

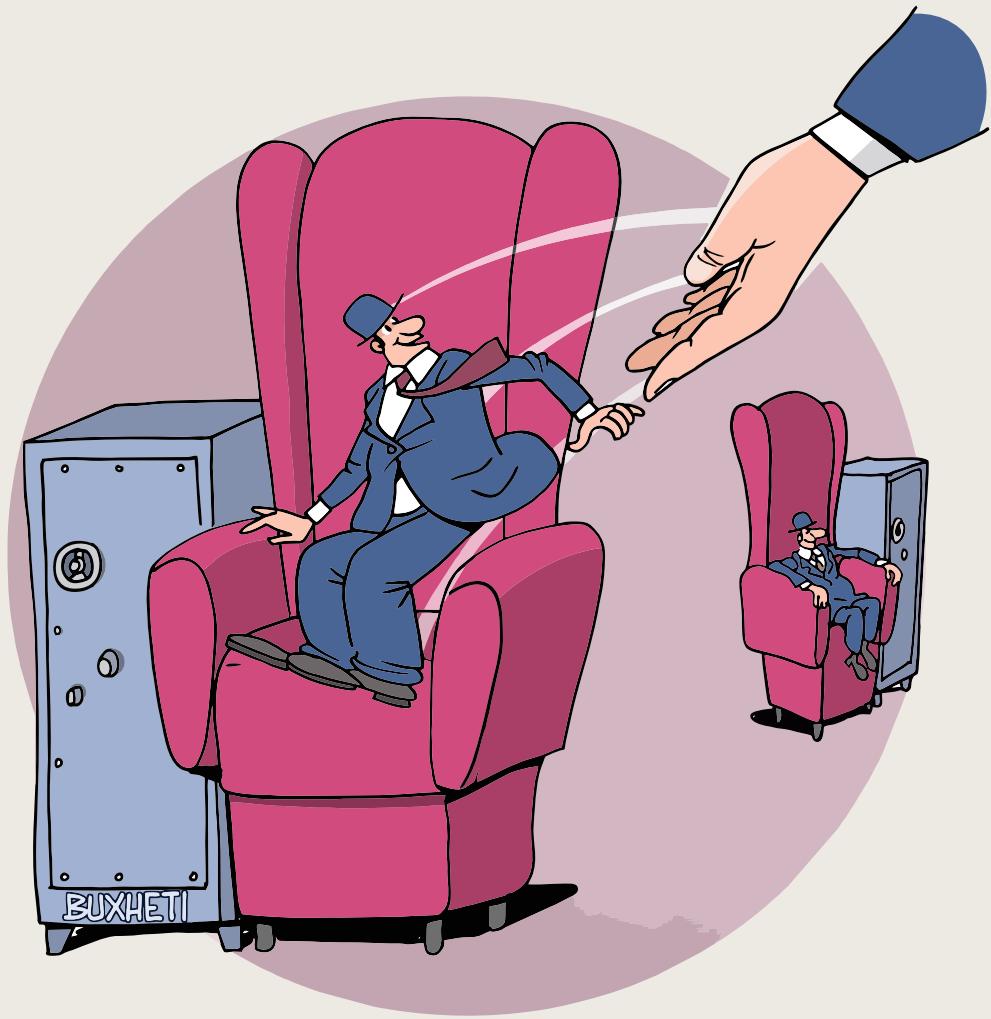


British Embassy
Pristina

BIRN
BALKAN
INVESTIGATIVE
REPORTING
NETWORK | KOSOVO

Parties of Employment

Recruitment Monitoring Report
(December 2019 - December 2020)



Parties of Employment

Recruitment Monitoring Report
(December 2019 - December 2020)

2020

Author:

Dorentina Kastrati

Contributors:

Kastriot Berisha

Emirjeta Vllahiu

Drenushë Ramadani

Xheneta Murtezaj

Valon Fana

Editor:

Visar Prebreza

Proofreading:

Përparim Isufi

ACRONYMS

AAK - Alliance for the Future of Kosovo

ACA - Anti-Corruption Agency.

TAK - Tax Administration of Kosovo

BIRN - Balkan Investigative Reporting Network

CEO - Chief Executive Officer

KEK - Kosovo Energy Corporation

KOSTT - Electricity Transmission System Operator of Kosovo

IMC - Independent Media Commission

IOB - Independent Oversight Board of the Civil Service

CEC - Central Election Commission

PPRC - Public Procurement Regulatory Commission

LDK - Democratic League of Kosovo

LVV - Self-Determination Movement

MCYS - Ministry of Culture, Youth and Sports

POE - Publicly Owned Enterprise

PDK - Democratic Party of Kosovo

RTK - Radio Television of Kosovo

CECS - Central Election Commission Secretariat

HUCSK - Hospital and University Clinical Service of Kosovo

NAO - National Audit Office

OPM - Office of the Prime Minister Kosovo

ERO - Energy Regulatory Office

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	7
2. SECRET EVALUATIONS IN RECRUITMENT PROCESSES	9
3. A YEAR OF DISMISSALS	19
4. EMPLOYMENT THROUGH TENDERS	25
5. COST OF UNMERITED EMPLOYMENT	28
6. PARTIALITY REGARDING EMPLOYMENT INSTITUTIONS	32
7. RECOMMENDATIONS	35

1. EXECUTIVE SUMMARY

Political efforts to control publicly owned enterprises were again apparent this year as Kosovo endured three prime ministers within a twelve-month period, each belonging to a different political party: Ramush Haradinaj (AAK), Albin Kurti (LWV) and Avdullah Hoti (LDK). Each of the aforementioned governments made their intentions apparent when appointing boards of POEs, who despite experiencing serious difficulties, are still managing millions in turnover.

Political boards appointed by the Haradinaj Government which, according to the National Audit Office, committed numerous violations, were dismissed by the Kurti Government. Kurti's government replaced the interim boards, and among those new appointees there were four with a political background and one LW donor.

When Hoti's government came into power the interim boards were dismissed again, the reasoning provided was that they had failed to comply with government direction, deciding instead to annul the vacancies for senior officials in these enterprises. Thus the dismissal was a direct result of efforts to control POEs. This is the strongest indication of political endeavors to keep POEs under control, forcing them this year to operate with temporary boards, uncertainty in management, and further losses.

Meanwhile, the Government of Kosovo has published vacancy announcements for boards of POEs. Some of these announcements are also being assisted by BDO, the company hired by the UK Embassy to provide recruitment assistance. These processes are still ongoing, and it is expected that interviews of candidates who met the minimum criteria will start soon. There is significant interest in joining the respective boards, with over 200 candidates running for a single board position

Following BIRN's recommendation, the Office of the Prime Minister of Kosovo required the evaluation committees to check into the political background of candidates, requesting data from the Central Election Commission and the State Treasury. CEC provided information on whether candidates ran in central or local elections, while the State Treasury provided information on whether board candidates held political office in institutions.

Thus, for the first time ever the Government took concrete steps to implement the Law on Publicly Owned Enterprises, which requires that appointees must be independent in such a way that in the last 36 months they have not held any political position in public institutions or POEs. Currently, only people holding positions in political parties cannot be tracked and prevented from being appointed on boards of POEs.

Vacancy announcements opened and conducted by the Assembly of Kosovo have been associated with many problems. Most of the processes were held without the assistance of BDO, the UK Company employed for the purposes of remedying these aforementioned problems. These processes were not transparent. MPs have applied an evaluation which leaves no indication as to the manner in which MP's scored specific candidates. Such a non-transparent and secret evaluation diminishes the relevance of interviews as scoring is based on political affiliation rather than merit or performance in the interviews. A similar evaluation was applied by CEC in the recruitment of the Secretariat CEO.

For the first time, BIRN monitored the Kosovo Security Force recruitment of soldiers. Over 5,000 people have applied for this recruitment opportunity, and only 400 soldiers will eventually be selected. This is the largest recruitment process ever monitored, with the physical test alone lasting 30 days, and with over 4,000 people being tested. The results of the process, including the impact of the monitoring conducted by BIRN, will be published after the recruitment process is completed.

In addition to direct monitoring, BIRN has reported on many recruitment processes associated with violations and resulting in the selection of undeserving individuals often linked with politics. The focus of the monitoring also included the performance of institutions, whose boards were selected in processes monitored by BIRN or assisted by BDO. Two of these institutions, whose boards were appointed without the recommendation of UK experts, performed poorly: Kosovo Telecom and the Energy Regulatory Office.

This year, for the first time, the practice of employment through service contracts will be prohibited. The Law on Public Officials stipulates that temporary employment of experts is allowed through the Procurement Law. Given that procurement is often problematic and has overseen violations, there is a risk that this legal opportunity to employ persons with contracts of up to 36 months will be misused to employ persons associated with politics.

2. SECRET EVALUATIONS IN RECRUITMENT PROCESSES

The Assembly of Kosovo has filled important state positions through open but non-transparent recruitment processes. Candidates have been scored in secret by MPs, on a white sheet, without stating their name, rendering it impossible to know which MP scored which candidate and with how many points. This method of scoring has turned into common practice in recruitments initiated by the Assembly of Kosovo, mainly in cases that have taken place without the assistance of the British partner, BDO.

Kosovo Assembly members have failed to apply the evaluation practices defined by BDO, the UK Company hired to provide assistance to Kosovo's institutions in the recruitment of senior management positions. This secret evaluation was applied by evaluation committees while selecting the boards of Radio Television of Kosovo (RTK) and Kosovo Electricity Transmission System Operator (KOSTT), as well as board members of the Independent Media Commission (IMC) and the Ombudsperson. The same occurred in the recruitment process of the Chief Executive Officer of the Central Election Commission Secretariat (CECS).

This manner of scoring candidates prevents monitoring and assessment of whether members of the Kosovo Assembly made objective evaluations. In addition, this practice allows MPs to score candidates without providing any explanation or reasoning for the points awarded. BDO practice states that points awarded that are not consistent with the decisions taken by a majority must be argued.

In recruitment processes held with the assistance of BDO, the British Embassy partner, members of evaluation committees are required to keep notes while the candidates provide their answers. They are also obliged to indicate the strengths and weaknesses of candidates. In addition, they should disclose to all committee members and monitors, the points awarded for each answer provided by the candidate. Members of evaluation committees must argue the points awarded for certain answers, particularly wherein the scoring of the candidate differs from the average of points awarded by the majority of committee members.

This kind of evaluation, alongside the obligation to justify the score as applied in recruitments assisted by BDO, makes each evaluation committee member more accountable for the score awarded. This effective practice, despite being applied for some time in the recruitment processes initiated by the Assembly and assisted by the BDO, was not applied by MPs in the recruitment process of the Ombudsperson.

In the past, this BDO installed practice led members of evaluation committees to be as objective as possible in their evaluations. However, the practice established by the Assembly of Kosovo led to conducting the evaluation and scoring of candidates on political grounds, rather than on the basis of merit, or the candidate's performance during the interview. Due to this practice, negotiations for appointments to senior positions begin before the relevant names even reach the session of the Assembly of Kosovo for voting.

2.1. KOSTT

The first recruitment process of this legislature of the Assembly of Kosovo with secret and closed evaluations was held for members of the KOSTT Board. The evaluation committee, consisting of the following MPs: Endrit Shala, Pal Lekaj, Ferat Shala, Elbert Krasniqi, Doruntinë Maloku and Zoran Mojsilovic, over a period of two days, interviewed 27 candidates applying for 5 positions on the KOSTT Board, an institution which was without a board for over two years. The vacancy was announced on February 22, 2020.

After interviewing all candidates, the chair of the Assembly Committee for Economy, Endrit Shala, asked the Committee coordinator to photocopy 6 sheets with the names of the 27 interviewed candidates, leaving out the names of the decision making MPs. This was done in order for each MP to score the candidates anonymously, without indicating the score and points MPs awarded to the candidates. The process was not opposed by any member of the Evaluation Committee.

In addition, the Committee Chair, Endrit Shala, asked the BIRN monitor to leave the room where the evaluation would take place. Only the MPs from the Evaluation Committee and the coordinator of the Assembly Committee remained in the room while the evaluation was taking place and when the list of candidates to be sent to the Presidency of the Assembly was being drafted. This way of scoring took place at the end of the interview process, namely after 27 interviews were held.

In addition to the 'secret'¹ evaluation, members of the Evaluation Committee were not challenged to justify the score awarded to candidates, as was the case in processes held with the assistance of the UK experts. Such a manner of evaluation left the committee members without the task of explaining their score. This was an unprecedented evaluation for senior management positions in Kosovo's institutions. It has led to candidates receiving the maximum possible points.

KRITERET PËR KUSHËRINJË



KRITERET PËR PROFESIONISTË



¹<https://kallxo.com/gjate/konkursi-me-probleme-vleresimi-sekret-per-kandidatet-per-bord-te-kostt-it/>

Over the past year, a recruitment process was conducted for the KOSTT Board with the assistance of UK experts that provided professional support in recruiting senior positions.

The process was transparent, and each member of the Evaluation Committee was required to justify the points awarded to candidates. The scoring was done following every candidate, with all the members required to justify the points awarded. However, this recruitment process had failed, as the Assembly of Kosovo, for six months, failed to vote on the candidates proposed and approved by BDO. Following the dissolution of the Assembly and the call for elections, the vacancy was cancelled.

The list of 12 candidates that went to the members of the Assembly of Kosovo consisted of 8 men and 4 women: Kushtrim Krasniqi, Jeton Mehmeti, Ali Hamiti, Nebih Zariqi, Pranvera Dobruna – Kryeziu, Saranda Sadriu – Mehmeti, Xhavit Buzhala, Ibrahim Krasniqi, Gjelosh Vataj, Ajrinë Gashi – Hamdiu, Arben Dodaj and Hyrmet Mydtyi.

The evaluation committee did not ask the same questions to all 27 interviewed candidates. The 14 candidates who were interviewed on the first day faced different questions to the 13 candidates interviewed on the second day. In addition to the discrimination in questioning, candidates were also discriminated against with the time allocated for the interview.

BIRN has identified open bias from some of the evaluation committee members towards certain candidates. In one case, when the PDK Member of Parliament, Ferat Shala, asked questions to candidate Ibrahim Krasniqi, he stated: “I've known him for a lifetime, he comes from my hometown. If I could, I wouldn't ask you any questions, but it seems I have to”. By the end of the interview, the candidate was selected among the 12 candidates sent to the Assembly. BIRN did not have access to the evaluation to check whether Shala's acquaintance with candidate Krasniqi affected the scoring.

A similar instance of bias occurred with candidate Ali Hamiti, the brother of former LDK MP, Sabri Hamiti. During the interview, MPs Ferat Shala and Pal Lekaj asked no question to candidate Ali Hamiti. MP Ferat Shala only said “good luck and health, you honored us. I want to break the routine, I withdraw from questioning. I wish you luck and health, I've got my answer.” While MP Pal Lekaj said “I will not ask any question either, the response was clear earlier. I commend you on your work.”

Some candidates who applied to the vacancy for member of the KOSTT board had also applied in the previous process which involved BDO, and had previously been evaluated with a higher score. Applicant Enis Berisha, according to the current committee, was evaluated with 18 points and was ranked 19th in the list, while in the previous vacancy, conducted alongside BDO, he was evaluated with 24.8 points and was ranked 3rd.

Applicant Sejdi Rexhepi was evaluated with 21 points by the current committee, and was ranked 14th, while in the last recruitment process he was evaluated with 20.5 points and was ranked 8th. Applicant Neron Berisha was evaluated with 20 points by the current committee, and was ranked 15th, while in the previous recruitment process he was awarded 19.3 points and was ranked 11th, being included in the list of 12 candidates sent to the Assembly for voting.

Nebih Zariqi was evaluated with a higher score by the current committee. The current committee awarded 28 points to Zariqi, ranking him 4th, whereas the previous committee ranked him 9th, with 20.3 points.

The Assembly of Kosovo selected three members of the KOSTT Board. The candidates with the most votes in the Assembly of Kosovo session included Jeton Mehmeti, Arben Dodaj² and Nebih Zariqi³. Although voting was done separately for women and men, it was not sufficient for a woman to obtain the required votes to be appointed to KOSTT Board.

2.2. BOARD OF RADIO AND TELEVISION OF KOSOVO

The recruitment for members of the Board of the Radio Television of Kosovo (RTK) was initiated by the Assembly of the Republic of Kosovo. The candidate selection committee, selecting candidates from the Albanian, Serbian and other communities, was composed of the following members of the Assembly of Kosovo: Doruntine Maloku (LDK), Committee Chair; Arbreshë Kryeziu - Hyseni (LVV), Albert Kinolli (PREBK), Valon Ramadani (LVV), Agon Bashuta (LVV), Blerta Deliu - Kodra (PDK), Mërgim Lushtaku (PDK), Rasim Selmanaj (AAK), Slavko Simic (LS) and Ilir Ferati (LDK).

This process was not assisted by the UK Company, BDO, but was monitored by Balkan Investigative Reporting Network (BIRN).

For two days, 32 candidates were interviewed for a position on the board at RTK. During the interviews some candidates were asked many sub-questions, while others were not asked any. In both cases this amounted to discrimination, as one candidate was asked more than the other, and this can be interpreted in two ways: one had more opportunities to show his/her skills or vice versa, he/she was asked more questions to reflect that he/she was not well prepared.

In certain cases, candidates were asked about issues that fell outside of the scope of competences of an RTK Board member, which is the role they had put themselves forward for. This led to many candidates making mistakes and answering questions that do not fall within their competence.

In addition, the duration of the candidates' interviews was not the same, with some interviews lasting up to 30 minutes, and others no more than 10 minutes.

The Assembly of Kosovo ultimately selected candidates who were shortlisted but had the least points. Meanwhile, the candidates with the highest score failed to obtain enough votes to be selected for the position of RTK board member.

²<https://kallxo.com/lajm/zgjedhen-dy-drejtore-te-bordit-te-kostt-it/>

³<https://kallxo.com/lajm/kuvendi-e-zgjedh-edhe-drejtorin-e-trete-te-bordit-te-kostt-it/>

2.3. OMBUDSPERSON

The vacancy for the Ombudsperson was announced by the Assembly of Kosovo on May 26, 2020. The vacancy was not conducted with the assistance of BDO, and it was followed with some shortcomings. The Assembly of Kosovo, despite its commitment, failed to provide access to full monitoring of the recruitment process for the selection of the Ombudsperson.

The recruitment process was not transparent, as the BIRN monitor was not allowed in the evaluation of the interviewed candidates, the main part of any recruitment process. The Evaluation Committee decided to score the candidates only at the end of the process, namely when all interviews were finished. The committee removed the BIRN monitor from the room, meaning they were not allowed to be present during the candidate evaluation process.

The committee did not provide any details on the form or manner of the evaluation of the candidates after the completion of the interviews. None of the committee members provided explanations regarding the form of evaluation, whether they evaluated each candidate after each interview, or the documents used to record relevant scores. Other than having a secret evaluation, members of the Evaluation Committee also did not keep records of the performance of the interviewed candidates. BIRN noted that panel members in most cases did not keep notes after a candidate's response or after the interview ended and the candidate left the room.

Edona Hajrullahu, Naim Qelaj and Xhavit Shala were the three candidates whose names were sent to the Assembly of Kosovo for a vote on who would assume the role of the Ombudsperson⁴. With 69 votes in favor, 5 votes against and 3 abstentions, Kosovo Assembly members selected Naim Qelaj⁵ as the Ombudsperson.

19 candidates applied for this position, while 17 went on to be interviewed by the evaluation committee, which was composed of 5 MPs, Duda Balje (Chair), Saranda Musliu, Valdete Idrizi, Salih Zyba and Teuta Haxhiu. All of these MPs were also part of the Assembly Committee on Human Rights, Gender Equality, Missing Persons and Petitions.

2.4. ASSEMBLY'S DECEIT: PDK's GUY IN IMC

The Assembly of Kosovo elected Granit Musliu as member of the IMC, as well as Xhevrat Latifi and Azdra Desic. The IMC is a constitutional institution and its members cannot be persons who in the last 2 years were members of a governing body of a political party. However, Granit Musliu, former deputy chairman of the Democratic Youth of Kosovo in Skenderaj, was selected as member of the Independent Media Commission⁶. Musliu was also a member of the Election Commission in the internal elections of the Democratic Party of Kosovo (PDK), held at the end of 2018, and was active in politics by participating in many PDK meetings until 2020.

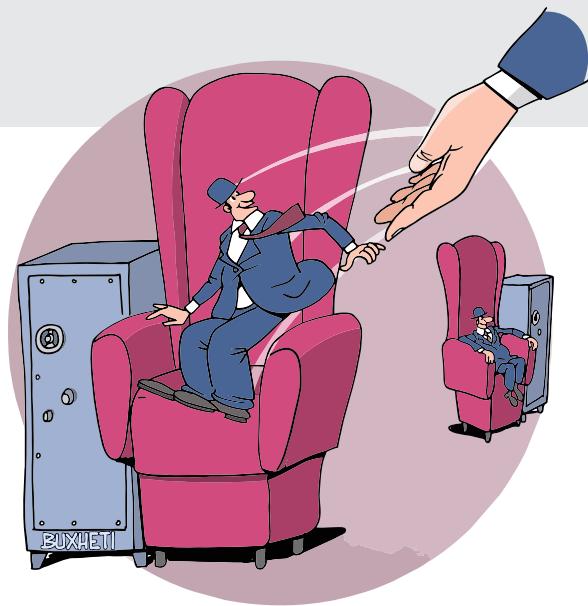
BIRN carefully monitored the selection process, and it was never mentioned in the interview that one of the candidates had a history of association with a political party. Interviews for candidates for IMC members started on October 5, 2020 in the Assembly of Kosovo. Some of the candidates were also interviewed on October 6, 2020. 14 candidates were invited for an interview. 13 candidates responded to the invitation, one did not.

⁴<https://kallxo.com/lajm/komisioni-parlamentar-votoi-listen-e-ngushte-prej-3-kandidateve-per-avokat-te-popullit/>

⁵<https://kallxo.com/lajm/deputetet-votuan-avokatin-e-popullit/>

⁶<https://kallxo.com/gjate/njeriu-i-pdk-se-emerohet-anetar-i-komisionit-te-pavarur-te-medieve/>

Only after the Assembly of Kosovo elected him to the IMC, KALLXO.com received reports that one of the members, Granit Musliu, was active in politics. KALLXO.com researched and proved that Musliu was part of the Democratic Youth of Kosovo, and was part of the Election Commission in party elections held at the end of 2018. Musliu's participation in internal meetings of PDK, even during 2020, was also highlighted.



Granit Musliu was elected Vice President of the Democratic Youth of Kosovo in May 2018. Musliu said he resigned from his position in the Democratic Youth more than 2 years ago. BIRN asked Musliu for evidence of his resignation from PDK, but he did not send any document, and did not answer any additional questions.

Following the report, the Chair of the ad-hoc committee, MP Valon Ramadani, said that they were not aware of Granit Musliu's political past. He said that the candidate Musliu did not inform the committee about his political past, despite the fact that he was obliged to do so. Assembly Committee on Local Government, Public Administration, Regional Development and Media⁷ called for Musliu's dismissal.

In public vacancies for board members and management of various institutions in Kosovo, candidates are required to sign a "declaration under oath" in which they must declare their independence. However, this was not applied in this process, despite the fact that the law states that candidates must not have a political background. This was also confirmed by the PDK MP, Ganimete Musliu, who was part of the Committee for the selection of IMC members.

In addition to Valon Ramadani and Ganimete Musliu, Besa Gaxherri, Slavko Simic, Lirije Kajtazi, Rezarta Krasniqi, Arbresha Kryeziu, Floretë Zejnallahu, Rasim Selmanaj, Agon Batusha and Fikrim Damka were also part of the Committee.

With regards to Article 12 of the IMC Law, which states that a person who is a member of the governing body of a political party, or persons who have been in such positions in the last two years, cannot be elected as members of the Independent Media Commission, MP Musliu said that according to the PDK statute, the Democratic Youth of Kosovo is not a governing body.

IMC is an independent body with the authorization to regulate, manage and monitor the transmission frequency spectrum. IMC regulates the rights, obligations and responsibilities of natural and legal persons who provide audio and audiovisual media services. The IMC also licenses public and private broadcasters and renews licenses, giving authorized entities the right to use frequencies in the Broadcasting Frequency Spectrum, and licenses all audiovisual media services.

⁷ <https://kallxo.com/lajm/pas-raportimit-te-kallxo-com-kerkohet-shkarkimi-i-njeriut-te-pdk-se-ne-kpm/>

2.5. CHIEF EXECUTIVE OFFICER OF THE CEC SECRETARIAT

The Central Election Commission (CEC) has selected the Chief Executive Officer of the Secretariat from a list of 9 candidates through a non-transparent and secret evaluation. The evaluation of the entire recruitment process for the position of CEO of the CEC Secretariat should be split into two parts, the interview process and the evaluation of the interviewed candidates.

One of the weakest areas of this recruitment process included the evaluation of candidates by members of the Evaluation Committee. The evaluation was done by Committee members who completed a form for each candidate interviewed, but who were not required to put down their name. This resulted in only a limited number of Evaluation Committee members signing the evaluation documents. Points awarded by committee members for each candidate were read by a CEC staff without indicating which member of the committee gave how many points, underlining a lack of accountability.

This method of evaluation also produced results that were not objective, particularly for the two candidates with the highest score. The score difference for the same candidate by different Panel members ranges from 25 points to 29 points, with the difference between the maximum and minimum points being 30 (70 to 100).

Candidate Yll Buleshkaj was awarded 100 points by 4 members of the Panel, and received 73 and 75 points from three other members (2 and 3 points more than the minimum evaluation). Such differences were also prevalent with the candidate Burim Ahmetaj. He was awarded 100 points by three panel members, and 71 points by another member, only one higher than the minimum evaluation. The other two candidates, Nexhmedin Hyseni (who is part of the CEC Secretariat) and Miran Zeneli (on staff at the IOBCSK) also got close to the evaluation of 100 points.

Candidate	Committee members	1	2	3	4	5	6	7	8	9	10	11	Tot	Tot/11
Burim Ahmetaj	Evaluation	100	99	83	80	78	86	100	93	99	71	100	989	89.9
Yll Buleshkaj	Evaluation	75	82	97	100	100	98	74	100	73	100	75	974	88.5

This scoring and evaluation is in complete contradiction with the practices installed by the UK experts from BDO, a company offering assistance to Kosovo's institutions. In recruitments assisted by the UK experts the evaluation was transparent and all scores awarded to each reply of candidates were made public.

In addition, members of evaluation committees (panels) are required to justify and reason the scores they award to candidates, particularly in cases of discrepancies with other members. However, this didn't happen in the recruitment process of the CEC Secretariat CEO.

Another issue raised by the Evaluation Committee members was the regulatory amendment after the vacancy for this position was announced. At the beginning of the meeting of the CEC Panel, the LWW member, Sami Kurteshi, said that CEC changed regulation after the vacancy was initiated and candidates applied for CECS CEO, after disagreements on the establishment of the selection committee for this position.

According to Paragraph 3.2 of Administrative Instruction No. 01/2012 "The Interview Panel consists of five (5) members elected by a decision of the CEC, respecting the representation of communities, which shall undertake all actions related to the drafting of the short list of candidates for the position of CEO. The Chair of the Interview Panel is selected by the panelists." Whereas, the CEC changed this article in such a way that all the members of the CEC became part of the Evaluation Committee: "The interview panel shall consist of all (11) members of the Commission, which shall undertake all actions related to the drafting of the short list of candidates for the CEO/Deputy CEO/CECS, OPPCR Executive Director and Spokesperson positions, in accordance with the conditions set out in this Administrative Instruction. The panel shall be chaired by the CEC Chair".

After interviewing some candidates, Evaluation Committee members commented on the answers given. Such comments undermine the autonomy of the Committee members and may affect the evaluations they make of a candidate..

The evaluation panel is composed of 11 CEC members: Valdete Daka, Sami Hamiti, Sami Kurteshi, Arianit Elshani, Alim Rama, Eshref Vishi, Ibrahim Selmanaj, Rifat Krasnić, Artan Asllani, Nenad Rikalo, emailj Kurtisi. Burim Ahmetaj was elected as Chief Executive Officer of the CEC Secretariat.

2.6. IOBCSK

Four of the five members of the Independent Oversight Board of the Civil Service of Kosovo⁸ (IOBCS) selected by the Assembly of Kosovo, had received the green light from British experts as acceptable nominees. For one member selected by the Assembly to the Board, the UK experts considered that he failed to meet the requirements for appointment.

⁸ <https://kallxo.com/punesimet/kuvendi-zgjedh-anetaret-e-keshillit-mbikesqyres-te-sherbimit-civil/>

Candidates selected to IOBCSC include: Ardita Haxhinikaj-Demi, Malësia Gashi-Bajraktari, Arben Mehmeti, Jeton Koca and Eshref Shabani. Newly appointed IOB member, Arben Mehmeti, in a post on Facebook, admitted that he held a post in the Democratic League of Kosovo in Gjilan, until recently.

Malësore Gashi-Bajraktari received 25.1 points from the ad-hoc Assembly Committee and was ranked fifth, but she was not included in the BDO's list (UK experts) as a nominee for this position.

In addition to Gashi-Bajraktari, the committee composed of Assembly Members submitted three additional candidates to the Assembly session who were not chosen as acceptable nominees by the UK experts, but they failed to obtain sufficient votes to be selected to the Board. Mërgim Himaj, who received the highest score by the local committee, was not included in BDO's list, nor was Malësore Gashi-Bajraktari, Agron Behrami and Alban Sutaj.

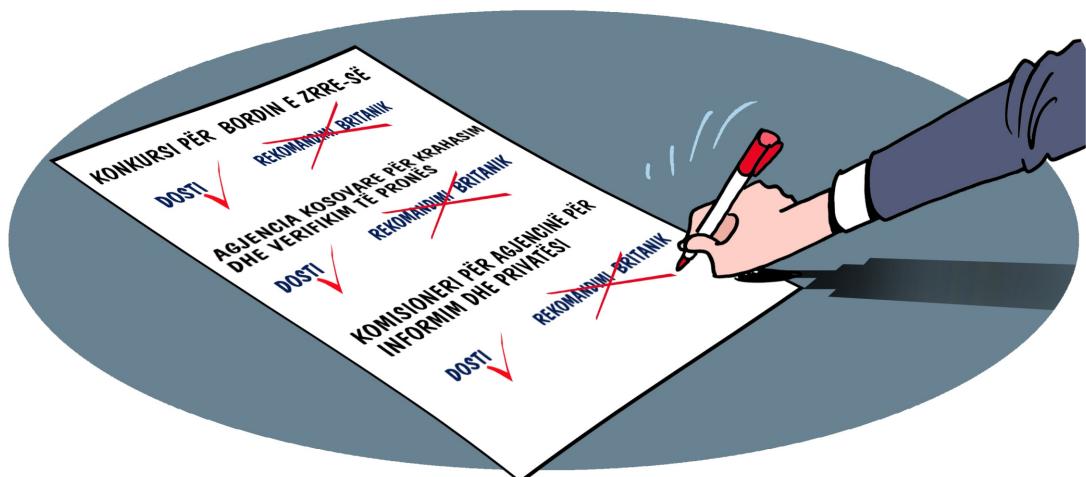
BDO, the British company hired by the British Embassy to provide assistance to recruiting institutions, selected as eligible candidates Zylë Gojnovci and Lulzim Aliaj, but these two names were not sent to the voting session after the local Committee failed to include them on the list of 10 successful candidates.

Other members of the Board selected by the Assembly of Kosovo were also on the list of persons deemed acceptable by British experts, but they received different scores.

2.7. THREE FAILURES TO ELECT THE INFORMATION AND PRIVACY COMMISSIONER

In the session of August 14, the Assembly of Kosovo, for the third consecutive time, failed to elect the Commissioner of the Information and Privacy Agency. Initially, 12 people had applied for this position. After reviewing the applications in a close competition, 5 people were shortlisted. The Assembly Committee on Security and Defense recommended three candidates to the Assembly: Bujar Sadiku, Krenare Sogojeva-Dermaku and Muhamrem Mustafa.

The process was assisted by the UK experts at BDO, who considered that two candidates were acceptable for nomination: Krenare Sogojeva-Dërmaku and Bujar Sadiku. These two candidates had received the consent of the UK Embassy as the most successful to be appointed as Head of the Agency for Information and Privacy, thus proposed the Assembly of Kosovo to select one of the two. Despite the recommendations of the UK Embassy, the Kosovo Assembly, for the third consecutive time, failed to select the Information and Privacy Commissioner.



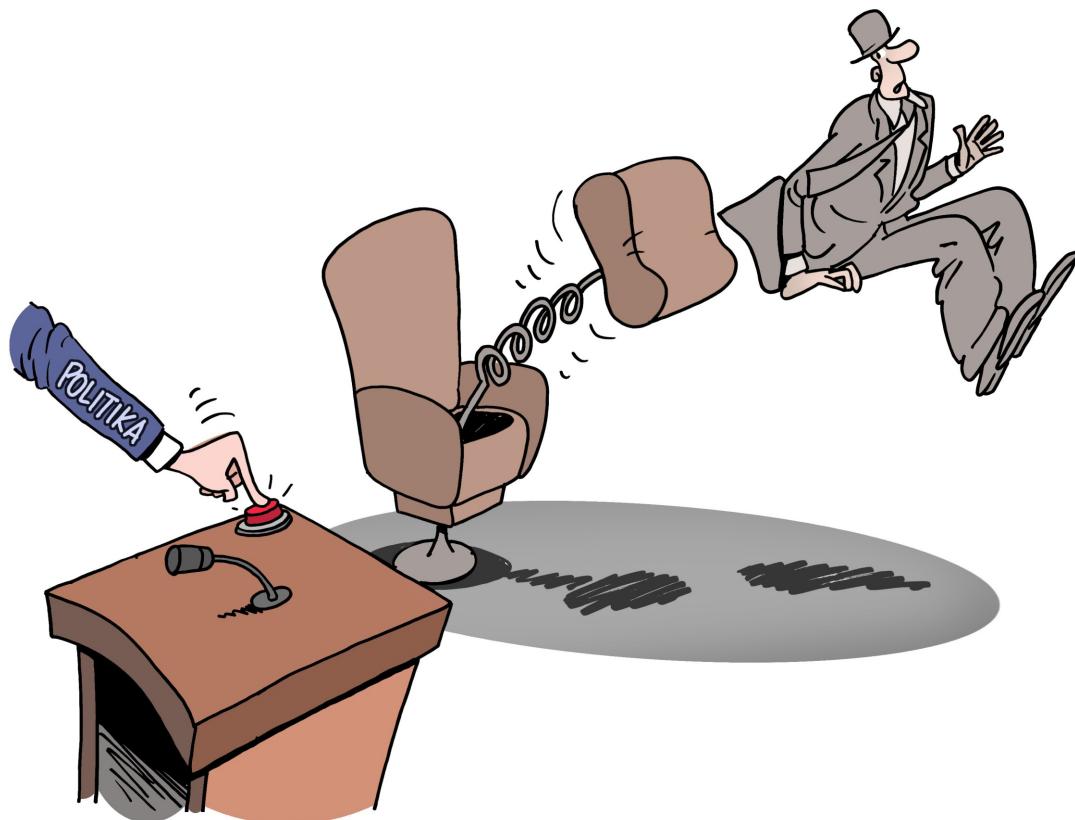
The recruitment's third consecutive failure led to the UK Embassy's statement of disappointment. Moreover, the UK Embassy issued information that BDO experts will withdraw from the recruitment process for this position. In its response, the Embassy stated that it would not waste UK taxpayers' money in repeated processes which were regular and transparent, and selected candidates that meet the conditions for appointment.

This recruitment process was supported by the UK Embassy all three times, and was monitored by BIRN as well as other organizations.

3. A YEAR OF DISMISSELS

In 2020, three governments led by prime ministers from three different parties were replaced in Kosovo: Ramush Haradinaj, Albin Kurti and Avdullah Hoti. The Kurti government, which came to power on February 3, 2020⁹, a few days after coming into power began with the dismissals of POE boards appointed by the Haradinaj government and affiliated with the three parties in the previous coalition: PDK, AAK and the Social Democratic Initiative (NISMA).

Kurti's Government dismissed 10 boards of POEs and replaced them with interim boards. The government headed by Albin Kurti was taken down 50 days later, on March 25, 2020. Avdullah Hoti's Government, which succeeded Kurti's Government, also continued with the dismissals of Board Members appointed by his predecessor, Albin Kurti. Similarly to his predecessors, Hoti too continued with political appointments in interim boards of POEs. In only 3 months, Hoti appointed two different boards in the Kosovo Energy Corporation (KEK).



⁹ <https://kallxo.com/lajm/betohet-qeveria-e-re-e-kosoves/>

3.1. POLITICAL APPOINTMENTS OF KURTI's GOVERNMENT

After coming into power, the first board dismissed by Kurti's government was that of the POE, Kosovo Telekom. Kurti's Government was dismissed by the Kosovo Assembly following a successful vote of no confidence. Albin Kurti's Government, despite having a caretaker role, dismissed the Steering Board of the University Clinical Service of Kosovo (HUCSK), citing reasons such as the failure to complete its important tasks and responsibilities as outlined in the HUCSK Statute and failure to achieve its objectives. Kurti's government, serving in its caretaker role, appointed a new Board, composed of seven members.

Mirsad Shkreta, advisor of the former Minister of Health,¹⁰ and Arben Vitia, from the ranks of LVV, became part of this Board¹¹. In the 2017 national elections Shkreta was also an MP candidate for LVV. Shkreta had received 3,387 votes, failing to pass the threshold to become an LVV MP.

In April 2020, Kurti dismissed the Board of the Regional Water Company "Prishtina" which was divided¹² between AAK, Nisma and PDK. The Kurti government immediately appointed the new interim board in this POE. New Board appointees included Mentor Hyseni - Chair; Hajrie Morina - member, Idriz Maliqi - member and Seat Bilibani - member.

In the last national elections, Mentor Hyseni¹³ ran for MP as a member of LVV, and joined the party in August 2019. Seat Bilibani¹⁴ was a candidate for MP in 2017, representing Emilija Rexhepi's party. Rexhepi was the former Minister of Local Government Administration (MPL) in Haradinaj's Government.

At the April 2 meeting, the Government of Kosovo, led by Albin Kurti, appointed the interim Board of the Kosovo Post. BIRN revealed that the Chair of the Board, Mentor Arifaj¹⁵, had given a donation of 1 thousand Euros to Albin Kurti's party in the last elections of October 6, 2019, when LVV had led in the polls. A few months later, Kurti's Government appointed its donor as Chair of the interim Board of the Kosovo Post.

Among those appointed by Kurti's Government was Abdullah Lala¹⁶, board member in the Central Public Enterprise "Kosovo Railways - Infrakos". Lala was part of the Vetëvendosje Movement in the branch of this party in Podujeve. This was confirmed to BIRN by Lala himself. In addition to Lala, Artan Dërmaku was also appointed to the board of the Public Enterprise "Infrakos"¹⁷, who is also part of the Vetëvendosje Movement party. Dërmaku was introduced a few months earlier by the head of LVV, Albin Kurti, as the newest member of the party.

¹⁰ <https://kalko.com/lajm/te-punesuarit-ne-kabinetin-e-ministrat-arben-vitia/>

¹¹ <https://kalko.com/lajm/ish-kandidati-per-deputet-i-vetevendosjes-emerohet-anetar-bordi-i-shskuk-se/>

¹² <https://kalko.com/gjate/hulumtim/pdk-aak-e-nisma-e-ndajne-bordin-e-uesjellesit/>

¹³ <https://kalko.com/lajm/qeveria-kurti-emeron-perkohesishet-ne-krye-te-bordit-te-uesjellesit-anetarin-e-lvv-se/>

¹⁴ <https://kalko.com/lajm/i-zgjedhuri-ne-bordin-e-kru-prishtina-ish-kandidat-per-deputet-nga-partia-e-ministres-emilija-rexhepi/>

¹⁵ <https://kalko.com/lajm/donatori-i-vetevendosjes-u-emeraua-kryesues-i-bordit-te-postes/>

¹⁶ <https://kalko.com/lajm/edhe-nje-anetar-tjeter-i-lvv-se-emerohet-ne-bordin-e-perkohshem-te-infrakosit/>

¹⁷ <https://kalko.com/lajm/ministrja-hajdari-konfirmon-qe-anetari-i-bordit-ne-infrakos-eshte-i-lvv-se/>

3.2. POLITICAL APPOINTMENTS OF HOTI's GOVERNMENT

Following the formation of the Hoti Government, interim boards appointed by the Kurti Government were in the process of vacancies for the selection of POE managements. The Minister of Economy and Environment, Blerim Kuçi had asked them several times to cancel the recruitment processes for CEO and other senior positions. Only the Board of Kosovo Post had complied with the request of Hoti's Government, canceling vacancy announcements, while other POEs did not.

Following this refusal, in August, the Government of Kosovo led by Avdullah Hoti dismissed the boards of four POEs which had been appointed by the former Prime Minister, Albin Kurti. A decision was made to dismiss¹⁸ interim boards of the Regional Water Company RWC "Prishtina", Central POE "Ibër - Lepenc", POE "Kosovo Energy Corporation - KEK", and POE RWC "Hidroregjioni Jugor" - Prizren. After the dismissal of the boards appointed by Kurti's Government, the Government immediately appointed interim boards in these four public enterprises.

Although the KEK board was appointed in August, three months later, Hoti dismissed the board he had appointed himself, and installed a new board. The Government of Kosovo has dismissed the KEK Interim Board, appointing a new interim Board. Musa Misini¹⁹, who was an LDK candidate for office in 2014 elections and former mayor of Viti was elected the Chair. The new KEK board also consisted of directors Petrit Ibraj, Fatime Grajcevci and Fadil Hoxha.

In October, the Government of Kosovo appointed temporary boards of POEs,²⁰ Infrakos, Post of Kosovo and POE "Trepça". These appointments were made on the grounds that the mandate of the prior boards had expired. A decision was taken to return Esat Peci as a member in the interim Board of "Trepça"²¹, who had been dismissed by the Kurti Government. Esat Peci was an AAK municipal assembly member in Mitrovica, and was included in the Trepça Board during the Haradinaj Government. In an earlier statement to BIRN, Peci had denied being part of the AAK. BIRN had reported that Peci's appointment to the Board of Trepça was in violation of the Law on Trepça, which prohibits members of political parties and people holding party posts from being appointed to the Metallurgical giant's Supervisory Board.

During a meeting of Hoti's Government, Fadil Aliu - Hertica, Leonard Shabani and Elda Maloku were appointed to the interim board of the Post of Kosovo. Fadil Aliu - Hertica²² was an MP candidate from LDK in the general elections of 2017. Aliu was 91st in the electoral list of LDK MP candidates. Aliu had won 2,841 votes in the June 11, 2017 elections.

The other member of the Kosovo Post Board, Elda Maloku²³ is an activist of the Nisma Party. Maloku was seen in the meetings organized by Nisma, who was a governing coalition partner. BIRN reached out to Maloku, but she refused to answer.

On October 19, 2020, Hoti's Government appointed Brahim Selimaj, Sead Thaçi, Avni Kajdomçaj and Sanja Lazarevic to the interim board of POE "Kosovo Railways – Infrakos". Brahim Selimaj²⁴ was an LDK candidate in the early elections of 2019. Selimaj was 65th in the election list of LDK candidates. He won 5,565 votes in the October 2019 Elections. BIRN secured Selimaj's CV. He states in his CV that he was a founder of LDK in 1989, Vice President of the sub-branch "7 Shtatori" for three terms, member of the LDK Presidency in the Peja Branch from 1999 until 2019,

¹⁸ <https://kallxo.com/lajm/qeveria-hoti-shkarkon-bordet-e-emeruara-nga-qeveria-kurti/>

¹⁹ <https://kallxo.com/lajm/netari-i-ldk-se-emerohet-kryesues-i-bordit-te-kek-ut/>

²⁰ <https://kallxo.com/lajm/qeveria-emeron-bordet-e-perkohshme-te-infrakos-it-trepces-si-dhe-postes-se-kosoves/>

²¹ <https://kallxo.com/lajm/qeveria-hoti-rikthen-njeriun-e-aak-se-ne-bordin-e-trepces/>

²² <https://kallxo.com/lajm/ish-kandidati-i-ldk-se-per-deputet-emerohet-ne-bordin-e-postes-se-kosoves/>

²³ <https://kallxo.com/lajm/aktivistja-e-nismes-socialdemokrate-emerohet-anetare-e-bordin-e-postes-se-kosoves/>

²⁴ <https://kallxo.com/lajm/ish-kandidati-per-deputet-i-ldk-se-emerohet-ne-bordin-e-infrakos-it/>

and President of the sub-branch "7 Shtatori" from 2014 until 2019. In addition, Selimaj stated that he also ran for election as an MP candidate in 2014. He was also a member of the Builders and Construction Material Producers Association from 2014 until 2018.

3.3. ANNULMENT OF THE RECRUITMENT PROCESS FOR CEO OF RWC "PRISTINA"

Unlike the boards of other enterprises, the interim board of the Regional Water Company "Prishtina" acted faster, carrying out all procedures for the selection of the CEO. The vacancy was cancelled even though the interim board consisting of Mentor Hyseni - Chair, and three other members - Seat Bilibani, Hajrie Morina and Idriz Maliqi, had completed all procedures, from the review of applications to the selection of the Chief Executive Officer of RWC "Prishtina".

However, Fadil Abdullahu, the candidate selected as Chief Executive Officer of RWC Prishtina, did not hold this position as the process was annulled 6 days after his interview and selection as a successful candidate.

Hoti's Government reacted immediately, by dismissing the board led by Hyseni and appointing a new board, consisting of: Labinot Dedushi - Chair, and the other three members - Agim Miftari, Arlind Haziri and Linda Spahiu. This board, appointed by Hoti's Government on August 3, annulled the vacancy announced for senior positions by the interim board appointed by the Kurti Government.

The Office of the Prime Minister of Kosovo is conducting procedures for the selection of the Board of Directors of RWC "Prishtina". Following the selection of the board, the vacancy for the Chief Executive Officer is expected to be announced. Until the selection of the new CEO, the acting director in this position will be Sokol Xafa.

²⁵ <https://kallxo.com/qjate/vellai-i-xhafer-gashit-dhe-asamblisti-i-aak-se-emerohet-u-d-i-zevendesdrejtitorit-ne-kek/>

²⁶ <https://kallxo.com/shkurt/kushiriri-i-presidentit-hashim-thaci-ne-krye-te-kek-ut/>

Merit-based evaluations in the CEO vacancy

The vacancy for the CEO of RWC "Prishtina" was conducted in a competitive spirit. Ultimately, the candidate with the highest score for CEO was Fadil Abdullahu, with an average of 4.61 points. Next came current Acting CEO, Sokol Xhafa, with 4.33 points, in second, and finally Naser Rusinovci, with 4.02 points, in third.

Initially, the Board had agreed to select the three candidates with the highest scores, and then decide which candidate to recommend for CEO. After disclosing the list of candidates and their scores, a discussion was initiated for the Board to decide who will run RWC "Prishtina".

Board Member, Idriz Maliqi, stated his support for Fadil Abdullahu, as he had the highest score, whereas Hyseni and Morina stated that the board agreed unanimously to select one of the three highest scoring candidates

After the persistence of Board Member Hajrie Morina, a debate started between Board members in relation to the evaluation of candidate Sokol Xhafa by the Board Member, Idriz Maliqi. He was asked to justify his score for Xhafa. According to Board Member Hajrie Morina, Xhafa was very good for such a low scoring by Maliqi.

Candidate Sokol Xhafa was evaluated with 4.83 points by Hajrie Morina, 4.50 points by Mentor Hyseni, and 3.66 by Idriz Maliqi. The difference in points between Hajrie Morina and Idriz Maliqi for candidate Sokol Xhafa was 1.17, the difference in points of Mentor Hyseni and Idriz Maliqi 0.84, and the difference in points of Hajrie Morina and Mentor Hyseni for Sokol Xhafa was 0.33.

Hajrie Morina stated that Idriz Maliqi's low score for Sokol Xhafa led to him not attaining the highest score necessary for the position of CEO.

When asked to argue his assessment of the candidate Sokol Xhafa, the board member, Idriz Maliqi, gave arguments related to Xhafa's work in the past, before the interview, and not of what was said during the interview.

The practice of BDO, the company engaged by the British Embassy in Kosovo, is to evaluate candidates for answers given during the interview in relation to the position for which they applied for and not to evaluate what they already know about the candidates, this underlines a fair approach without preexisting judgement. In the end, it was decided that the candidate Fadil Abdullahu, who was also scored the highest by the interview Panel, should be appointed Chief Executive Officer of "RWC Prishtina".

Every Board Selection Panel member, kept notes on the performance of the candidates during the interview but the announcement of scoring for each candidate by the three members of the Selection Panel - Mentor Hyseni, Hajrie Morina and Idriz Maliqi, was done at the end of the interview. After each interviewed candidate and a 5-minute break, another candidate was invited to the interview room for an interview. So the evaluation was not done after each candidate, as required by BDO practice.

After interviewing the candidates, the board members, Hajrie Morina and Idriz Maliqi, sent their assessments to Mentor Hyseni, the chairman of the board. Hyseni joined his assessment with the assessments of the other two board members, and issued the final assessment for the candidate that received the highest score by the interview panel.

The board member from the Bosniak community, Seat Bilibani, also participated in the interview, but did not ask any question to any candidate. He did not even assess them but participated in the board discussion about the final decision on the selection of the Chief Executive Officer of "RWC Prishtina".

3.4. NEW VACANCIES FOR BOARDS OF PUBLICALLY OWNED ENTERPRISES

In July, 2020, the Government of Kosovo led by Avdullah Hoti made a vacancy announcement relating to positions on the board of directors in 11 publicly owned enterprises. Most of these companies, for which the Hoti Government announced vacancies, had temporary boards appointed by the Kurti Government.

The following are Publicly Owned Enterprises for which the Government of Kosovo announced vacancies for Boards of Directors: Kosovo Telekom; Kosovo Post; Kosovo Energy Corporation; Supervisory Board of "Trepça" Enterprise; NPH "Ibër-Lepenc"; Kosovo Railways – InfraKos; Regional Water Supply Company "Hidroregjioni Jugor" - Prizren; Regional Water Supply Company "Prishtina" - Prishtinë; Regional Water Supply Company "Radoniqi", - Gjakovë; Regional Water Supply Company "Mitrovica" - Mitrovicë and Regional Water Supply Company "Hidromorava" - Gjilan.

The recruitment process in these enterprises is not completed yet. So far, the first phase has been completed - shortlists of successful candidates to be interviewed have been compiled. For the first time in such recruitment processes, the Complaints Review Commission was established, in which the complaints of the eliminated candidates were reviewed. After reviewing the complaints and notifying the candidates about the decision of the commission, the phase of interviewing the candidates for board member positions within 11 public enterprises will begin.

A characteristic of these open vacancies for board member roles has been the quantity of applicants. On some of the boards, the number of candidates has gone up to about 200.

After the Office of the Prime Minister of Kosovo (OPM) announced the vacancy call for selection of boards in publicly owned enterprises, BIRN sent some recommendations regarding the verification of the shortlist of candidates in terms of their suitability and independence, before being interviewed. The Evaluation Commission for the KEK board requested from the CEC Secretariat information on each candidate that met the conditions to be called for the interview, to see if he/she has been a candidate in the local or central elections in the last 36 months, to observe if his/her nomination is in accordance with the Law on Publicly Owned Enterprises.

Based on past experience with many appointed persons not having been independent as required by the Law on Publicly Owned Enterprises, BIRN has requested the OPM to seek information from the Central Election Commission and the State Treasury on all candidates, to observe if any of them have been candidates for a political post or were politically appointed. In addition to information from the CEC Secretariat to see if candidates for boards of public enterprises have been candidates in local or central elections, BIRN has recommended that they seek information from the State Treasury (MoF) and the Ministry of Internal Affairs and Public Administration, to see if the candidates for boards held political positions in executive institutions, and were not selected through elections but through appointment.

In response to BIRN's request, the Office of the Prime Minister of Kosovo has pledged to request all evaluation committees to implement BIRN's recommendations in all board selection processes. Such practice was initially applied during the selection of the KEK board, one of the many vacancy calls taking place in publicly owned enterprises.

Following the implementation of BIRN's recommendation, 20 people were eliminated from the competition for a role on the board. The eliminated candidates have usually applied to more than one board of publicly owned enterprises.

20 persons with political background were removed from the competition for boards of publicly owned enterprises after recommendation of the BIRN

The vacancy calls are being held with the assistance of the BDO, a British company commissioned by the UK Embassy, to provide assistance to Kosovo institutions in recruitment of senior management positions. BIRN is monitoring vacancies for boards of publicly owned enterprises.

BIRN has consistently reported that the appointment of board members of publicly owned enterprises was conducted in violation of the Law on Publicly Owned Enterprises. The Law on Publicly Owned Enterprises states that senior officials of POE-s must be independent and cannot be selected for those positions if they have been politically appointed, publicly elected officials or have held important positions in political parties in the last 36 months prior to the application.

The appointment of board members of public enterprises in Kosovo is one of the processes that has been constantly criticized by civil society in Kosovo, and most recently, by the international community.²⁷

²⁷ <https://kallxo.com/shkurt/politizimi-i-bordeve-qe-alarmoi-diplomatet-e-huaj-ne-kosove/>

4. EMPLOYMENTS THROUGH TENDERS

Procurement is rated as one of the sectors most sensitive to corruption. Despite many assessments of international and local organizations about the presence of corruption in procurement, this sector is being proclaimed as a solution to the usual problems that coincide with service contracts. Two to four thousand people per year have been employed on service contracts in contradiction to the law; their employment occurred without vacancy announcements and did not herald regular positions.

"Appointments with a fixed term for a period shorter than six (6) months shall be done based on contracts called "Special Service Agreements" which are subject to the Law on Obligations and to which a simplified recruitment procedure applies", provides Article 12 of the Law on Civil Service. This practice has ended already. As of the beginning of July, the recruitment of employees for special services will be done based on Article 84 of the Special Service Agreements of the Law on Public Officials.

The new law stipulates that "Special service agreements, according to paragraph 4. of Article 12 of the Law on Civil Service No. 03/L-149 of the Republic of Kosovo, that were concluded before entry into force of this Law are valid up to the deadline defined in those agreements in line with above stated provisions. Following this period, special service agreements shall be concluded according to the relevant public procurement legislation",

Following the entry into force of the new law, the Public Procurement Regulatory Commission (PPRC) has drafted rules for the procurement of special services, which entered into force on 22 September 2020. Although the regulation entered into force in September, it could not be invoked by institutions for employment of staff with special services agreements until November 18, 2020, due to the problems that appeared with Paragraph 3 of Article 3 of the Regulation.

Paragraph 3 required that natural persons applying for positions should get fiscal numbers. According to TAK, if all persons applying for jobs through special service agreements are to be provided with fiscal numbers, in the end the TAK system would be overloaded with many fiscal numbers which would remain fictitious, because not all of them will be hired.

As a solution to this it was decided that all persons wishing to apply can do so by registering on the E-procurement platform as an EO-natural person. Thus, only those hired will be provided with fiscal numbers by TAK. Paragraph 3 of Article 3 of the new²⁸ Regulation that revoked the Regulation of 22 September, that entered into force on 18 November 2020 stipulates that "Individual consulting services can be offered only by natural persons who are not required to have a registered business but the natural person must be registered in the electronic procurement platform as EO - natural person".

²⁸https://e-prokurimi.rks-gov.net/HOME/Documents/Lajmet%20levizese/alb/439/Ndryshim_Plot

HOW WILL EMPLOYMENT FOR SPECIAL SERVICES BE DONE?

The rules drafted by the PPRC apply only to the procurement of special services, which cannot be provided through recruitment procedures under the Law on Public Officials. Special services which cannot be provided through recruitment procedures include professional services that the Contracting Authority needs but cannot fulfill necessarily with its current staff.

Unlike the Law on Civil Service which allowed employment under special service agreements or service contracts which would not be longer than 6 months, under the Law on Public Officials, the duration of contracts will be up to 36 months. The procedure for recruitment of staff for special services starts with publication of the contract notice on the electronic platform, prepared in accordance with Article 40 of the Public Procurement Law, and the uploading of the Tender Dossier approved by the PPRC.

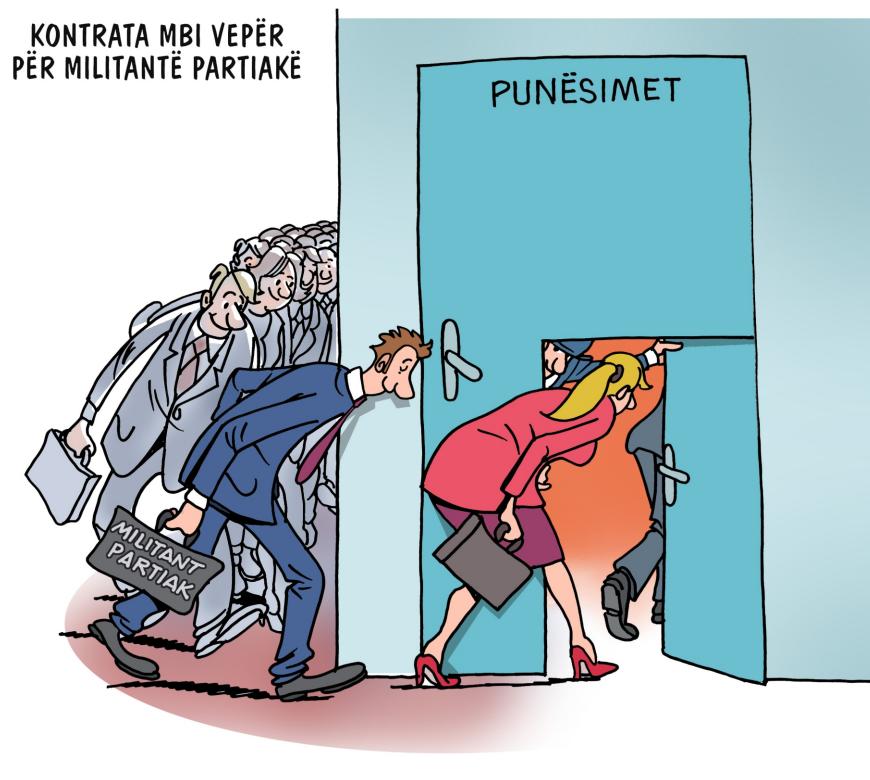
The evaluation will be done immediately taking into account some criteria, such as: relevant experience of the consultant, quality of the proposed methodology, qualification; and/or knowledge transfer, if required. Specific experience will be scored ranging from 20 to 50 points; adaptation of methodology/work plan will be rated between 20 to 50, relevant qualifications 20 to 40 and knowledge transfer (optional) 0-10 points.

"Total score will be a combination of technical and financial points."Cost" grades should be selected by taking into account the complexity of the subject of the contract to be awarded as well as the respective importance of quality. The rules of PPRC state that the weighted result of the financial proposal must be specified in the Tender Dossier, and can be up to 30 points".

HIGH NUMBER OF SERVICE AGREEMENTS

According to the 2019 Annual Audit Report, the total number of employees hired through Special Services Agreements was 4,197. Compared to the figure of 2,618 in 2018, there was an increase of such employment by 1,579 and compared to 2017, when the number was 2,929, there was an increase by 1,268.

The most significant increase in 2019 was at the CEC with 1,115 who were engaged in the process of early mayoral elections in the following municipalities: North Mitrovica, Žubin Potok, Zvečan, Leposavić and the 2019 Early Parliamentary Elections.



According to the Ministry of Finance, 2,947 people have been hired with service contracts at the central level and 1,250 at the local level.

The main findings from the individual audit reports for 2019 regarding these employees were: they were hired without respecting any recruitment procedure, as required by law, the period of employment of officials was longer than the deadline set by law, the contracts concluded for these positions were for regular positions rather than for experts in their respective fields, for which this type of engagement is allowed, and there was an extension of the employment of officials with service contracts from previous years.

5. COST OF UNMERITED EMPLOYMENT

5.1. MONOPOLY OVER SUNLIGHT

The Board of the Energy Regulatory Office (ERO) consists of 4 members, two members were appointed in 2018 and two others in 2016. Arsim Janova and Besim Sejifajaj were hired by the LDK and were appointed during the time when the government was run by Isa Mustafa. Izet Rushiti, who was a candidate for the assembly of the Municipality of Ferizaj from the Alliance for the Future of Kosovo and Selman Hoti, were appointed to the board although they did not meet the requirements for appointment, according to the assessment made by the British company, BDO.

BIRN has closely followed the activity of the KEK board, reporting on some controversial decisions, the most important one was taken on November 27, 2019. This decision oversaw an increase to the amount of solar energy used by another 20 megawatts of additional solar energy that would benefit from feed-in tariffs, so they will be guaranteed the sale of produced energy at a price of 85.5 Euros per megawatt.

The Board decided to support the production of solar energy through feed-in tariffs despite the fact that it had received recommendations and arguments from some institutions that this kind of support does not guarantee cheaper prices for consumers. The following institutions were against the decision of ERO to increase the amount of solar energy that will benefit from feed-in tariffs: USAID, Ministry of Economic Development, German Embassy, EU Office in Kosovo and Secretariat of the Energy Community.

Several months after this decision of the ERO board and while this decision was suspended by the Prishtina Court, in May 2020, the TV show "Jeta në Kosovë" broadcast an investigative piece called "Monopoly over sunlight - ERO and Devolli"²⁹. This investigation revealed that Blerim Devolli through 6 companies, 5 of which based in Malta, has managed to receive feed-in tariffs for 6 megawatts and is on the list to receive feed-in tariffs for another 10.7 megawatts. The show "Jeta në Kosovë" through a long investigation revealed the scheme based on which companies owned by Blerim Devolli, registered in the state of Malta, would benefit from feed-in tariffs for the production of solar energy.

The research also revealed the connections of the "Electra" Company³⁰, in which Selman Hoti, member of the Board of ERO is co-owner, with Blerim Devolli's businesses. Selman Hoti, a member of the ERO board, declared to the Anti-Corruption Agency (ACA) that he has shares in a business called "Electra". The "Jeta në Kosovë" investigation reveals that "Electra" has been a contractor of two companies related to Blerim Devolli, "Birra Peja" and "Frigo Food". Specifically, "Electra" constructed the solar park in Gjakova. The "Electra" Company completed this work before Selman Hoti was appointed as a board member in ERO.

²⁹ <https://video.gjirafa.com/emisioni-jeta-ne-kosove-monopoli-me-drite-te-diellit-zrre-dhe-devolli>

³⁰ <https://kallxo.com/lajm/anetari-i-bordit-te-zrre-se-electra-ka-shtrire-vetem-nje-kabell-ne-parkun-solar-ne-gjakove/>

This show had a huge impact. The ACA³¹ indicated that the case of Selman Hoti has been opened for investigation after questions sent to him by the "Jeta në Kosovë" show. Kosovo Competition Authority³² said that it would address it through its responsible bodies at its earliest convenience. The State Prosecution announced that the Special Prosecution³³ has launched an investigation into ERO's decision on the feed-in tariffs for the production of an additional 20 megawatts of solar energy.

In addition to this the Parliamentary Committee on Economy, Employment, Trade, Industry, Entrepreneurship and Strategic Investments³⁴ in its regular meeting, held on May 19, 2020, discussed the investigation of the show "Jeta në Kosovë". A parliamentary inquiry was even requested³⁵ on the ERO board.

A few days after the broadcast of the investigation, on May 8, 2020, the State Aid Commission³⁶ initiated proceedings against the decision of the ERO. About 6 months later, on November 26, 2020, the State Aid Commission³⁷ confirmed the investigation of the show "Jeta në Kosovë", finding that the scheme approved by ERO for feed-in tariffs for 20 megawatts of solar energy, was unlawful. This decision of the ERO also benefited 4 businesses owned by Blerim Devoll based in Malta. Less than a month after the decision of the State Aid Commission, the board of ERO, unanimously approved³⁸ the decision to terminate the application of the support scheme through feed-in tariffs for renewable sources.

³¹ <https://kallxo.com/lajm/antikorrupsoni-nis-hetime-per-anetarin-e-bordit-te-zrre-se-pas-pvetjeve-te-emisionit-jeta-ne-kosove/>

³² <https://kallxo.com/lajm/pas-hulumtimit-te-emisionit-jeta-ne-kosove-per-energjine-solare-autoriteti-i-konkurrences-nis-hetimet/>

³³ <https://kallxo.com/emisione/jeta-ne-kosove/prokuroria-speciale-hape-dosje-pas-hulumtimit-te-jeta-ne-kosove/>

³⁴ <https://kallxo.com/lajm/komisioni-per-ekonomi-diskuton-per-monopolin-e-devolleve-ne-energjine-solare/>

³⁵ <https://kallxo.com/lajm/pas-hulumtimit-te-jeta-ne-kosove-kerkohet-hetim-parlamentar-per-bordin-e-zrre-se/>

³⁶ <https://kallxo.com/lajm/hulumtimi-i-emisionit-jeta-ne-kosove-komisioni-nis-hetime-per-vendimin-e-zrre-se-per-te-ndihmuar-bizneset-e-devolleve/>

³⁷ <https://kallxo.com/lajm/komisioni-i-ndihmes-shteterore-shfugizon-vendimin-e-zrre-se-nga-i-cili-perfitonin-bizneset-e-blerim-devollit/>

³⁸ <https://kallxo.com/lajm/zrre-nderpret-aplikimin-e-skemes-per-tarifa-nxitese-pas-vendimit-te-komisionit-te-ndihmes-shteterore/>

5.2. KOSOVO TELECOM

Kosovo Telecom, one of the main publicly owned enterprises in Kosovo, endured three different boards without completing a full calendar year, one regular and two interim. Kosovo Telecom started 2020, with a regular board, which was appointed by the Haradinaj Government in 2018.

The Board of Kosovo Telecom was appointed in March 2018³⁹. Only three of the six members appointed to the board met the conditions for appointment recommended by the British company, BDO. BIRN had found that four of the six appointed members had political backgrounds or connections to the ruling parties. A list of proposed names was also submitted by the Committee appointed by the Government of Kosovo. This committee also proposed 12 names initially, but the same list was changed in unexplained circumstances, as another 6 names were added.

The persons appointed by the Government of Kosovo were: Besa Shatri, Skender Hoti, Osman Ejupi, Sead Ujkani, Fidel Kransiqi, Suzana Angjelkovic. Skënder Hoti had fought alongside Fatmir Limaj and was a witness in the "Bellanica" case. He admitted to KALLXO.com that he is friends with the leader of the NISMA (Social Democratic Initiative), but denied that he is part of NISMA. Besa Shatri - Berisha is the wife of the AAK MP, Bekë Berisha. She had been shortlisted by the local committee and the British Company, BDO, and was even one of the top scorers. In the list submitted by the committee in the Assembly, she appeared at the top, while she was deemed fourth by the British company, BDO.

Sead Ujkani was the other member of the Telecom board appointed by the Haradinaj Government. He is a friend of the PDK MP, Mërgim Lushtaku, the son of the former mayor of Skenderaj, Sami Lushtaku. Fidel Krasniqi, on the other hand, was the other member on the Telecom board. In an AAK post in 2013 on Facebook, it was stated that Krasniqi joined this party as an expert. In March 2019, another member of the board of Kosovo Telecom, Osman Ejupi, gave a moral resignation after reports of him employing his four children in Kosovo Telecom within a month.

In November 2019, the Government of Kosovo appointed Shkelzen Ibrahimi⁴⁰ as a member of the Board of Kosovo Telecom. Ibrahimi did not meet the conditions for appointment and was not included among the 12 nominees. He was appointed instead of Fidel Krasniqi, who resigned from the Board at the end of December 2018. At that time, Shkelzen Ibrahimi was the director of Administration in the Office of the Prime Minister. He was appointed in that role in 2012, at a time when Hashim Thaçi, former President of the PDK and former President of Kosovo, was the Prime Minister.

Ibrahimi, who replaced Fidel Krasniqi, was not among those considered to be nominated for serving on the Board, according to British partners, BDO. Ibrahimi was not even shortlisted by the local committee.

³⁹ <https://kallxo.com/shkurt/zgjidhen-anetaret-e-bordit-te-telekomit/>

⁴⁰ <https://kallxo.com/shkurt/qzeveria-injoron-britaniket-drejtori-i-zkm-se-zgjidhet-anetar-i-bordit-te-telekomit/>

During the Haradinaj government, since June 23, 2019, Shekip Fazliu, the secretary of Telecom of Kosovo, was also elected president of the branch of NISMA in Skenderaj. While in March 2019 he was appointed by the board of Kosovo Telecom to the position of secretary of this company. Three months later, Fazliu had come to be the President of NISMA in Skenderaj. However, one interpretation⁴¹ of the Law on Publicly Owned Enterprises made by the Office of the Prime Minister and the Ministry of Economic Development for selecting the Chief Executive Officer of public enterprises is that that senior management positions of POEs should be held by persons who are independent.

During Haradinaj's government, Vesmira Haradinaj, the spouse of Frashër Haradinaj, Ramush Haradinaj's brother, was also hired at Telecom of Kosovo.

In 2018, the National Audit Office found that Telecom of Kosovo hired 65 employees⁴² for specific jobs and tasks, in contradictions with the deadline set by law, there were also 296 transfers of staff⁴³ in this enterprise, from one position or rank to another position or rank. These movements, which were mainly promotions, according to the Auditor, were done without any criteria. The auditor also found that in 61 positions⁴⁴ at Telecom of Kosovo, employees with the same rank were not paid the same, and there were cases of promotions without following the procedures.

The Audit Report states that Telecom of Kosovo continued to operate with losses. In 2019 alone the loss amounted to 26,916,000 Euros, in 2018, this company recorded a loss of 15,575,000 Euros⁴⁵. The trend of Telecom losses have been reported in the Auditor's report since 2015. This year, the total loss attributable to owners/shareholders was 7.9 million Euros. In 2016 this loss has increased six fold to 50.9 million Euros while in 2017 the loss had again dropped to 13.9 million Euros.

The mandate of the board appointed in Haradinaj's government ended⁴⁶ with Kurti's Government coming to power, which did not wait long to dismiss the politicized board of the Kosovo Telecom. Kurti appointed an interim board⁴⁷ with the following composition: Genc Rraci, chairman and director; Naim Maloku - director; Luljeta Elezi - director and Teki Shala - director.

Just over a month after the appointment of Luljeta Elezi and Teki Shala as interim members of the Board of Kosovo Telecom, Kurti reconsidered his previous decision⁴⁸ and dismissed them. In their place, the Kurti Government appointed two other members of the interim Board of Kosovo Telecom, Lule Ahmedi and Hekuran Nikçi.

After the fall of the Kurti Government, his successor, Avdullah Hoti, in July announced a vacancy for members of the board of Kosovo Telecom and 10 other publicly owned enterprises. After coming to power as Prime Minister, it again did not take long for Avdullah Hoti to dismiss the interim board of Kosovo Telecom which was appointed by his predecessor, Albin Kurti. The Hoti government appointed the interim board of directors of Kosovo Telecom with the following composition: Mehmet Berisha - Chairman; Kushtrim Krasniqi - member; Teki Shala - member and Blerim Shehu - member. Hoti returned Teki Shala to the board of Kosovo Telecom, after he was dismissed by Kurti months ago.

⁴¹ <https://kallxo.com/shkurt/interpretimi-ligjor-qe-ia-nadalon-shekip-fazliut-te-jete-sekretar-i-telekomit-dhe-kryetar-i-nismes-ne-skenderaj/>

⁴² <https://kallxo.com/shkurt/auditori-65-te-punesuar-ne-telekomin-e-kosoves-perjet-afateve-ligjore/>

⁴³ <https://kallxo.com/shkurt/296-avancimet-e-dyshimta-ne-telekom-nga-sportelisti-ne-menaxher/>

⁴⁴ <https://kallxo.com/shkurt/diskriminimi-ne-telekom-me-grada-e-pozita-te-njejt-a-marrin-paga-te-ndryshme/>

⁴⁵ <https://kallxo.com/shkurt/telekomi-i-kosoves-ne-vitin-2018-i-ka-humbur-15-5-milione-euro/>

⁴⁶ <https://kallxo.com/lajm/qeveria-shkarkon-bordin-e-drejtoreve-te-telekomit/>

⁴⁷ <https://kallxo.com/lajm/emerohet-bord-i-perkohshem-edhe-ne-telekom/>

⁴⁸ <https://kallxo.com/lajm/albin-kurti-i-bie-pishman-shkarkon-anetaret-e-sapo-emeruar-te-telekomit-te-kosoves/>

6. PARTIALITY REGARDING EMPLOYMENT IN INSTITUTIONS

Political and family employment in public institutions, both central and local ones, have also been present during 2020. The Ministry of Culture, Youth and Sports employed the advisor of the former Minister Kujtim Gashi and the assistant of the former Deputy Minister of PDK. The daughter in law of Faruk Mujka, the deputy mayor of Mitrovica, was employed at the Mitrovica City Theater. The daughter of Nazmi Hasi, the deputy mayor of Drenas, was hired as a teacher in Drenas, while the former PDK deputy minister in the Ministry of Trade and Industry, Bekim Jupa, returned to the Tax Administration of Kosovo. The board of the Regional Waste Company "Çabratı" in Gjakova was also politicized and deemed a part of the "rigged" vacancy competition in Trepça that was cancelled.

ADVISER OF THE PDK MINISTER GETS EMPLOYED IN MCYS

Daut Thaqi⁴⁹, political advisor to the former Minister of Culture, Kujtim Gashi, secured a new position in the Ministry of Culture, Youth and Sports, in the civilian staff of this Ministry. In January this year, MCYS announced through a decision, that Daut Thaqi emerged as the most successful candidate in the competition for: Senior Community Integration Officer. The vacancy for this position was opened in September 2019, but was reactivated after the decision of the MPA stating that institutions can continue the recruitment procedures until the end of the interim measure imposed in contradiction to the law on the appointment of public officials by the Constitutional Court. Daut Thaqi held the position of political advisor at the Office of the former Minister of Culture, Youth and Sports, Kujtim Gashi, Until January 2020.

ASSISTANT OF PDK FORMER DEPUTY MINISTER EMPLOYED IN MCYS WITHOUT A VACANCY

Feime Salihu⁵⁰, the assistant of the former Deputy Minister of Culture, Leonora Morina-Bunjaku (PDK) was employed in the Ministry of Culture, Youth and Sports without a vacancy. Shortly after the pandemic, when the government imposed restrictive measures to combat COVID-19, Salihu was hired as an administrative assistant at the Office of the Secretary General of the MCYS, without following any competition procedure. Initially, Feime Salihu was employed in MCYS as administrative assistant of former Deputy Minister, Morina Bunjaku.

THE DEPUTY MAYOR'S DAUGHTER IN LAW EMPLOYED IN THE CITY THEATER

Elda Ahmeti, daughter-in-law of the Deputy Mayor of South Mitrovica, Faruk Mujka⁵¹ (Vetëvendosje) was employed at the City Theater of Mitrovica "Muhamet Qena". Elda Ahmeti was hired as a costume designer, based on the announcement of the Municipality for the results of the competition for technical-administrative staff she received a score of 84% points. Following the publication of the results, accusations were raised by the opposition and on social networks in Mitrovica for competition rigging, as some of those hired include persons with family ties to officials of the Municipality of Mitrovica, political officials, former officials and relatives of LVV.

⁴⁹ <https://kallxo.com/lajm/keshilltari-i-ministrat-te-pdk-se-punesohet-ne-ministri/>

⁵⁰ <https://kallxo.com/kulture/asistentja-e-ish-zv-ministres-se-pdk-se-punesohet-pa-konkurs-ne-ministrine-e-kultures/>

⁵¹ <https://kallxo.com/punesimet/reja-e-nenkrytarit-te-komunes-se-mitrovices-punesohet-ne-teatrin-e-qytetit/>

THE DAUGHTER OF THE DEPUTY MAYOR OF DRENAS EMPLOYED AS A TEACHER

Daughter of the Deputy Mayor of Drenas, Nazmi Hasi⁵², was employed as a teacher in a school in this municipality. Adrianë Hasi was selected as the most successful candidate for the position of English language teacher at the primary school "Fazli Grajqevci" in the village of Vasilevë. According to the announcement of results published on October 28, Adrianë Hasi will undertake this role "until the teacher returns from his official position". Regarding the selection of the deputy mayor's daughter, BIRN contacted the Municipality of Drenas, who returned an electronic reply saying that the candidate cannot be sanctioned just because she is the daughter of the deputy mayor.

FORMER PDK DEPUTY MINISTER BECOMES CHIEF OF INVESTIGATIONS AT TAK

Former Deputy Minister of Trade and Industry, Bekim Jupa (PDK), has returned to the Tax Administration of Kosovo⁵³. Bekim Jupa, who is also a member of the Steering Council of the Democratic Party of Kosovo, was appointed Head of Investigations in the Tax Administration of Kosovo. Jupa had suspended his work at TAK when he was appointed a Deputy Minister of Trade and Industry. Jupa has been active in politics for a long time. He was a PDK candidate for assembly member of the Municipality of Gjakova.

POLITICIZATION OF AN ENTERPRISE BOARD IN GJAKOVA

The Municipality of Gjakova led by Ardian Gjini politicized the board of the Regional Company "Çabrati"⁵⁴. The board of "Çabrati", which is a local public enterprise of the Municipality of Gjakova that deals with waste collection and management and road maintenance, completed its composition on January 8, 2020. The following persons were appointed to the board: Kushtrim Brahimaj, Ardiana Çela Baraku, Jeton Dalladaku and Gazmend Hoti. Kushtrim Brahimaj, scored the highest in the municipal competition for the role of board member, with 191 points. KALLXO.com found that Brahimaj was the secretary of the AAK branch in Gjakova and had resigned from this position only a year earlier. Gazmend Hoti was also appointed as a director of the board in this company. Hoti on his Facebook profile campaigned for the Social Democratic party NISMA. He says he received no help by the party for his appointment in this position. The announcement of the Municipality of Gjakova related to the shortlist of candidates, states that 5 candidates were eliminated and 4 of them had no managerial experience.

CANCELLATION OF A PART OF THE “RIGGED” COMPETITION IN TREPÇA

On the eve of the early elections, on September 24, 2019, a competition was opened in Trepça⁵⁵ for the recruitment of more than 200 workers. But, after the procedures were completed, there was dissatisfaction with this competition.

⁵² <https://kallxo.com/gjate/hulumtim/vajza-e-nenkryetarit-te-komunes-se-drenasit-punesohet-si-mesimdhenese/>

⁵³ <https://kallxo.com/gjate/ish-zevendesministri-i-pdk-se-behet-shef-i-hetimeve-ne-atk/>

⁵⁴ <https://kallxo.com/gjate/politizohet-bordi-i-ndermarrjes-se-gjakoves/>

⁵⁵ <https://kallxo.com/lajm/vala-e-punesimeve-ne-prag-te-zgiedhjeve-220-vende-te-reja-te-punes-ne-trepce/>

For ten days in a row, the inhabitants of Bajgora and its surrounding areas protested in front of the Trepça management office. Five protesters presented evidence of irregularities to the Kosovo Police related to the vacancy announcement. At that time, the Kosovo Police had confirmed to KALLXO.com that investigations were initiated⁵⁶. According to the investigation bodies, the state prosecutor had even asked them to proceed with the collection of evidence.

The show "Jeta në Kosovë" broadcast the investigation with facts about the vacancy competition of September 24, entitled "Rigged vacancy in Trepca". The research has also revealed family ties of two members of the Supervisory Board whose relatives were employed through this competition. In the vacancy of September 24, in Trepça, Arian Shala, cousin of Ferat Shala, Member of Parliament from the Democratic Party of Kosovo, was also employed.⁵⁷

A few days after broadcasting this research, the Kurti Government dismissed⁵⁸ the supervisory board of Trepça. A reason cited for the dismissal was the fact that more than 200 employees had been hired through this vacancy in this company, which was only announced a day after the start of the election campaign in the country. Kreshnik Ibrahim, a family member of Basri Ibrahim, at that time the Chief Executive Officer of Trepça, also benefited from this recruitment⁵⁹, by securing employment in Trepça.

A few days after the board was dismissed, the Kurti Government appointed⁶⁰ the new board with the following composition: Sylejman Hyseni, Chairman and Director; Bahri Hyseni - director; Shyqueri Kelmendi - director and Shyqueri Sadiku - director and employee representative. 5 months after the announcement of the vacancy, in February 2020, the company "Trepça" had cancelled a part of the vacancy for the recruitment of new workers in Stantërg and Artanë. The decision taken by this company stated that 38 vacancies were cancelled. The cancellation of one portion of this vacancy came after 10 day protests as a sign of dissatisfaction with the way the candidates were selected in the first phase.

⁵⁶ <https://kallxo.com/lajm/krimet-ekonomike-nisin-hetimet-per-konkursin-ne-trepce/>

⁵⁷ <https://kallxo.com/lajm/kusheriri-i-ish-drejtoret-ferat-shala-punesohet-ne-trepce/>

⁵⁸ <https://kallxo.com/lajm/geveria-shkarkon-bordin-mbikëqyres-te-trepces/>

⁵⁹ <https://kallxo.com/lajm/kusheriri-i-kryeshefit-basri-ibrahimi-punesohet-ne-trepce/>

⁶⁰ <https://kallxo.com/lajm/geveria-emeroi-bord-te-perkohshem-mbikëqyres-ne-trepce/>

⁶¹ <https://kallxo.com/lajm/anulohet-nje-pjese-e-konkursit-ne-ndermarrjen-trepca/>

7. RECOMMENDATIONS

- The Assembly of Kosovo is recommended to draft a regulation whereby it would standardize the procurement procedure. This regulation, among others, should regulate the receipt and review of candidate documentation, the interview process and the manner of their evaluation;
- The members of the committees should keep notes on the candidates' answers, as practiced by the British company, BDO;
- The evaluation of the candidates should be made transparent and in the presence of monitors, in such a way that each member of the Evaluation Committee should be asked to argue the given score;
- It is recommended that the CEC should oblige all political parties to submit the list of their members of the governing bodies and the presidencies of the central level but also of the local ones;
- The Government of Kosovo is recommended to request information from the CEC on whether candidates for members of the boards of publicly owned enterprises hold positions in political parties, since the Law on Publicly Owned Enterprises does not allow persons who hold or held positions in the last 36 months in political parties to become part of the boards of publicly owned enterprises;
- Based on the recent monitoring of the competition for boards of public enterprises, it was observed that one candidate applied to become a part of several boards. This should be changed so as to prevent the same person from being interviewed by several panels, often by the same members of the evaluation committees. In such cases when vacancies are announced for boards of some enterprises, restrictions should be placed on how many boards a candidate can apply for;
- In order to prevent mass employment through the Procurement Law, a condition should be introduced that such employment be completed only after the consent of the Ministry of Public Administration (now the Ministry of Internal Affairs and Public Administration), to see whether the proposed employment is being carried out to acquire experts or for positions/profiles/professions that are already present in the relevant institution and not entirely necessary;
- Also, approval should be sought from the Public Procurement Regulatory Commission with regard to the employment criteria set in the employment of tenders, in order to eliminate rigging of tenders for the benefit of certain individuals.



British Embassy
Pristina



The Project "Support civil society to increase public oversight and accountability of Kosovo public institutions" is funded by the Foreign Commonwealth and Development Office through the Embassy of the United Kingdom in Pristina.

The contents of this publication are the sole responsibility of the BIRN Kosovo and Democracy plus and do not necessarily reflect the views of the Foreign Commonwealth and Development Office.



British Embassy
Pristina

