Strategic Plan

For Inter-Institutional Cooperation in the Fight against Organized Crime and Corruption

2013-2015
Pursuant to Article 4 paragraph 1 point 9 and 26 of Law on the Kosovo Prosecutorial Council, Section 10 paragraph 10 item 1 of the KPC Rules of Procedure, the Kosovo Prosecutorial Council approves the following;

**Strategic Plan 2013-2015**

*For the Increase of Cooperation and Coordination between the State Prosecutor and Law Enforcement Agencies in the Fight against Organized Crime and Corruption*

Kosovo Prosecutorial Council, being aware of the importance and role of prosecutorial system in the fight against the organized crime and corruption.

The Kosovo Prosecutorial Council within its competencies and responsibilities derived from the Constitution and Law on the Kosovo Prosecutorial Council, through this strategy demonstrates its willingness and commitment in the fight against the organized crime and corruption.

The Kosovo Prosecutorial Council hereby invites all institutions and law enforcement agencies in Kosovo within their competencies and responsibilities to cooperate with the State Prosecutor in increasing cooperation and coordination in fighting negative phenomena related to organized crime and corruption.

The Kosovo Prosecutorial Council’s strategy against the organized crime and corruption has been drafted in compliance with documents and strategies approved by the law enforcement agencies and institutions in Kosovo.

The Kosovo Prosecutorial Council during drafting of this strategy has considered the recommendations of the Presidency of the Council of the European Union dated 8 June 2011, No. 9225/4/11 REV 4.

The Kosovo Prosecutorial Council during drafting of this strategy has consulted and received comments and recommendations from the Kosovo Police, Customs, the Anti-Corruption Agency and the law enforcement agencies and institutions in Kosovo.

In this Strategy “State Prosecutor” means the institution of the State Prosecutor in accordance with Article 109 of the Constitution of the Republic of Kosovo and the Law on State Prosecutor. This Strategy and its action plan will be implemented in accordance with the role and responsibilities of the Special Prosecution Office of Kosovo (“SPRK”) as set out in the Law on the Special Prosecution Office of Kosovo.
Part 1
Purpose of the Strategic Plan

1. The purpose of this Strategy is to improve the cooperation between the prosecutorial system of Kosovo and other institutions involved in fighting organised crime and corruption in order to strengthen their work.

2. The specific purposes of this strategy are to:

- increase and, as appropriate, standardise inter-institutional cooperation and coordination and cooperation between the competent authorities in order to fight organized crime and corruption more effectively;

- increase and, as appropriate, standardise inter-institutional cooperation and coordination and cooperation between the competent authorities in order to improve the quality of information about the detection, investigation, prosecution and decisions made by the court about cases of organised crime and/or corruption;

- improve the quality of information provided to the public and media about organised crime and/or corruption;

- strengthen the capacity of Kosovo prosecutorial system and the skills of prosecutors to fight organized crime and corruption.

Part 2
Objectives of the Strategic Plan

Through the adoption and implementation of this Strategy the Kosovo Prosecutorial Council aims to achieve the following key objectives:

- improved detection, investigation and successful prosecution of organised crime (with special attention to trafficking in narcotics, weapons and human beings);

- improved detection, investigation and successful prosecution of corruption offences;

- improved detection, investigation and successful prosecution of money laundering offences;

- improved the identification of material benefits of criminal offences and increase confiscation of material benefits of criminal offences;

- increased prevention of organised crime, corruption and money laundering;
improved the quality of information and statistical data about the detection, investigation and prosecution of organised crime, money laundering and corruption offences;

increased public awareness through improving the quality of information provided to the public and media and improve cooperation with the public and media.

Part 3
Action Plan and Internal Documents

1. The Kosovo Prosecutorial Council will adopt an action plan in order to achieve the objectives set out in Part 2 of this Strategy. The action plan is an integral part of this Strategy and will be published on the KPC website.

2. The strategy and action plan may be supplemented by confidential internal guidance and instructions where confidentiality is necessary for the purpose of the prevention, detection and investigation of criminal activities, privacy, the equality of parties in court proceedings and the official administration of justice or otherwise as set out in article 12 of the Law on Access to Public Documents (Law No. 03/L-215).

3. The Kosovo Prosecutorial Council shall adopt the action plan within [90] days of entry into force of this strategy.

Part 4
Main Activities to Increase Cooperation and Coordination

Increase of inter-institutional cooperation and coordination shall be based on the following activities:

- Signing of memorandums of understanding on cooperation between State Prosecutor and other institutions and law enforcement agencies in charge, with which no memorandum of understanding has been signed (the particular agencies will be specified in the action plan). Review and harmonization of the current memorandums of understanding with the signed ones with purpose of achieving the objectives of this strategy.

- Nomination of Prosecutor Experts.

- Organizing joint trainings of prosecutors and officials in charge for institutions and other law enforcement agencies.
• Standardization of the criminal report form.

• Standardisation of the content and structure of subsequent reports or information filed with the State Prosecutor in cases.

• Harmonisation of statistical information held by the relevant institutions and law enforcement agencies.

• Inter-institutional coordination of communication with the media and public.

Part 4A

Signing of Memorandums of Understanding

1. The memorandum of understanding are a tool for developing and ensuring cooperation and coordination between the prosecution system and other bodies and institutions responsible for fighting organised crime and corruption.

2. The [State Prosecutor] shall sign memorandums of understanding with institutions and law enforcement agencies in charge, with which no other memorandum was reached. At the same time, the State Prosecutor shall review and, as appropriate, harmonise the existing memorandums, with the aim to achieve the objectives of this strategy.

   The memorandum of understanding shall be signed on behalf of the State Prosecutor only after consultation with the relevant Expert Prosecutors and consultation [and agreement with] the Head of SPRK.

3. Given that the Strategic Plan includes institutions and agencies from the different areas of responsibility, it is required that the same are agreed for the method of cooperation. Thus, the role and contribution of each partner in achieving the objectives contained in the Strategic Plan and Action Plan would be clarified.

4. The memorandum should include the details relating to the following issues:
   • The method of exchanging information;
   • The methods of coordination of activities for detection, investigation and criminal prosecution of perpetrators of criminal offences of corruption and organized crime;
   • Resources provided by each institution to achieve the purposes and objectives of this strategy;
   • Responsibilities of each signatory entity;
   • Communication method between entities;
   • Cooperation and coordination in relation to reporting to the public and the media as appropriate;
• Agreement to investigate joint training needs and organise joint training and professional development as appropriate;
• Responsibilities of each signatory entity in relation to monitoring and assessment of the memorandum of understanding and this Strategy; and
• Other details on cooperation, depending on the specific functions and mandate of the signatory institutions.

Part 4B
Prosecutor Experts

1. The Kosovo Prosecutorial Council shall nominate Prosecutor Experts following consultation and agreement with the Chief State Prosecutor and the Head of SPRK.

2. The Prosecutor Experts’ will be responsible for:
   • assistance in negotiating and drafting the memorandums of understanding;
   • advise on joint training needs;
   • drafting methodology proposals for the investigation and prosecution of the type of cases in respect of which they have been nominated as Expert;
   • expert legal advice to other prosecutors;
   • facilitating closer communication with other rule of law bodies and institutions;
   • monitoring, assessment and the making of recommendations about this Strategy and action plan;
   • other responsibilities as set out in the action plan.

Part 4C
Conduct of Joint Trainings

1. In order to successfully fight corruption and organized crime, it is required that responsible institutions have sufficient number of personnel who are trained and knowledgeable about investigating and prosecuting organised crime and/or corruption in order to achieve the required results in efficient fighting of these phenomena.

2. Given the complexity of investigating and prosecuting criminal offences of corruption and organized crime, it is necessary for the entities involved in preventing and fighting corruption and organised crime to conduct joint trainings of prosecutors and officials of these entities.

3. In this way, officials of institutions and agencies involved will be able to understand more on potential, requirements and work specifications of each institution involved, thus facilitating also the coordination of their activities.
4. To achieve these goals, the memorandum of understanding will include a commitment to work together to investigate and organise joint training and other methods of professional development and to draft a joint training plan.

**Part 4D  
Standardization of Criminal Report Forms**

1. The State Prosecutor will draft a standard form for criminal reports, which shall be mandatory for all law enforcement agencies. The drafting of the standard criminal report form shall be concluded following consultation with the relevant institutions, Prosecutor Experts, Chief Prosecutors and the Head of SPRK.

2. The Standard form for criminal report shall be published on the webpage of the State Prosecutor and will be sent to all law enforcement agencies.

**Part 4E  
Standardization of the Way of Case Reporting Between State Prosecutor and Other Law Enforcement Institutions**

1. The Kosovo Prosecutorial Council will take action to harmonise the classification and reporting of cases of organised crime and corruption by different institutions. Steps shall be taken to improve the quality of data about the detection, investigation, prosecution, adjudication and punishment of corruption and organised crime offences. These steps will include:

   - KPC will establish a database on specific criminal offences of organized crime and corruption. The database will be established taking into account the need to ensure anonymity in some cases in order not to provide any details which could prejudice the investigation, detection, prosecution of offences or the health or safety of individuals.

   - Records from this database shall be harmonized with the data and information provided by law enforcement institutions in Kosovo, through criminal reports at Kosovo Prosecution Offices.

   - Reports from this database shall be published periodically in the Kosovo Prosecutorial Council official webpage. Such reports shall contain statistical information and not provide any details which could prejudice the investigation, detection, prosecution of offences or the health or safety of individuals.

2. Further actions may be set out in the action plan.
Part 4H
Coordination of Inter-Institutional Communication with Media and Public

1. The Kosovo Prosecutorial Council and State Prosecutor shall cooperate and coordinate with law enforcement agencies and institutions in Kosovo, especially with Kosovo Police and Anti-Corruption Agency in joint reporting on the achievements in the fight against organized crime and corruption.

2. Common reporting should be done periodically.

3. Steps will be taken to establish and develop prosecution communications including the development of media guidelines and rules and regulations for the management and disclosure of information to the public. The development of prosecution communications will pay attention to the benefits of inter-institutional cooperation in providing information to the media and public. Any strategic plan for media or public relations developed by the Kosovo Prosecutorial Council or State Prosecutor shall take into account the need to ensure inter-institutional cooperation in this area.

Part 5
Monitoring and Assessment of Implementation of the Strategy

Part 5A
Monitoring

1. The purpose of monitoring is to continuously follow up the implementation of the Strategic Plan objectives in general and of the Action Plan in particular and to ensure that they take place. Monitoring of implementation of the strategy is an ongoing process.

2. Monitoring shall include:

- Checking that the cooperation and coordination activities set out in this Strategy and the Action Plan take place;
- Identification of deficiencies in performance of tasks and responsibilities of the entities involved in this Plan;
- Identification of requirements to meet the institutional capacities of personnel as well as logistic and technical ones.

3. In the event that deficiencies, obstacles or need for completion of tasks or change are identified, the parties may review the relevant memorandum of understanding, action plan or this Strategic Plan as necessary.

4. A monitoring report shall be presented to the Kosovo Prosecutorial Council every six months, or more frequently on request, to enable it to check on the progress of this Strategy and Action Plan. The report shall be prepared by the Performance
Evaluation Unit of the Kosovo Prosecutorial Council in conjunction with Prosecutor Experts and the SPRK.

**Part 5B**

**Assessment of Implementation of the Strategy**

1. Assessment of the Strategic Plan aims at assessing whether the purposes and objectives of this Strategic Plan set out in Parts 1 and 2 are being achieved. Assessment will evaluate the progress towards achievement of the objectives and purposes (articles 1 and 2) of this Strategic Plan and Action Plan, as to what extent the expectations are met.

The assessment will play an important role in drafting the future policy in this area by taking into consideration new developments at all levels which could impact on the performance of entities involved in this Plan.

2. Assessment is conducted once (1) a year by the assessment group composed of representatives of institutions and agencies involved in the Plan, the relevant Prosecutor Experts and the Head of SPRK. The group will make a common assessment of the achievements in achieving the purposes and objectives of Strategic Plan and Action Plan. Subject to assessment by the assessment group shall also be the findings from ongoing monitoring.

3. The assessment shall also be attended by representatives of civil society who may present their reports based on observations conducted by them.

4. The assessment group shall prepare an assessment report. The assessment report will contain findings on whether the purposes and objectives of this plan set out in Parts 1 and 2 are being achieved. It will also consider:

   - the level of inter-institutional cooperation;
   - identification of deficiencies in cooperation and coordination process;
   - assessment of each objective of this Strategic Plan and the action plan separately;
   - necessary requirements for the revision of Strategic Plan and Action Plan, in order to be in line with new developments;
   - recommendations for completion or change of legal infrastructure; and
   - Any other conclusions deriving during the assessment process.

5. The evaluation report shall be promptly provided to the Kosovo Prosecutorial Council.

6. The assessment results shall be published on the website of the Kosovo Prosecutorial Council and elsewhere.

**Part 6**
Role of the SPRK

This Strategy and Action Plan will be implemented in accordance with the role, responsibilities and expertise of the SPRK as set out in the Law on SPRK [and in consultation with SPRK].

Part 7
Entry into Force, Amendment of the Strategy, Signing of Memorandums of Understanding

1. This strategy shall enter into force on the day it is adopted by the Kosovo Prosecutorial Council.

2. Based on monitoring and assessment reports, the Kosovo Prosecutorial Council may review the strategy and supplement or amend with new objectives.

3. The State Prosecutor shall sign the memorandums of understanding with relevant institutions within a deadline of six (6) months starting from the day of entry into force of this strategy.

4. Adopted on ______________.

Ismet Kabashi
Chair of Prosecutorial Council