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FACULTY OF LAW

MASTER STUDIES

DEPARTMENT: CRIMINAL LAW

**POLICIES FOR DISCOVERY AND BATTLE OF CORRUPTION IN
KOSOVO**

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Introductory

Every police system, respectfully its safety and stability is appreciated according to the model and the level of trust which it has by citizens, respectfully while they are in position that within democratic frameworks of safety to realize and protect their main rights, needs and interests.

New societies in transition are in front of a noted pressure of modification and placement of democratic institutional frameworks- frameworks within which it will be shown the ability of a democratic and constitutional country and its institutions in order to successfully face with all the challenges which have forwarded the process of building and stabilizing the political order so that the entire regulatory set network of institutions to not come to political risks and crisis of security. Corruption has reached such an extent that it has become an open threat to contemporary democratic states, especially for those that are in transition, which in some situations "affordable" demolishes only tissue - being of the state, attacking and causing duly the crisis not only of the political, economic and moral order, but also the entire social system in general. Corruption is a universal problem. It can be seen in every country and nation in various forms and measures. Corruption has existed for a very long time and will continue to exist in the future but only if governments can find an effective ways to combat it. It will not be easy. Although the study of the causes and consequences and treatment forms for preventing and combating corruption in Kosovo, in this master thesis we think that it will be very helpful for other organizations and institutions that are responsible to deal with this phenomenon.

PURPOSE OF RESEARCH

My main purpose of the research in this master thesis is to highlight some exogenous factors (external) and endogenous (internal) affecting the growth of the degree of corruption in the Republic of Kosovo, with particular emphasis to study the state policies for combating emerging forms of corruption (repression) and policies for the prevention of the phenomenon of corruption in Kosovo. All these factors will be part of the treatment to see how they impact on crime in Kosovo.

Another goal is that according to this research to give some recommendations to central and local institutions on improvement measures in order to fight better and more efficient anti-corruption.

The main objectives of this paper are the reflection of the situation in Kosovo in terms of the level of corruption and the perception of corruption based on local and international reports, analysis of policies to prevent and fight corruption in Kosovo. The study aims to contribute in a modest way in raising the level of awareness of citizens on Albanian anti-corruption legislation, in particular the criminal procedural code, in encouraging the public to report, prevent the inclusion of the victims in these crimes.

CONCLUSIONS AND RECOMMENDATIONS

Corruption is one of the greatest challenges of our time - a challenge that must and can be handled. Corruption is a common concern for the whole society, so society must oppose trying in various ways to prevent it. Some of the areas which should be taking actions in order to prevent and combat corruption are:

1. Reforms in state administration, the judiciary and elsewhere, will help reduce corruption, raising living standards for the poor and respect for human rights for all. It will be ensured within the necessary legal and institutional framework for the establishment and functioning of the judicial system, as well as their training only in cases of organized crime and corruption
2. Reforms in public administration, improvement of legislation, and the control and management of public finances, are very important for success in the fight against corruption. Also the creation of a common front of state bodies with the public opinion, the electronic media and the press obviously
3. Without the participation of these institutions, the fight against corruption would be very difficult and will not succeed. Corruption as a complex problem requires taking measures not only in terms of detection and collision of offenses that constitute it, but also preventive propaganda measures or insulating character, which would involve all sectors that it risks creating a contributory legislative-administrativesystem, because only in this way can be conceived and put into practice the anti-corruption plan.

One of the main problems in the fight against corruption is the lack of reliable data on the extent and nature of corruption. This also represents an obstacle to the design of effective strategies against corruption, as data in most cases rely on the words and gossip, and this it shouldn't happen. The phenomenon and structure of corruption must be recognized and understood so that they solve the problems that enable the development of this phenomenon.

From the analysis that we made the Kosovo legal framework for combating corruption in the second chapter and the fourth and data on measures and penalties imposed by institutions for the suspected corruption acts and based on analysis of data on the perception of citizens and local and international organizations on corruption in Kosovo, it fully verified the first hypothesis that "Kosovo has very good legislation against corruption, but has a very poor level of implementation and enforcement of laws against corruption"

Also, based on filed criminal charges, the level of reporting of corruption cases in the Kosovo Police and the Anti-Corruption Agency, it's fully justified the second hypothesis as well that: "The consciousness of the citizens of Kosovo is still low to report corruption to the relevant institutions".

Therefore, the recommendations in this paper are technical, because the problems that enable corruption are based on the legal and institutional weaknesses of the system. It is

not enough to be pointed in the direction of suspected individuals of corruption and removed from their positions if this practice is not followed by structural environment changing where corruption occurs. Moreover, the institutional framework of the country lacks a system of cooperation between numerous institutions and actors responsible for fighting corruption, for which it is necessary a clear scheme of tasks.

Finally, corruption must be curbed and combated by the Kosovo institutions. However, for the moment EULEX continues to exert an executive mandate that includes fighting corruption. Any effective response to corruption must include effective investigations and enforcement by EULEX.

At the end of this master thesis we want to emphasize the need to identify structural problems that allow corruption to flourish and the addressed focus in the institutional and legal improvements, as it is not too late to effectively tackle the challenges that comes from corruption. To achieve this, Kosovo institutions and EULEX should rise above themselves to create a coordinated and united front against corruption and its enabling environment.

RECOMMENDATION

1. To harmonize data mechanism that have the mission to combat corruption
2. Prosecutions and the Court should report on their actions more precisely.
Prosecution to report cases and accused persons.
3. Courts should report cases of convicted persons, as well as the length of penalties
4. The aim of increasing transparency is a necessity of the time indictments and judgments to be made public;
5. Prosecutors and courts should publish regular reports on the investigation and prosecution of corruption;
6. The law on public procurement should be amended in order to rewrite the article on exemptions on public procurement
7. Law on conflict of interest and the law on declaration of assets should have stronger sanctions against failure to comply with the law;
8. Simplification of procedures of the approval of anti-corruption strategy;
9. The European Commission has required to "simplify institutional basis for combating corruption and avoiding overlapping responsibilities". In this regard, the Anti-Corruption Agency should deal with preventive measures of corruption, including the component of education and awareness, while the Police, Prosecution and Courts should be supported in the implementation of their mandate for the investigation, prosecution and adjudication of all cases of corruption.
10. Anti-Corruption Agency should enhance monitoring capacities of implementing anti-corruption strategy;

11. Anti-Corruption Agency should take an active role in promoting cooperation and coordination with the Prosecutor and the Police;
12. Improving the quality of criminal and coordination between different institutions with the prosecution one is necessary for a stroke of offenses related to corruption and their prevention.