

The Justice System's Handling of Cases with Corruption and Terrorism in 2023



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and International Cooperation

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INVESTIGATIVE
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Introduction

The Special Department of the Basic Court of Prishtina became operational in 2019. The establishment of this Department aimed to handle high-profile corruption and terrorism cases with greater urgency and professionalism.

This mechanism was created to operate as a court that addresses indictments raised by the Special Prosecution of Kosovo (SPRK), established by with the 2008 law. Anti-corruption mechanisms in Kosovo have been consistently criticized for poor performance and a lack of concrete results in this regard.

Data from the State Prosecutor's report indicate that only 48% of indictments filed by the Special Prosecution are confirmed by the court. This standard is low compared to basic prosecutors, where 70% of indictments are confirmed by the court.

This statistical disparity highlights a serious challenge in the quality of investigations in the Special Prosecution, especially considering that none of the 10 corruption cases monitored by BIRN resulted in a conviction.

In their daily activities, SPRK and the Special Department have an obligation to address specific cases of war crimes, corruption, terrorism, and organized crime. The statistics, again, indicate a discrepancy, as war crimes are investigated more slowly, while terrorism is prioritized.

Statistics reveal that even courts had a different treatment of terrorism cases. Courts have issued and confirmed sentences more quickly than in corruption cases. Data obtained by BIRN in the first quarter of 2023 indicate that Kosovo's courts are not succeeding to reduce the backlog of corruption cases.

In this period, Kosovo's courts inherited 176 cases, accepted 151, completed 116, with 215 cases pending resolution.

Pretrial arrests are not accompanied by qualitative investigations. Corruption cases are investigated after a considerable time has passed since the commission of the criminal act. Cases with covert investigative measures are rare. There is a lack of depth and financial expertise. Cases contain fundamental errors in investigations, leading to the failure of indictments in court, despite lengthy trials. Most cases subject to this report resulted in acquittals or are in the initial stages of trial.

In addition to deficient investigations, the sentencing policy in successful cases is rather problematic. Due to the absence of aggravating circumstances, individuals convicted of serious crimes often receive sentences below the minimum threshold.

Thus, even in cases with guilty verdicts, the sentencing policy is much lenient for perpetrators of corruption crimes, resulting in a loss of public trust in an efficient and effective justice system.

A different situation from the cases of corruption is found with the cases of terrorism. Investigations in these cases are faster, and judicial processes result in convictions.

In 2022 in Kosovo, a total of 43 people suspected of terrorism were investigated, summarized in 12 cases in total. Indictments were filed against 7 people, and 6 were convicted.¹

Cases of terrorism, in most cases, been handled within the legal deadlines in the court, and their judgments were confirmed more than in cases of corruption.

In general, investigations of sensitive cases by the Prosecution are incomplete and do not present sufficient evidence to the court, and when presenting the indictment, prosecutors are poor in arguing the charges. In other parts of the court, management of the process is associated with serious issues, due to delays and unjustified postponements, and the quality of the court's performance is underwhelming. A high number of corruption decision are remanded by the Court of Appeal due to the poor quality of judgments.

Criticisms regarding the lack of quality of investigations and quality in trial have not been addressed through an accountability system.

In the last 3 years 111 judges underwent performance evaluations, of which none was scored “inadequate” or “poor”, 64 “very good” and 22 “excellent”.

On the other hand, 521 prosecutors' performances were evaluated from 2014 to 2022, with the following results: 208 evaluations were “very good”/”distinguished”, 230 were “good”, 78 were “sufficient” and 5 were “inadequate”.

The final section of the report looks into the handling of cases of violent extremism and terrorism by the country's justice system.

¹ Country Report for Kosovo end of 2023, accessible at https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%202023%20report.pdf

Methodology

The Balkan Investigative Reporting Network (BIRN) is the first organization in Kosovo to monitor the justice system in the country. For the past 18 years, BIRN has been working diligently to uncover, assess, report, and analyze the functioning of the justice system in Kosovo.

This report presents a detailed analysis of how terrorism and corruption cases are handled by the justice system in Kosovo in 2023. To achieve this objective, an analysis of case files was carried out, to include the initial stages of the investigation, investigative techniques, evidence collection, filing of indictments, main trial, decision-making at the first and second instance, and the sentencing policy. Data collection was carried out through direct monitoring of court hearings and gathering information through requests for access to public documents/information.

The report is specifically dedicated to dissecting vital aspects of addressing the phenomena of terrorism and corruption as criminal activities. This is achieved by closely monitoring the development of cases through all procedural phases – from the investigative stage, indictment, initial trial, and until the judgment becomes final.

To obtain a clear picture of challenges and successes in handling the cases, the report delves into an analysis from the legal deadlines and procedural perspectives. In its initial focus, the report makes a detailed review of seven terrorism and nine corruption court cases that remain active in 2023.

It not only provides insights into case management within the framework of criminal justice structures but also conducts a chronological examination of each case's evolution, tracing its journey from inception to the latest procedural steps taken, in accordance with the provisions of the Criminal Procedure Code.

This report also provides a set of recommendations, intended to be a useful aid to justice institutions to improve the efficiency and effectiveness of the justice system in Kosovo and to contribute to the development of the necessary justice reforms.

The selection of cases for the purposes of the report was initially based on the nature of the criminal offense. Firstly, all identified terrorism cases that are still active were included. Selection of corruption cases was made based on the profile of the accused, the volume of damage alleged to public money, and the weight of public interest. 10 cases were selected based on these criteria.

Executive Summary

The data collected from the 10 corruption cases reveal serious omissions of justice institutions. Data from terrorism cases show a different situation. The lenient sentencing policy and non-involvement of all institutions are the main weaknesses found.

Data from corruption cases reveal that:

- The prosecution is unable to secure sufficient evidence to support corruption charges in court;
- Procedural errors were identified in the data collection process, particularly with regard to the covert measures, resulting in inadmissibility of key pieces of evidence;
- Financial investigations and the use of covert measures are limited and have not been successful in securing the conviction of the accused;
- Corruption indictments are filed many years after the alleged commission of the offense, and there are cases where proceedings take place a decade after the alleged offense;
- A high percentage of corruption indictments are not represented by the prosecutors who filed them. The replacement of prosecutors resulted in a lack of quality in representation;
- The backlog in the Special Prosecutor's Office is extensive, with no hope of reducing it with the current number of prosecutors;
- The courts continue to face a serious issues with the delays in handling of cases, especially corruption cases;
- Postponements and delays have often resulted in the prescription of corruption cases;
- The court applies a lenient sentencing policy in terrorism cases;
- Judges do not require pre-sentence evaluations from the Probation Service;
- Systematically, judges, including those from the Special Department, lack quality in their judgments in corruption cases;
- The lack of a concrete accountability mechanism for the system's performance remains a key challenge for KJC and KPC.ën e mekanizmit konkret për ngritjen e llogaridhënies për performancën e sistemit.

Quality of Corruption Case Investigations

- In 7 of the 10 cases subject to this report, the court issued an acquittal after failure to prove that the accused committed the criminal offense;
- No accused was sent to prison in the 10 cases analyzed;
- Only in one of the 7 cases where a judgment was issued, there is a partial conviction;
- Evidence collected through covert measures were declared inadmissible in two cases, after the court found they were collected in violation of the Code of Criminal Procedure;
- Despite the use of covert measures, final acquittals were issued in two cases.

The investigative phase of a criminal case plays a pivotal role in determining the success or failure of the case in court. A prompt and proactive response, proactive investigation, and coordination with relevant institutions, coupled with specialized expertise in complex financial matters, are key to securing high-quality and convincing evidence, in full compliance with the Criminal Procedure Code.

These shortcomings range from non-compliance with the Criminal Procedure Code regarding the implementation of covert measures, to the quality of financial investigations and expertise of this nature, which also encompasses the overall quality of indictments that result unsuccessful in court. In two of the monitored cases—the case against the former director of the Prosecutorial Council's Secretariat et al, and the case against the former Mayor of Gjilan et al—despite the application of covert measures, the evidence was declared inadmissible by the courts due to procedural lapses by the prosecutors during the investigation phase.

This report underscores that corruption-related offenses are investigated after a considerable amount of time has passed from the alleged commission of the offense. This hinders the application of covert measures, resulting in a lack of high-quality and convincing evidence for the court to render guilty verdicts. Out of the 10 monitored cases, covert measures were only applied in five.

The prosecution is unable to secure sufficient evidence to support corruption charges in court

One case that stands out as an example of investigative shortcomings, particularly regarding the alleged magnitude of damages, is the so-called “Stent” case. In 2023, the judgment of acquittal for the accused in “Stent 1”, which included the former Minister of Health, Ferid Agani, and the former Secretary of the Ministry, Gani Shabani, was upheld. Similarly, the accused in the “Stent 2” were also acquitted.

Throughout this case, spanning over 7 years of extensive investigation and trial proceedings, Special Prosecutor Florije Shamolli-Salihi, amended the enacting clause in her final remarks, removing the allegation that “... the accused did not act in accordance with the Law on Public Procurement, based on a financial expertise.”

Furthermore, the initial damages claimed in the indictment were significantly reduced, plummeting from over 4.5 million Euros to a mere 11 thousand Euros. This reveals that the core aspects of the indictment – the incurred damages and whether the accused complied with the Law on Public Procurement – were inadequately defined by the prosecution by the time of the main trial, exposing an alarming deficiency in the quality of indictments.

Another case shedding light on the evident shortcomings in financial investigation is the “Veterans” case

The prosecution alleged that the damages inflicted on Kosovo's budget reaches in the tens of millions of Euros. However, the indictment, originally submitted to the Court in September 2018, was returned for further details by the Basic Court of Prishtina. The resubmitted indictment amplified the claimed damage from 68 million Euros to 88 million Euros. This case also underscores clear deficiencies in both the investigations and documentation of financial damages.

Procedural errors were identified in the data collection process, particularly with regard to the covert measures, resulting in inadmissibility of key pieces of evidence

Another weakness identified in the report in the corruption cases is the admissibility of the evidence secured during the investigation.

In the case of the former Mayor of Gjilan et al, the main evidence of the case was missing from the case file. When the judgments of acquittal was rendered, the Presiding Judge, Nushe Kukaj-Mekaj, highlighted that the case files lack the request of the Prosecution for the use of covert interception measures, a key evidence in the case.

Another acquittal in the absence of evidence was in the case against Dhurata Hoxha et al related to the procedures followed for “Lobbying contracts”. On April 28, 2023, the Prishtina Court issued an acquittal in the case, arguing lack of evidence, claiming that the concrete facts of the offense have not been proven.

In the “Hydropower Plants” case, SPRK failed to convince the Court with the evidence made available against the accused. The procedure against 13 defendants was suspended due to the relative statute of limitations being reached.² For the remaining defendants the Basic Court of Prishtina stated that “... The prosecution has failed to produce evidence to support the facts which would prove the intent of the accused to commit the criminal offense for material benefit or incur damages”.³

2 KALLXO.com Article, accessible here - <https://kallxo.com/lajm/konfirmehet-aktakuza-ndaj-besim-begajt-dhe-te-tiereve-ne-rastin-hidrocentrale/>

3 KALLXO.com Article, accessible here - <https://kallxo.com/lajm/arsyetimi-i-gjykates-lighur-me-aktgjykimin-lirues-ndaj-ministrave-te-geverise-thaci-2-per-privatizimin-e-hidrocentraleve/>

The courts continue to face a serious issues with the delays in handling of cases, especially corruption cases;

The Special Department of the Basic Court of Prishtina exclusively handles terrorism and complex corruption cases filed by the Special Prosecutor's Office of Kosovo (SPRK).

The data reveal that even this special mechanism is struggling to cope with the influx of cases it is currently receiving within its current resources.

The Special Department at the Court of Appeals reports that it resolved 40 cases in the first 9 months of 2023 but received 42 new cases. Namely, if it fails to complete all accepted cases in the remaining 3 months and those it may accept until the end of 2023, 12 cases from 2022 will be added to the backlog.⁴

Even more concerning is the situation in the Special Department of the Basic Court. In 2023, this Department began with 119 cases transferred from the previous year. Over the 9 months of 2023, an additional 77 new cases were taken on, bringing the total to 196 cases. However, during the same period, only 42 cases, or 55% of the total, were resolved.⁵

Furthermore, this Department has 39 pending cases that are older than 2 years, with an average resolution time of 450 days for cases resolved, and 854 days for cases awaiting resolution from the 12 judges in this Department.⁶

The data provided by BIRN regarding corruption cases do not indicate an optimistic trend even in the largest court in the country, the Basic Court of Prishtina.

Tabela në vijim evidenton se kjo Gjykatë vitin 2023 e ka filluar me 128 lëndë ndërsa ka pranuar 102 lëndë të reja, duke arritur të zgjidhë vetëm 67 lëndë. Kështu, numri i rasteve të korrupsionit në këtë Gjykatë është ngritur në 163 lëndë në nëntëmujorin e parë të vitit 2023.

January September 2023	Case carried over from 2022	New cases accepted	Cases resolved	Outstanding cases at the end of the reporting period
Basic Court Prishtina	128	100	67	67
Basic Court Prizren	N/D	12	15	N/D
Basic Court Ferizaj	11	7	7	11
Basic Court Peja	22	8	13	16
Basic Court Gjakova	15	11	10	16
Basic Court Mitrovica	N/D	13	4	9
Total	176	151	116	215

Tabela e rasteve të korrupsionit sipas gjykatave për 9-mujorin e parë të vitit 2023

⁴ Report of the Kosovo Judicial Council for the first three quarters of 2023, accessible here - [47052_Statistical_Report_Courts_nentmujori_2023.pdf](#)

⁵ Ibidem.

⁶ Ibidem.

Postponements and delays have often resulted in the prescription of corruption cases;

Fair and timely trial is a key legal obligation under the European Convention on Human Rights, which is also codified in the Constitution of the Republic of Kosovo and outlined in the Criminal Procedure Code and the Criminal Code of the Republic of Kosovo.

The average time elapsed from the filing of the indictment to the rendering of the judgment remains a cause for concern. The average time for the resolution of cases in the General Department for criminal cases was 673 days, for criminal offenses 740 days, while the average time in the Special Department, where typically the most complex corruption cases are handled and adjudicated, according to the report, is 1037 days.

This phenomenon is particularly evident in high-level corruption cases, involving multiple defendants and complex evidence. The report suggests that unwarranted delays in hearings could be avoided if the court were to impose sanctions against the defendants.⁷

Cases	The time of the alleged offense	Time of the indictment:	Decision on the Basic Court	Decision on Appeal
"Stent 1"	January 2011 December 2015	15 June 2016	Decision I 24 April 2019 Conviction Decision II 1 August 2023 Acquittal	Decision I December 2019 – Retrial Decision II June 23, 2023 - Confirmation of acquittal
"Stent 2"	January 2011 December 2015	June 15, 2016	Decision I September 20, 2021 Acquittal	N/A
"Veterans"	2011-2017	December 7, 2018	Decision I April 16, 2021 Acquittal	Decision I April 26, 2022 – Conviction
"Hydropower Plants"	May 8, 2013	April 10, 2020	Decision I March 2021 (Proceedings against 13 accused are suspended due to the relative statute of limitations) November 8, 2022 Acquittal (for 5 accused)	Decision I March 27, 2023 Confirmation of acquittal
"Former minister of European Integration et al"	May 2018 June 2019	July 7, 2021	Decision I April 28, 2023 - Acquittal (for all accused)	N/A

⁷ Country Report for Kosovo 2023, accessible at - https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_692%20Kosovo%20report.pdf

"Former Director of the Prosecution Council et al"	January 2018–end of 2019	13 August 2021	Decision I Acquittal and conviction ⁸	Decision I October 2023 – retrial
"Gjilan Motorway"	2017 dhe në 2019	15 February 2021	N/A	N/A
"Land 1"	2006 – 2016	October 24, 2016	N/A	N/A
"Former head of IMC and Director of Administration	June 2021	September 15, 2021	Decision For the accused Arben Bilalli ⁹ Conviction	N/A
"Former Mayor of Gjilan et al"	June 2008 September 2011	16 September 2016	Decision Acquittal	Decision Acquittal

In this regard, the case "Land" is a stark example of the delays in the justice system in Kosovo. The indictment related to this case was filed in 2016 and dozens of hearings have been held by EULEX and local judges and prosecutors by 2023. It seems that the premonition of the Italian EULEX Prosecutor, Danilo Cekarrelli, that the case will be delayed is true. This case is a strong example of the shortcomings and difficulties of the justice system in Kosovo, including ensuring a fair trial in a reasonable time.

After more than 7 years, the "Land" case is still in the main trial phase, with 4 hearings failing to be held only in 2023.

Another delayed case is the "Stent" one. The indictment in the case was filed in the first half of 2016, with the final verdict of acquittal in "Stent 1"¹⁰ reached in June this year. The court of first instance issued an acquittal for the case "Stent 2"¹¹ on September 20, 2023, more than 7 years (2654 days) after the indictment was filed.

In the case "Veterans", an instance in which the prosecution claims that the state budget is damaged by tens of millions of Euros, a significant and unreasonable delay was observed. Since the case was remanded by the Court of Appeals in January 2022 and until October 31, 2023, all five hearings scheduled have failed. The first hearing in this case was held on October 31, 2023, after 586 days (1 year and 7 months) since the Court of Appeals remanded the case for retrial.

Another case of pronounced delays is that involving the former mayor of Gjilan et al. The hearing session in the case was held at the Court of Appeals on September 15, 2023. According to the Prosecutor's appeal, the first-instance court had mistakenly found violations of criminal procedure because, in its opinion, all persons are equally suspects, except for the fact that the material evidences were obtained from another case that was initiated in the former District Court of Gjilan. The indictment in this case was filed in September 2016. The initial hearing was held in April 2022, and the Court of Appeals confirmed the acquittal in November 2023.

⁸ (Lavdim Krasniqi was sentenced to 6 months in prison and a fine of 8000 Euros for the offense of Failing to report or false reporting of assets, and was acquitted for the offenses of Abuse of office, and Exercise of influence." Ardian Krasniqi was sentenced to a single sentence of 4 years and 6 months in prison and a fine of 6,000 Euros for the offenses of Falsification of documents, and - Abuse of official position,

⁹ <https://kallxo.com/lajm/140-dite-burg-dhe-12-mije-euro-gjobe-per-ish-drejtorin-e-administrates-dhe-financave-te-kpm-se/>

¹⁰ KALLXO.com Article, accessible here - <https://kallxo.com/ligji/gjykata-e-apelet-vereteton-aktgijykimin-lirues-ndaj-ferid-aganit-dhe-gani-shabanit-per-rastin-stenta/>

¹¹ KALLXO.com Article, accessible here - <https://kallxo.com/lajm/gjykata-merr-vendim-per-36-mjeket-qe-akuzoheshin-per-mito-e-keqperdorim-te-detyres/>

The most alarming case of delayed proceedings, resulting in the statute of limitations expiring, is the “Hydropower Plant” Case . The alleged offense is alleged to have occurred on May 8, 2013, whereas the indictment, according to this calculation, would reach the statute of limitation on May 8, 2023. For these offenses the Criminal Code provides that the absolute statute of limitation is reached when more than 10 years have passed since the commission of the criminal act.

On March 27, 2023, the Court of Appeals confirmed the acquittal in the matter, and thus the case escaped absolute prescription. However, the indictment in the case had reached the relative prescription against 13 individuals whose proceedings had concluded in the indictment confirmation phase.

The indictment in the case was filed in April 2020, 7 years after the time when the offense is alleged to have been committed.

The indictment was filed in April 2020 (7 years after the time when the offense is alleged to have been committed) against 19 persons. The Basic Court and the Appellate Court found that relative prescription has occurred for 13, while for the other 6 accused, as emphasized, it would occur on May 8, 2023, as the offense is alleged to have been committed in May 2013.

Systematically, judges, including those from the Special Department, lack quality in their judgments in corruption cases;

Cases that move from one court to another are often the result of decisions and trials that fail to meet the minimum standards required by the Criminal Procedure Code and are one of the main causes of delays.

- Only one out of 10 analyzed cases has been decided at the first instance and confirmed by the second instance – an acquittal.
- Three cases decided at the first instance have been remanded for retrial after the first-instance decision was entirely annulled.

Cases “Veterans”, “Stent 1”, and “Director of the Secretariat of the Anti-Corruption Task Force et al” illustrate how the Court of Appeals identified fundamental errors in the confirmation of facts by the first-instance court. In the “Veterans” case, the Appellate Court found that the first instance erroneously confirmed the key “essential fact” in the matter, remanding the case for retrial, with a list around 20 violations.

“The Commission approved the final lists on May 17, 2016, according to Report No. 1737, also recommending the lists to the Government. It follows that the approval of the lists is linked to the Special Law No. 261. In this sense, the Court of Appeals found that the first instance erroneously confirmed the key essential fact related to the approval of the lists by the Commission, relying on the legal norms under which the accused, as members of the Commission, have acted, and there were two laws in force when they acted” - the Appeals Court decision states.

Similarly, the “Stent 1” case is another example where the decision of the Basic Court has been declared invalid by the Appellate Court, due to fundamental violations of procedures and incorrect verification of facts. The Court of Appeal found that the first-instance court violated procedural provisions, incorrectly and incompletely verified the factual situation, and remanded the case for retrial.

In the case of the “Director of the Secretariat of the Anti-Corruption Task Force et al” the Court of Appeal annulled the decision of the first-instance court, declaring it invalid due to fundamental errors on every count of the judgment, without clearly and fully presenting the established facts and the accuracy of opposing evidence, thus approving the appeal of both the Prosecutor and the Defense. The Court of Appeal, on October 17, 2023, remanded the case regarding all counts. According to the Decision of the Court of Appeal, the first instance judgment saw essential violations of the criminal procedure and an incomplete and incorrect verification of the factual situation.

"The panel of the court reached the conclusion that the first instance judgment had essential violations of the provisions of the criminal procedure, provided for in article 384 of the CPC, as the same court is required to confirm for each count which accused has been found guilty, which is also a legal obligation under Article 364, in conjunction to Article 363, regarding the acquittal or conviction. In the specific case in point I of the provision of the judgment, it issued an acquittal, reasoning that it has not been proven that the accused have committed the criminal offenses for which they have been charged” - states the Appeal decision.

The Appellate panel in the case concluded that the Basic Court failed to provide an appropriate legal reasoning, both for the acquittal and conviction.

Efficiency of the Court in addressing cases of terrorism

Investigations should pay particular attention also to cases of violent extremism and terrorism of all kinds. Most of the cases investigated and tried under charges of terrorism have to date been of a religious nature. However, prosecutors and judges must first be equipped with more knowledge and skills to identify other forms of extremism and terrorism in addition those with religious motives - in particular far right extreme and the forms in which this is manifested in Kosovo.

The State Prosecutor's Office, specifically the SPRK, must update its investigation techniques so that it expands and reaches the recruiter, the financier, the facilitator and the ideology that inspires these cases, rather than limited only to the participants.

However, unlike cases of corruption, terrorism is dealt with more quickly by the justice system in Kosovo. However, even in these cases, considerable delays are also observed between the time when the crime is alleged to have been committed and the time when the indictment is filed and the trial held. This happened because in some cases the accused were not accessible to the law enforcement authorities.

Cases	The time of the alleged offense	Indictment	Initial hearing	No. of hearings	Basic Court ruling	Decision on Appeal	Time from indictment to judgement
B.V	21.2.2023	15.9.2023	2.10.2023	2	/	/	/
Zijadin Berisha	November 2013 January 2014	7.5.2015	25.7.2023	1	28.7.2023	26.9.2023	8 years
Ylber Bela	March 2013 May 2022	25.10.2022	8.11.2022	2	16.1.2023	27.3.2023	2 months
Ardian Gjura	March October 2021	23.12.2022	10.1.2023	/	/	/	/
Shkodran	March October	23.12.2022	10.1.2023	2	16.1.2023	/	>1 months
Krasniqi	2021		12.1.2023 initial review after the separation of the procedure				
Ivan Sekuliq dhe Sinisha Jevtiq	31.5.2023	20.6.2023	2.8.2023	1	3.8.2023	/	<2 months

Sentencing policy in terrorism cases

· In three cases in which the Special Department has issued a conviction, the sentence was in the lower threshold of the sentence envisaged, under the minimum

In addition to achieving the purpose of punishment as defined in the Criminal Code of Kosovo, preventing the perpetrator from committing crimes in the future, preventing and discouraging other persons from committing criminal acts, compensating crime victims and expressing social judgment, in the cases of violent extremism and terrorism in particular the adequate sentencing policy manifested through proportional punishments, reflecting the gravity of the offense has a broader social dimension than that envisaged by the Criminal Code.

In these cases, judges must pay attention To the risks perpetrators of this category of criminal offenses pose, ensuring that the type and height of the sentence is adequate and serves the process of rehabilitation and reintegration of these persons, and ultimately detach them from the ideologies that have inspired these people to become part of terrorist groups.

Cases	The time of the alleged offense	Indictment	Basic Court ruling	Decision on Appeal	Sentence foreseen	Sentence issued
Zijadin Berisha	November 2013 January 2014	7.5.2015	28.7.2023	26.9.2023	5 to 10 years of imprisonment	3 years of imprisonment
Ylber Bela	March 2013 May 2022	25.10.2022	16.1.2023	27.3.2023	5 to 10 years of imprisonment	5 years of imprisonment
Shkodran Krasniqi	March October 2021	23.12.2022	16.1.2023	/	1 to 8 years of imprisonment, or a fine of up to 7,500 Euros	15 muaj burgim & 1 mijë euro gjobë
Ivan Sekuliq dhe Sinisha Jevtiq ¹²	31.5.2023	20.6.2023	3.8.2023	/	From 6 months to 5 years of imprisonment	Ivan Sekuliq - 9 mijë euro gjobë Sinisha Jevtiq - 7 mijë euro gjobë Dënimi plotësues dëbimi nga territori i Kosovës dhe ndalimi i hyrjes për 3 vite

In this context, the cases highlighted in this report include the case of Zijadin Berisha, who was initially issued a suspended sentence of two years of imprisonment, with a probationary period of 3 years and a 2000 Euro fine for unlawful possession of weapon, an offense that carries a minimum sentence of five years. Following the prosecution's appeal, the Court of Appeal increased the sentence to 3 years in prison. Despite the severity of the offense, the imposed sentence falls below the statutory minimum threshold, which stipulates a penalty of 5 to 10 years of imprisonment under the Criminal Code.¹³

Another case involves Ylber Bela, facing charges related to the criminal offense of organizing and participating in terrorism, punishable by 5 to 10 years in prison. The sentence issued in this matter was 5 years of imprisonment, which is the minimum threshold.¹⁴

In the case of Shkodran Krasniqi, charged with the criminal offense of unauthorized import, export, supply, transportation, production, exchange, brokering, or sale of weapons or explosives, punishable by a fine of up to 7,500 Euros and imprisonment of 1 to 8 years, the Court issued a sentence of 15 months of imprisonment and a fine of 1000 Euros. Although Shkodran Krasniqi was himself not accused of terrorism, because the case was related to terrorist acts, it was included in this report.

Another case initially suspected of terrorism-related acts but later reclassified as hooliganism, involves Ivan Sekuli and Sinisa Jevti. They were sentenced to 6 months in prison, a sentence later reduced to a 7000 Euro fine for each. The envisaged punishment for such criminal offenses ranges from 6 months to 5 years of imprisonment. Additionally, Ivan Sekuli received a 2,000 Euro fine for carrying an unpermitted weapon, an offense punishable by a fine of up to 7,500 Euros or imprisonment of up to 5 years.¹⁶

¹² This case, although is not a case of terrorism, was included in the report because the suspects were initially arrested and detained under suspicion of terrorism.

¹³ See case details below

¹⁴ See case 3 - individual cases

¹⁵ See case 5 in individual cases

¹⁶ See individual case 8

The lack of involvement of the Correctional Service in the sentencing policy in cases of terrorism

In none of the terrorism cases examined in this report where a Judgment was reached did the courts request pre-sentence reports from the Probation Service of Kosovo.

The Probation Service of Kosovo, in addition to its primary responsibility of implementing alternative measures and penalties in the rehabilitation, reintegration, and resocialization of individuals subject to such measures, also plays a crucial role influencing the quality of the sentencing policy.

According to the Law on the Probation Service of Kosovo, PRK drafts pre-sentencing reports for individuals under its supervision.

The pre-sentence report is a document prepared by a probation officer at the court's request, with the aim of proposing and selecting the most suitable penalty.

BIRN data reveal that, in all cases where a judgment was issued, judges failed to utilize this opportunity when determining the type and severity of criminal sanctions.

The exclusion of PSK weakens and undermines the process of reintegrating and resocializing convicted individuals. This process is critical in achieving the ultimate goal for these subjects—complete separation from violent ideologies.

Cases of terrorism

This section of the report delves into the handling of cases related to terrorism, covering their investigation, indictment, first-instance ruling, and progression through all stages of judicial proceedings.

Case 1 - Preparation of a Terrorist Attack against the LGBT Community

B.V is accused of plotting two terrorist attacks in Kosovo, specifically targeting the LGBT community and the border crossing point in Merdare. He was apprehended through the operational efforts of the Anti-Terrorism Department of the Kosovo Police on February 21, 2023.

According to the indictment, he traveled from Saudi Arabia to Kosovo through the Skopje airport. He was detained at the Hani Elez border point after being included in the “Stop-list”, and messages and maps were found in his phone, received through “Telegram” on his profile “Proxyl” from an individual named Douglas, which he used to prepare terrorist attacks in Kosovo.

The indictment further alleges that the accused had prepared dangerous and lethal materials, including calcium nitrate, intended for use in the Prishtina square against the LGBT community members and at the Merdarë border point.

The Special Prosecutor's Office charged the accused with the criminal offense of Preparing Terrorist Acts or Criminal Offenses Against the Constitutional Order and Security of the Republic of Kosovo, under Article 138, paragraph 1, related to the criminal offense of Committing a Terrorist Act, under Article 129, paragraph 1, of the Criminal Code of Kosovo.

According to the current criminal legislation, these actions are punishable by 1 to 5 years of imprisonment.

Chronology of the case

February 21, 2023 - BV is detained by the Kosovo Police;

September 15, 2023 - Indictment is filed;¹⁷

October 2, 2023 - Initial Hearing is held. The accused has pleaded not guilty.¹⁸

Case - Zijadin Berisha, accused of being a member of ISIS

Zijadin Berisha is accused of having joined the terrorist group known as ISIS in Syria in November 2013, as a soldier, where he was mobilized with weapons in a military camp.¹⁹

The indictment against Zijadin Berisha was filed on May 7, 2015, and in the initial hearing held on July 25, 2023, he pleaded guilty to entering Syria and joining the ISIS terrorist group in 2013. On July 28, 2023, the Court found him guilty and sentenced him to two years of suspended imprisonment, with a 3-year probation period. For the criminal offense of possession of an unlawful weapon, the accused was sentenced to a fine of 2,000 Euros. Additionally, confiscation of the seized weapons and their disposal at the moment of the judgment's finality was ordered.

On September 26, 2023 The Court of Appeal, acting on the appeal of the Prosecution, increased the sentence to 3 years of effective imprisonment.

The appeal reasoned the increased sentence on the fact that the first instance overestimated the admission of guilt in relation to the consequences of the offense and failed to take into account the dangerousness of the offense and that the fact that the offense was committed intentionally and premeditated was an aggravating circumstance.

¹⁷ KALLXO.com Article, accessible here <https://kallxo.com/lajm/aktakuze-ndaj-nje-personi-per-pergatitjen-e-veprave-penale-terroriste-ndaj-komunitetit-lgbt/>

¹⁸ KALLXO.com Article, accessible here <https://kallxo.com/lajm/i-akuzuari-per-sulm-terrorist-ndaj-komunitetit-lgbt-del-para-qivkates/>

¹⁹ KALLXO.com Article, accessible here <https://kallxo.com/lajm/denim-me-kusht-per-te-akuzuarin-qe-e-pranoi-se-i-ishte-bashkuar-isis-it/>

Case - Ylber Bela

The Special Prosecutor's Office accused Ylber Bela of going to Syria in March 2013 to join the fights with the terrorist organization known at the time as Abal - al-Nusra "Daela Islamia", now known as ISIS.

According to the indictment, Bela stayed in Syria for more than 9 years - from March 2013 to May 28, 2022, when he returned to Kosovo.

For these actions he was charged with the criminal offenses of Organization and Participants in a Terrorist Group, under Article 143, par. 2, of the Criminal Code of Kosovo. The applicable legislation at the time of the commission of the offense envisaged that a sentence of 5 to 10 years of imprisonment.

The indictment was filed on October 25, 2022, and the initial hearing was held on November 8, 2022, in which the accused pleaded not guilty. The main trial began on January 11, 2023, and the judgment was announced on January 16, 2023.

Initially, the accused did not plead guilty at the initial hearing. Later in a main trial hearing, the Prosecution made a change in the legal qualification of the charges, dropping the charge of facilitating and financing the commission of terrorism, leaving only the offense of Organizing and participating in terrorism. After this change, the accused pleaded guilty.

The trial panel of the Special Department of the Court in Prishtina sentenced the accused to 5 years in prison.

The defense was not satisfied with the first instance judgment, and filed an appeal to the Court of Appeal, requesting that the time spent in the military prison of the Syrian forces be counted in the sentence, which, according to the defense, included the period from March 19, 2019 to May 27, 2022.

The Appeal found that the Court of first instance failed to make sufficient efforts to prove the detention in Syria, despite the defense raising this issue before the panel. For this reason, the Appeal found that the Basic Court violated the procedural provisions, and annulled the judgment only in terms of calculating of the deprivation of liberty in the sentence. The rest of the judgment was upheld.

At the time when this report was drafted, the Court was awaiting information from external sources to confirm Ylber Bela's stay in detention by Syrian authorities.

Case – Ardian Gjuraj et al

Ardian Gjuraj, Ergim Sylja, Nuhredin Skenderi and Mentor Bellaqa are accused of having tried to establish an organized terrorist structure in Kosovo and committed to securing an arsenal of weapons through contacts with "Abu Talha Al Muhajir", a high rank member of the terrorist organization ISIS.

Investigations were conducted by the Police and the Prosecutor's Office after suspicions arose about the preparation of terrorist attacks in Kosovo. These investigations lasted three months and included investigative actions such as cover surveillance measures and simulated sales by the Police.²⁰

January, 10 2023 - Initial Hearing

The initial hearing was held about 4 months from the arrest of the defendants. In this hearing, Ardian Gjuraj and Nuhredin Skenderi pleaded not guilty on all charges. Ergim Sylja pleaded guilty to possessing an unlawful weapon, which was rejected by the Court. Mentor Bellaqa pleaded not guilty to the charge of preparing terrorist acts. For the fifth count of the indictment, related to the transfer of funds between Mentor Bellaqa and Shkodran Krasniqi with the purpose of purchasing RPG, both pleaded guilty.

Case - Shkodran Krasniqi

Shkodran Krasniqi was part of the group of accused with Ardian Gjuraj, Ergim Sylja, Nuhredin Skenderi and Mentor Bellaqa. For his case, after he pleaded guilty in the initial hearing, the procedure against him was separated.

Being part of this group, Shkodran Krasniqi was accused of accepting the sum of 2,000 Euros for the purchase of firearms, including an "RPG", eight RPG shells, and an RPG magnifying scope for the purpose of selling them to the aforementioned group. Initially, he had accepted the money from Nuhredin Skenderi. A few days later the simulated purchase by the Kosovo Police took place, where he and others were arrested.

The Prosecutor's Office charged him with the criminal offense of Unauthorized import, export, supply, transport, production, exchange, brokering or sale of weapons or explosive materials, under Article 364, par. 2, in relation to paragraph 1, of the Criminal Code, punishable with a fine of up to 7500 Euros and imprisonment of 1 to 8 years.

Chronology of the case

December 23, 2022 - The indictment is filed against the entire group consisting of Ardian Gjuraj, Ergim Sylja, Nuhredin Skenderi and Mentor Bellaqa;

January 10, 2023 - Shkodran Krasniqi pleaded guilty in the initial hearing, while still in the same procedure with the group. The trial panel then separated the procedure for him.

²⁰ KALLXO.com Article, accessible here <https://kallxo.com/lajm/armet-qe-u-gjaten-te-te-dyshuarit-per-terrorizem-u-blene-gjate-nje-shitblerjeje-te-simuluar-nga-policia-e-kosoves/>

Cases of corruption

Case - “Stent 1”

Former Minister of Health, Ferid Agani, and former Secretary of the Ministry, Gani Shabani, are charged of acting in violation of the Law on Public Procurement and Administrative Instructions of the Ministry of Health, allowing payments for treatment of patients outside public health institutions for the period 2011 -2015.

July 29, 2022 - Special Prosecutor Florie Shamolli, in her final remarks, changed the enacting clause of indictment, in the section stating “they have not been subject to the Procurement Law” and the value of the damages caused. Shamolli withdrew from this part on the grounds that there is a procurement expertise which finds that subsidies are not subject to the Procurement Law. Shamolli also stated that the value of the damage is not 4.555.553 Euros, as it was previously determined in the indictment, but rather 11.450 Euros, which the prosecutor said was according to the financial expert .

August 1, 2022 - The Basic Court of Prishtina acquits the accused. This happened after 2237 days, or 6 years and 1 month from the time of the filing of the indictment.

June 23, 2023 - The Court of Appeal upholds the acquittal in “Stent” case.

The Court of Appeal decided that the prosecutor's appeal has “abstract descriptions rather than specific claims of the existence of violations.” Therefore, according to them, the court of first instance rightly applied the criminal law when it acquitted the accused, as it was not proven that they committed the criminal offense of Abuse of position or official authority.

Case - Officials of the Independent Media Commission

According to the indictment, Luan Latifi, as Head of the Independent Media Commission (IMC), and Arben Bilalli, Director of Administration and Finance, had demanded and received a bribe of 8 thousand Euros from the victim Elhami Haziri, owner of the company “Telkos”, in June 2021.

Chronology of the case

September 15, 2021 - Indictment is filed;

November 2, 2021 - Indictment is confirmed;

December 23, 2021 - The Court of Appeal confirms the indictment;

July 25, 2022 - The judgment against the accused Arben Bilalli is announced. Arben Bilali, former director of administration and finance at the Independent Media Commission (IMC), was sentenced to 140 days in prison, and a 12000 Euro fine for the criminal offense of Bribery;

July 28, 2022 - The court also issues a complementary punishment against Bilalli, a ban on exercising any function in the public administration service for a duration of 3 years. Luan Latifi pleaded not guilty, while the procedure against Bilalli was separated.

Case - “Hydropower plants”

According to the indictment of the Special Prosecutor's Office of the Republic of Kosovo, Besim Beqaj, as the head of the Government Privatization Committee, and Mimoza Kusari-Lila, Nenad Rasic, Dardan Gashi and Lorik Fejzullahu, as members of the GPC, were accused of intentionally enabling material benefit to another person and causing damages to another person, and exceeded their powers. According to the indictment, on May 8, 2013, they unanimously voted that: HPP Lumbardhi, HPP Burim, HPP Radavc, and HPP Dikance must be transferred to the Kosovo Company for Electricity Distribution and Supply, and then privatized by the “Limak-Calik” company. Arben Gjukaj, Fllanza Hoxha and 13 other people were also accused in this case.

Chronology of the case

April 10, 2020 - Indictment filed;

March 12, 2021 - The Basic Court of Prishtina confirms the indictment against 6 persons, and dismissed it for 13 others due to the statute of limitations being expired;

November 8, 2022 - The Basic Court issues an acquittal verdict against the accused. The Special Prosecutor's Office filed an appeal against the first instance judgment on the basis of essential violation of the criminal procedure, violation of the criminal law and incorrect and incomplete verification of the factual situation. The Special Prosecutor's Office requested that the case be remanded to the first instance for a retrial. The Appellate Court rejected the SPRK appeal, considering it unfounded;

On March 27, 2023 - The Appellate level upheld the acquittal. This case has “saved” from reaching the absolute prescription limit, 1 month and 6 days before the deadline of May 8, 2023.

Case - “Veterans”

12 people were accused in this case - members of the Government Commission for the Verification of the Status of KLA: Agim Çeku, Nuredin Lushtaku, Sadik Halitjaha, Shkumbin Demaliaj, Qelë Gashi, Shukri Buja, Ahmet Daku, Rustem Berisha, Faik Fazliu, Smajl Elezaj, Fadil Shurdhaj and Xhavit Jashari. They are accused of inflating the lists of combat veterans by 19,500 people.

Failed hearings since the case was remanded for retrial:

December 16, 2022 - The first hearing scheduled to be held after the case was returned for retrial failed because two of the accused were absent - Faik Fazliu and Smajl Elezaj;

March 15, 2023 - The hearing fails to be held at the request of the Special Prosecutor, Valdet Gashi, on the grounds that he needs more time to prepare the case and complete the indictment, with the recommendations of the Appeal;

June 15, 2023 - The hearing fails due to the absence of lawyer Skender Musa of the accused Fadil Shurdhaj, the failure to hire defense lawyers for 5 other accused;

September 18, 2023 - The hearing was canceled because the Prosecutor travelled abroad;

September 28, 2023 - The hearing failed to be held in the absence of the accused Shukri Buja.

Case - Tender for the Gjilan motorway

The former Secretary General of the Ministry of Infrastructure, Betim Recica, together with the other three accused, former officials of the same Ministry, Isa Berisha, Leonora Limani and Mirdit Emini, are accused of Exercising influence, money laundering and abuse of position.

According to the Prosecutor's Office, Betim Reçica, in the capacity of former Acting Director of Procurement at the Ministry of Infrastructure had influenced the members of the re-evaluation commission for the tender for the construction of the Gjilan Motorway.

Chronology of the case

February 16, 2021 - Indictment filed;

September 26, 2022 - Hearing of witnesses;

September 30, 2022 - Continuation of witness hearing;

February 20, 2023 - Issues in holding the hearing due to the implementation of the new Criminal Procedure Code. With the new Code of Criminal Procedure, defense is mandatory for criminal offenses punishable by more than five years of imprisonment. For this reason, in the absence of defense counsel Florent Latifi, the main trial was postponed;

June 2023 - Procurement expert, Fehmi Zena, determined that the damages caused to the state budget by this case are over 6 million Euros.

June 27, 2023 - The court orders a super-expertise due to contradictions between the previous expertise, and a more detailed financial investigation.

Case - Dhurata Hoxha et al related to procurement procedures for lobbying contracts

Dhurata Hoxha, with the Director of Procurement, Fitim Mustafa, and the three former secretaries of the Ministry of European Integration, Demush Shasha, Kushtrim Cukaj and Nuhi Osmani, were accused by the Special Prosecutor's Office of Kosovo of abusing their position and authorities in the case of initiating and signing the lobbying contract with a French company.

The indictment against them was filed after KALLXO.com had aired research how in 2019 the Ministry of European Integration of Kosovo paid 168,000.00 Euros to a company based in Paris for the lobbying process.

July 7, 2021- Indictment filed[1];

September 1, 2021- Initial Hearing;

September 16, 2022 - Dhurata Hoxha requests the recusal of the prosecutor of the case, Dren Paca, on the grounds that his father knows her husband;

April 21, 2022 - The main trial begins [2];

October 21, 2022 - In this hearing, Hoxha confirms that the Chief Special Prosecutor, Blerim Isufaj, rejected her request to change the prosecutor of the case, Dren Paca[3];
February 7, 2023 - The financial expert is heard [4];

April 24, 2023 - Final remarks[5];

April 28, 2023 - A verdict of acquittal is announced[6]. "The court has based this decision on the evidence processed in the main trial, and evaluated each piece of evidence, individually and in connection to other evidences. The court found that in this criminal case the facts and concrete elements of the criminal offense which constitute the main element of the criminal offense have not been proven" - read the reasoning of the Court in this decision.

July 27, 2023 - The prosecution lodges an appeal against the acquittal verdict;
According to the appeal of the Prosecution, the Court failed to analyze, evaluate or justify 70% of evidences proposed and elaborated by the prosecutor.

Case - Director of the KPC Secretariat et al

According to the indictment filed in March 2021, the former Director of the KPC Secretariat, Lavdim Krasniqi, was accused with his driver of having requested and accepted money and gifts in the amount of 40 thousand Euros from Bashkim Mulolli in several locations, and promised to exert their influence to reduce his sentence and postpone the execution of his sentence.

Both are also accused of having allowed a suspect of attempted murder to escape from Kosovo to Albania with the official car of the Kosovo Prosecutorial Council. In addition to these charges, Krasniqi has also been accused of abuse in the process of awarding tenders and failing to declare assets.

Chronology of the case

March 1, 2021 - Lavdim Krasniqi and Marigona Berisha are arrested;

August 13, 2021- Indictment filed;

October 21, 2021 - Initial Hearing;

November 25, 2021 - Counts of the indictment against Krasniqi and Berisha are dismissed. In relation to Krasniqi, the charge of Abuse of official position was rejected, and the evidences of the CD recording of the conversation with the cooperating witness was rejected due to being unlawfully acquired. As for Krasniqi's assistant, Marigona Berisha, the charges of purchasing items obtained through criminal activity was dropped.

February 2, 2023 - The request to dismiss the indictment is rejected by the Court;

March 9, 2023 - The court found Lavdim Krasniqi guilty of failing to declare assets, while acquitting him on the criminal offense - Exercise of influence.²¹

Lavdim Krasniqi was sentenced to 6 months in prison, and a fine of 8,000 fine for not declaring assets. Marigona Berisha was fined 5,000 Euros for falsifying documents. Ardian Krasniqi was sentenced to a single sentence of 4 years and 8 months of imprisonment, and a fine of 6,000 Euros.

May 30, 2023 - The prosecution filed a complaint based on the essential violations of the provisions of the criminal procedure, incorrect verification of the factual situation, and the criminal sanctions. The defense of the accused also filed an appeal to change the judgment of the Basic Court and acquit them of all charges.

October 17 2023 - Case is in the Court of Appeals;

November 7 2023- Court of Appeal remands the case.

Case - Former Mayor of Gjilan et al

On September 16, 2016, the Special Prosecutor's Office of the Republic of Kosovo filed an indictment against Qemajl Mustafa and 35 other persons - officials of the Municipality of Gjilan and economic operators.

According to the indictment, the officials, acting in the capacity of official persons, abused their official position, exceeding their powers or failing to fulfill their official duties. Other defendants, acting as owners or representatives of economic operators, are charged of having exercised economic activity with the aim of illegal economic benefit for themselves or for another economic operator, when bidding in procurement activities in this Municipality.

²¹ KALLXO.com Article, accessible here - <https://kallxo.com/lajm/gjykata-vendos-per-ish-sekretarin-e-kpk-se-dhe-te-akuzuarit-tjere/>

18 tenders are part of the indictment of SPRK, for which the former mayor of the Municipality of Gjilan, Qemajl Mustafa, and 26 other municipal officials and 9 economic operators were charged.

Chronology of the case

September 16, 2016 - Indictment is filed;

November 21, 2017- Initial Hearing;

April 18, 2018 - The Basic Court of Peja decides on the request to dismiss the indictment. The court decided that in the case of Mustafa and the other accused there are no elements of the criminal offense of organized crime and dismissed the criminal proceedings against the 10 accused who were charged with the criminal offense of Misuse in economy, and 19 accused of Abuse of official position in co-perpetration, due to the relative statute of limitations of the criminal offense.

September 14, 2018 – The Court of Appeal remands the matter of the indictment, thus approving the appeal of the SPRK;

November 30, 2018 – The Court of Peja decides again for partial confirmation of the indictment;

February 19, 2019 – The Court of Appeal upholds the appeal of the SPRK and decides that Qemajl Mustafa and all the accused be tried on all counts;

April 13, 2022 - The Basic Court of Peja acquits all of the accused. According to Judge Nushe Mekaj, the evidence, specifically the interceptions obtained based on the District Court's order, was acquired in violation of the law. Notably, there was no request from the Prosecution for the issuance of an order for covert interception measures. The Special Prosecution failed to establish a well-founded suspicion that the defendants had committed the criminal offense.

The Court reasoned that the evidence derived from covert measures, forming the basis of the Prosecution's indictment, was obtained in violation of the provisions of the Criminal Procedure Code. Conversely, the Court stated that in cases involving organized crime, it is imperative to ascertain the identity of the organizer of the criminal group, the formation timeline, the individual overseeing and leading the group, and those directing the actions of the criminal group.

As a result, the Court concluded the factual description of the organized crime offense is not made in line with the provisions of the Provisional Criminal Code, and the incriminating actions were also associated with inadmissible evidence. Consequently, the Court acquitted them of all charges.

August 2, 2022 - An appeal of the Prosecution is filed to the Court of Appeal;

September 15, 2023 - The case is in the Court of Appeals;

November 4, 2023 – The Court of Appeal confirms the acquittal.

Recommendations

- The State Prosecutor's Office must urgently address the mistakes made in the application of investigative techniques, particularly those related to covert measures.
- The Prosecution must take into account the court's findings where prosecutors failed to establish the intent of the accused in committing criminal offenses.
- Strengthen the capacities for specific financial and public procurement expertise, to ensure more accurate and comprehensive documentation of investigations.
- Form joint investigative teams based on the specifics of each case and improve the coordination of SPRK with the Tax Administration of Kosovo and the Financial Intelligence Unit for a more comprehensive trace of criminally acquired assets.
- Increase the proactive initiation of cases, conduct more proactive investigations, and ensure a swifter response from the prosecution to cases exposed by the media and civil society.
- Prosecutors whose actions or inactions render evidence inadmissible should undergo an extraordinary performance assessment and, if necessary, face disciplinary or legal proceedings when code of ethics violations or criminal elements are found.
- Ensure that prosecutors are provided with updated knowledge and skills to efficiently identify and investigate various forms of violent extremism and terrorism, particularly those with far-right or ethnic-nationalist motives, beyond religious motivations.
- Prosecutors should play an active role, utilizing the opportunities provided by the new Criminal Procedure Code, such as holding special hearings to determine the type and level of punishment, and highlighting the aggravating circumstances for the court's consideration during sentencing.
- The Kosovo Judicial Council should rigorously monitor the implementation of the strategic plan for effectively resolving corruption cases.
- Judges who fail to comply with the provisions of this strategic plan should automatically undergo an extraordinary performance assessment.
- The Judicial Council should review the effectiveness and efficiency of internal accountability mechanisms, performance assessments and discipline procedures for judges.
- The Kosovo Judicial Council and the Kosovo Justice Academy should pay a critical focus on ensuring that judges have updated and advanced knowledge and skills regarding the identification and evaluation of "intent" in corruption cases.

- Ensure that the aggravating circumstances, such as the high societal risk of terrorist acts, is taken into account in sentencing.
- The Kosovo Judicial Council, in collaboration with the Academy of Justice, should conduct trainings for judges on adjudicating cases involving violent extremism and terrorism of all forms, especially far-right violent extremism.
- KJC should intensify and increase the disciplinary measures against judges causing delays in proceedings, and ensure that judges presiding over corruption cases in which the statute of limitations expires undergo extraordinary and detailed performance assessments, highlighting the factors influencing the prescription of the case.
- The Kosovo Judicial Council and the Kosovo Prosecutorial Council should increase the use of information and communication technology to enhance the efficiency of investigation and monitoring of corruption cases.
- KJK and KPK to further strengthen collaboration with international organizations, civil society, and other relevant institutions, as well as the media, with the common goal of strengthening the efforts against corruption and increasing the public's trust in the justice system.

The project “Media as a means to improve the transparency of the justice system and the fight against terrorism and extremism” is financed by the Ministry of Foreign Affairs and International Cooperation of Italy through the Italian Embassy in Prishtina.

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