, No. 04/L-076.

35 Sutaj, Visar and Canhasi, Artan. *National Integrity System Assessment Kosovo*. Prishtina: Kosova Democratic Institute, Transparency International Kosova, 2015: 94. <<http://goo.gl/BjqW3m>>

36 Interview, Hasan Preteni, the Director of Anticorruption Agency, 24 June 2015.

37 Interview, Rifat Marmullaku, Former Senior Police Officer of the Kosovo Police, 3 July 2015.

38 Interview, Rexhep Selimi, Member of the Parliamentary Committee on Internal Affairs, 30 September 2015.

39 Article 45, Law on Police, No. 04/L-076.



The police Department of Administration and Personnel assesses the staff ranking needs and submits the requests for approval to the Director General of the police. According to senior police officers, the MOIA does not play any role in the ranking system.⁴⁰ The police ranking process has been monitored by UNMIK and EULEX missions, without any participation of the local stakeholders. However, the relevant Committee of the Kosovo Assembly, which oversees the police, has failed to prepare a monitoring report on the ranking system. Regardless of the fact that a working group has been established within the Assembly's Committee to monitor the career advancement of police officers and the police ranking system, the Committee was unable to deliver a report because the "work dynamic and agenda" was not maintained by the Committee itself.⁴¹ Police officers who are passed over in the ranking procedure are allowed to lodge a complaint, and the police Directorate of Professional Standards plays a decisive role in testing the integrity of all the candidates who go through the ranking process.⁴²

Recommendations

1. The KP should ensure a fair and transparent process of recruitment and selection of new police officers once the planned 1,000 retire. This process should be conducted without any interference from external factors such as political influence, nepotism or conflict of interest. On the other hand, the relevant institutions must ensure that the retired police officers enjoy a dignified retirement.
2. The ranking system within the KP should be merit-based and monitored by the Parliamentary Committee for Internal Affairs, Security and Supervision of the Kosovo Security Forces as the external oversight institution. Additionally, such a process should guarantee the principle of impartiality, integrity and honesty.

40 Focus group with police officers of the Kosovo Police, organized by KCSS on 7 October 2015.

41 Interview, Rexhep Selimi, Member of the Parliamentary Committee on Internal Affairs, 30 September 2015.

42 Interview, Izet Azizi, Director of the Directorate on Professional Standards, 7 October 2015.



FINANCIAL MANAGEMENT

The public procurement system within police remains one of the biggest challenges when it comes to misuse of public funds and the involvement of public officials in corruption cases.

The institutional framework is in place

The KP has established the mechanism for managing the public funds: Department for Budget and Finance and the Public Procurement Unit. These institutions are responsible for managing, controlling, and overseeing the spending of public funds. In 2015, the total budget of the KP was EUR 89,905,000 and the majority of the budget was spent on salaries and capital investments and services. Around 40 percent of the budget for capital investments and services was spent through public procurement procedures. The KP is obliged to report to the Parliamentary Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force.⁴³

The biggest challenges in the public procurement sector of the KP are the lack of professional staff in the procurement unit and the lack of personnel in general to supervise the implementation of contracts entered into with various private economic operators concerning capital investments and services required by KP.

The problem of “secret” procurement

The area of public procurement is regulated by the Law on Public Procurement (LPP), which was adopted in 2013. First, the Law was extensively criticized by both the procurement department and the external oversight institutions, becoming one of the main obstacles for the proper functioning of public procurement.⁴⁴ Second, the main deficiency of this Law was the provision favoring the offer that carried the lowest price. These criteria often made it impossible to select the most responsive economic operator.⁴⁵

As regards security institutions, the Law on Public Procurement has the potential of increasing the number of opportunities for misuse. Specifically, the Law makes it possible to avoid regular procurement procedures when dealing with specific contracts that require special security measures (Article 3 of the Law on Public Procurement), as well as in cases when the Government of Kosovo, by a special decision, classifies a contract as “secret.”⁴⁶

43 Budget for 2015.

44 Perteshi, Skender. Accountability or not? Managing the public funds in Kosovo Security Sector. Prishtina: Kosovar Centre for Security Studies, 2014. <<http://goo.gl/MLBqvE>>

45 Ibid.

46 Law on Public Procurement in Republic of Kosovo,



Article 3 of the Law stipulates that the contracting authority is not required to comply with any specific procurement procedures or observe the provisions of this Law governing transparency whenever such compliance could compromise the legitimate secrecy or the security interests when carrying out the procurement activities related to awarding a public contract which the Government has agreed to exclude from the scope of this Law because, (i) the performance of the contract, under the applicable Kosovo law, requires the use of special security measures, or (ii) the Government has agreed to classify the subject matter of the contract as a secret. Exclusions pursuant to this Article regarding certain matters are allowed in compliance with the Law on Access to Public Documents.⁴⁷

Public procurement “affairs”

The public procurement system in KP is separated from the Ministry of Interior Affairs and serves as an independent department within the KP. The Department of Public Procurement reports directly to the Director General of KP regarding different public procurement issues and procedures. The public procurement system remains one of the biggest challenges of the KP when it comes to misuse of public funds and involvement of public officials in corruption cases.⁴⁸

In 2013-2014 various KP officials from the Public Procurement Department were investigated by judicial institutions concerning their involvement in the corruption cases and misuse of public funds in public procurement tenders.⁴⁹

KP was plagued by the same challenges in public procurement procedures in 2015. The Police Inspectorate of Kosovo (PIK) is being investigated in relation to three big tenders involving the purchase of equipment and uniforms for police officers, building a KP shooting range and a K9 facility for the KP. The public procurement procedures for these tenders were not in line with the Law on Public Procurement; there are suspicions that specific companies were favored and that transparency and free competition have been avoided during the public procurement proceedings. Investigations in these cases are still underway.⁵⁰

Recommendations

1. The police management should organize more specific trainings for its staff regarding the drafting of technical specifications, especially for the public procurement of specific equipment needed by KP.

47 Article 3, Law in Public Procurement System, No. 04/L-042.

48 Perteshi, Skender. Accountability or not? Managing the public funds in Kosovo Security Sector. Prishtina: Kosovar Centre for Security Studies, 2014. <<http://goo.gl/MlBqvE>>

49 See: <<http://goo.gl/bdCNxk>>

50 Kosovar Center for Security Studies. Progress in Kosovo’s Vetting and Procurement in the Security Sector - Input for Country Report 2015, 2015.



2. The Assembly of Kosovo should plan to revise the Law on Public Procurement to include a specific provision that will regulate the security and defense sector in Kosovo, because of its sensitivity.

3. Precise payment plan should be devised in order to avoid large payments at the end of the year. To ensure proper monitoring of the security institutions, large deferred debts should also be avoided.



INTERNAL CONTROL

The legal framework governing the operation of internal police control is solid. Further progress is needed to strengthen the integrity policy, given that the police does not have an integrity plan.

Solid practice of internal control bodies within the police

In accordance with the hierarchical structure of the police, senior management exercises vertical control of the entire organization, starting with the Director General. This may place the integrity at risk since police management is politically appointed and may not always be objective regarding the fulfillment of its duties.⁵¹ Other types of internal control within the police are the relevant internal mechanisms such as the Directorate of Professional Standards, Internal Disciplinary Committee, Appeals and Rewards Committee, Internal Audit and the Inspection Unit.

The police have their own internal integrity mechanisms that serve to evaluate the performance of police officers. The Directorate of Professional Standards is in charge of assessing the integrity of candidates during the recruitment and ranking process. The performance of police officers is evaluated on the annual basis by the police through a questionnaire related to the daily work of each police officer. Such an assessment includes transparency or communication skills, technical skills, team work and cooperation with the public, as well as an assessment of professional duties of all police officers. According to the police, this assessment shows the integrity of each officer in terms of police work.⁵²

As regards inspection, the Inspection Unit of the police within the Directorate of Professional Standards performed 203 regular and 149 extraordinary inspections in 2014. Extraordinary inspections focused mainly on increasing the discipline, like respecting the working hours and standards relating to uniforms, the use of police vehicles, mutual cooperation, increasing the trust of citizens in the police, increasing the superiors' control of their subordinates, etc.⁵³ In the course of the same year (2014), the Directorate of Professional Standards received 1,030 cases, of which 691 were submitted by the citizens and 339 internally. The Directorate recommended 277 disciplinary measures in 2014 and performed 282 criminal background investigations of applicants for a job in the police, applicants for positions of civilian staff, in promotion cases, in cases of re-employment, etc.⁵⁴

51 Sutaj, Visar and Canhasi, Artan. *National Integrity System Assessment Kosovo*. Prishtina: Kosova Democratic Institute, Transparency International Kosova, 2015: 94. <<http://goo.gl/BjqW3m>>

52 Focus group with police officers of the Kosovo Police, organized by KCSS on 7 October 2015.

53 Kosovo Police, Annual Report, 2014: 32

54 Kosovo Police, Annual Report, 2014: 35-36.



Problems within the Police Inspectorate

The Police Inspectorate is independent from the police and operates under the MIA. Its work includes prevention, detection, documentation and investigation of criminal offences committed by the employees of the police. It also investigates and inspects high profile disciplinary incidents of the police staff. Furthermore, the PIK can be authorized by the Prime Minister to conduct disciplinary investigations against the Director General of the police if he commits a disciplinary violation.⁵⁵

The PIK oversees the work of police officers on a regular basis and prepares inspection reports on the human resources management, public procurement, police operations in case of protests, etc.⁵⁶ It is obliged to receive complaints from the citizens against police officers and to examine and determine which are to be investigated by PIK and which are to be forwarded to the police and other institutions. In 2014 PIK investigated 304 police officers and received 1,287 citizens' complaints. During the same year it also made 20 arrests, provided 64 recommendations for suspension and 13 recommendations for transfer with regard to the KP.⁵⁷ It inspected 149 police officers and interviewed 279.

The KP is seriously challenged because of the absence of the integrity test for its police officers. Integrity tests are essential to ensure that police officers do not abuse their powers, and are conducted in many developed countries.⁵⁸ The PIK, which is authorized to investigate and inspect high profile disciplinary incidents of police employees, has not conducted any integrity tests of police officers in 2014. PIK has blamed the prosecution for not authorizing it to subject police officers to integrity tests.⁵⁹ Knowing that the Code of Ethics is not sufficient, the KP should have its own integrity plan⁶⁰ that would better define the integrity policies within the organization.

However, PIK is frequently criticized for lacking human and professional capacities to successfully perform inspections and investigations within the police. The KP is not satisfied with the work of this institution, and it believes that inspection conducted by the PIK fall under the same competence as that of the police itself. They are asking for a clearer distinction between the purview of the police and that of PIK when it comes to inspection.⁶¹ Also, the PIK is accused of being under the political influence of the MIA and the Government, as the current Chief Executive of PIK was a member of the ruling party at the time when he was appointed Chief Executive.⁶² Meanwhile, the media got hold of information that the Chief Executive of the PIK has not had any meetings yet with the Minister of Internal Affairs.⁶³

55 Article 2, Law on Police Inspectorate of Kosovo, No. 03/L-231.

56 Interview, Arben Vrajolli, Head of the Inspection Department at the Police Inspectorate of Kosovo, 29 July 2015.

57 Police Inspectorate of Kosovo, Annual Report 2014: 55

58 Sutaj, Visar and Canhasi, Artan. *National Integrity System Assessment Kosovo*. Prishtina: Kosova Democratic Institute, Transparency International Kosova, 2015: 99. <<http://goo.gl/BjqW3m>>

59 Assembly of Kosovo. Report of the Chief Executive of Police Inspectorate of Kosovo at the Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force, 17 April 2015, p. 9.

60 Interview, Hasan Preteni, the Director of Anticorruption Agency, 24 June 2015.

61 Focus group with police officers of the Kosovo Police, organized by KCSS on 7 October 2015.

62 Interview, Rifat Marmullaku, Former Senior Police Officer of the Kosovo Police, 3 July 2015.

63 See: <<http://goo.gl/Px7gCv>>



In 2014 and 2015 some police officers were suspended only after this was recommended by PIK. The most well-known case is that of Prizren's Regional Police Director who – at PIK's recommendation – was suspended from duty under the suspicion of having been involved in organized crime.⁶⁴ According to the available information, police officers were suspended only after it was so recommended by PIK, despite the fact that KP itself has the right to decide on the suspension of its police officers.

Recommendations

1. The police should prepare an integrity plan as a necessary roadmap to enhance professionalism, integrity, accountability, and the citizens' trust in the police force.
2. Integrity tests should be conducted by the Police Inspectorate to ensure that police officers do not abuse their powers.
3. Mechanisms of internal control within the police should be independent from the senior management of the police when performing their duties in regard to the internal control of police officers.
4. The Police Inspectorate should increase its professional and human resources. Its new Chief Executive should be impartial, and should contribute more to the institution's capacity building.

⁶⁴ See: <<http://goo.gl/axHfza>>



EXTERNAL OVERSIGHT

External oversight of the police is still weak. Parliamentary oversight has been insufficient to supervise the implementation of the Law on Police and other related police activities. The Anti-Corruption Agency does not have a legal mandate to verify financial and material sources of the declared assets of senior police officers.

Weak parliamentary oversight of police

The Committee's work is focused directly on the supervision of police with respect to its expenditures. In close cooperation with the PIK, the Committee also oversees issues related to disciplinary measures taken against police officers.⁶⁵

The parliamentary Committee has the right to invite Director General of the Police, Minister of Internal Affairs, the Chief Executive of PIK as well as other senior officials of these three institutions to report before the members of the Committee. The former is satisfied when it comes to these institutions' reporting to the Members of the Assembly. During 2015, the Director General of the Police reported twice to the Committee about violent extremism, and together with the Minister of Internal Affairs he also reported on the events that occurred in Kumanovo in Macedonia in May 2015. Also, PIK's Chief Executive was invited and reported before the members of the Committee in April 2015 regarding the activities of the PIK concerning the police.

However, in 2014 and 2015 the Committee itself could not supervise the work of the police. Even though its job is to monitor the implementation of the Law on Police, the Committee has not yet prepared a relevant monitoring report.⁶⁶ Earlier, in 2012 and 2013, the Committee had prepared two monitoring reports on the implementation of the Law on PIK and on the supervision of the budget expenditures of the security institutions in Kosovo. In 2014, this parliamentary body was not able to produce a monitoring report on the ranking process within the KP, even though a Committee's working group was established to address the relevant issue.⁶⁷

No special audit report on the police

The Auditor General is the highest institution for economic and financial control in Kosovo. Every year it publishes an annual audit report about the public institutions, including the security sector. However, it does not prepare a separate audit report for the police; instead, it includes the police in its report on the financial management of the MIA. According to the senior officials of this institution, in

⁶⁵ Rules of Procedure of the Assembly, 2010.

⁶⁶ Interview, Rexhep Selimi, Member of the Parliamentary Committee on Internal Affairs, 30 September 2015.

⁶⁷ Ibid.



2014 the KP addressed all the financial control recommendations concerning the “secret” contracts and technical specifications in public procurements within the security sector.⁶⁸

No control of police officers’ assets

In addition to this, senior officers of the public institutions of Kosovo, including the KP, must declare their assets to the ACA. Since 2008 Kosovo’s senior police officers have provided asset declarations on an annual basis. According to the ACA, to date this procedure was properly observed and there have been no reported cases of any investigations on the part of the agency with respect to senior police officers in connection with their asset declarations.⁶⁹ Out of 3,030 senior public servants who declared their assets in 2014, this number also includes relevant senior police officers, even though they are classified only as senior public servants.⁷⁰ Even though the asset declarations are submitted, the data contained in them are difficult to trust, knowing that the ACA does not possess a legal mandate to verify financial or material sources declared by senior police officers and other senior officers of the public institutions.⁷¹

Recommendations

1. The relevant committee of the Assembly which oversees the police should be more proactive concerning the supervision of the KP. It needs to prepare a three-month monitoring report on the implementation of the Law on Police and the Law on the Police Inspectorate, as well as on other related police issues.
2. Additional clarification should be provided regarding the asset declarations submitted by senior police officers so as to verify the financial and material sources declared to the Anti-Corruption Agency.

68 Kosovar Center for Security Studies. *Progress in Kosovo’s Vetting and Procurement in the Security Sector – Input for Country Report 2015*, 2015: 35-37.

69 Interview, Hasan Preteni, the Director of Anticorruption Agency, 24 June 2015.

70 Anti-corruption Agency, Annual Report 2014, 2015: 20.

71 Sutaj, Visar and Canhasi, Artan. *National Integrity System Assessment Kosovo*. Prishtina: Kosova Democratic Institute, Transparency International Kosova, 2015: 96. <<http://goo.gl/BjqW3m>>

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