MONITORING, MENTORING AND ADVISING

TRACKING MECHANISM

FEBRUARY 2011

KEY:

⇧ :MMA Action progressing

⇩ : MMA Action regressing/strong evidence of problems based on available data

⇔ : MMA Action stalled/some evidence of problems based on available data

✓ : MMA Action completed

POLICE

MMA Action	Progress Indicator	Comments
Crime Reduction Strategy	✓ **Accomplished**	This MMA Action has been successfully completed and the following outputs have been achieved: 1. Draft written strategy (to reduce the overall volume of crime and number of certain key crimes, in an effort to reduce crime levels (The Strategy) 2. Staged process of consulting internal/external stakeholders and obtaining their agreement to the draft strategy. 3. Formal ratification of agreed final strategy document by Kosovo Police Director General and Kosovo Police Commanders. 4. Written policy on how to monitor the implementation of the Strategy.
Intelligence led policing *(Merged with Integrated Border Intelligence System MMA Action)*	⇔	The implementation progress has been at minimum. Whilst none of the planned outputs have been achieved, there is real progress in terms of the numerous tasks under the first three Key Activities. Preparations are ongoing on the review of Standard Operating Procedures on handling the use of intelligence and on the delivery of Intelligence led policing briefings in all Kosovo Police sectors. In addition, the KP DG has committed to prioritize the implementation of this Action in the coming months.
Kosovo Police Information System	⇔	A TAIEX IT Expert and the KP Director of IT are now engaged in meetings to discuss options and a strategy to tackle the various issues related to changes to KPIS and its relationship with the Police Strengthening Department recommendation that KP adopts the existing Case Management Information System (MoJ) in order to meet the objective of Common Criminal Justice System crimes statistics database MMA Action.

Enhanced Directorate of organized crime capability	⇧	Good progress has been recorded in the implementation of the MMA Action. Two of three planned outputs have been achieved, namely: 1. a fully implemented strategy throughout Kosovo Police Directorate of Organised Crime drive a more proactive approach to organized crime investigation; and 2. a revised organizational structure for Kosovo Police Directorate of Organised Crime that will effectively deliver the intelligence lead policing concept. To conclude the Action, work has to be done on measuring the efficacy of the implementation of the Strategy and evaluation of its impact on Directorate of Organised Crime in Kosovo.
Revised crime statistics *(Merged with Common CJS crime statistics database MMA Action)*	⇔	This action is stalled pending the Kosovo Police response to the recommendation for adopting a common policy in the recording, collecting and collating reported crimes and crime investigations. In addition the Action is pending the agreement of Kosovo Police management to extend the Case Management Information System platform (currently launched in Public Prosecutors Offices) to all Kosovo Police Regions.
Victim ethnicity – crime statistics	⇧	Good progress has been recorded in the implementation of the MMA Action. Three of the four Key Outputs have been completed: 1. A detailed SOP (and related strategy) that defines the categories of victim ethnicity in all forms of recorded crime across Kosovo; (b) defines the method whereby the new categories will be inserted into the standard KP Crime Report (Form); and (c) defines the way the data is collated into a central KP data pool and allows retrieval of weekly/monthly/annual statistics regarding crimes against ethnic minority groups. 2. Training program to fully implement the SOP, in respect of data collection, collation and retrieval (done in close cooperation with KP IT (and/or a suitable donor-funded or internally-funded partner) design and develop the required IT systems and staff). 3. Training program for all relevant KP staff involved in the collection, collation, retrieval and analysis of police incident data (Done in close cooperation with KP Training Department.

Enhanced forensics techniques	⇔	As part of the restructuring of the KP, the Ministry of Internal Affairs (MoIA) has decided to remove the Forensic Laboratory from the KP organisation. Henceforth, this important part of Kosovo's Criminal Justice System (CJS) will be an Executive Agency of MoIA and will operate as an independent facility, serving the interest of both defence and prosecution. It is anticipated that the work of restructuring the Laboratory will be the focus of the EULEX Programme within MoIA. It is also now anticipated that there will be a need for an additional MMA AF to assist the process of reorganizing KP Forensics and improving its effectiveness without the presence. A policy decision by the KP DG is imminent.
Team approach – criminal investigations	⇩	No progress made since the launch of MMA actions. Its is anticipated that this MMA Action will start implementing only after the initial outputs of Common Criminal Justice System crime statistics database MMA Action are achieved.
Kosovo Police Directorate of Intelligence Analyses as criminal intelligence hub	⇧	Only the first of four key outputs has been completed, namely: the creation and implementation of a revised organizational structure that will place the DIA as the undisputed hub of the Criminal Intelligence Model within the KP (the Structure).
Proactive drug strategy	⇧	The Kosovo Police continues to make good progress, with two of three Key Outputs completed, namely: 1. Creation of a common strategy throughout the KP primary narcotics authority in respect of a proactive approach to the investigation of drug crime in accordance with the National anti-Drug Strategy and Action Plan of the Republic of Kosovo (The Strategy). It is hoped that the second Key Output (Implementation of the Strategy) will be completed in the near future. 2. Implementation of the strategy. Police Strengthening Department report that KP is likely to finalize Key Output 3, (Monitor the implemented Strategy and its use throughout the KP primary narcotics authority) on schedule in March 2011.

Enhanced border police planning	✓ **Accomplished**	This MMA Action has been successfully completed and the following outputs have been achieved: 1. Develop a Standard Operating Procedure (the SOP) for planning documents and evaluation reports; 2. Implement the SOP throughout the KP organization in all of Kosovo; 3. Monitor report on how the implementation was conducted and how the SOP is functioning. Programme Office now awaits the final assessment report from Police Strengthening Department and the approval of the KP Director General and Head of Police Strengthening Department.
Enhanced border infrastructure	⇧	Two of four planned outputs have been completed to date. Output 1. A detailed SOP and related policy document that define the minimum standards that must operate in all police detention areas, as well as a system of internal and external (PIK & civil society) audits and inspections to ensure compliance. Output 3. Specific training for designated detention staff, ensuring that they have the necessary knowledge, skills and attitudes to implement the new SOP.
Integrated border intelligence system *(Merged with Intelligence led Policing MMA Action)*		*(See above: merged with Intelligence led policing)*
Enhanced border communications	⇧	One of the three outputs, namely: The drafting of Action Plan to improve communications and information flow throughout the KP Border Pillar is completed. The Implementation and Evaluation of implementing the Action Plan remains to be enforced.

Illegal migrant strategy	⇧	This MMA Action has achieved good progress. Two of three key outputs have been achieved so far: 1. Draft an illegal migrant strategy for the KP that is based upon and fully implements the new Kosovo laws on illegal immigrants (the Strategy). The Strategy shall include a Standard Operational Procedures (SOP) for entry conditions, stay, and access to the labour market for foreigners, according to approved legislation, in parallel with internationally recognized standards and EU best practices. 2 Implement the Strategy throughout the KP organization and Kosovo. In addition, the final output is approximately 50% complete, namely: Evaluate the implementation of the Strategy and the adherence to the Strategy by the KP.
Rationalize Kosovo Police Structure	✓ **Accomplished**	This MMA Action has been successfully completed and the following outputs have been achieved: 1. Revised Standard Operating Procedures for Kosovo Police Crime, Kosovo Police Operations and Kosovo Police Border that include a properly defined demarcation of operational and support role functions, thereby effectively eliminating any duplication of effort or overlap of functions. 2. Provide assistance to the working group focused on "Revision of the Kosovo Police Structure". 3. Full evaluation of the revised Kosovo Police structure, particularly in respect of role definition, duplication of effort and overlapping of function. 4. Full evaluation of the Standard Operating Procedures implementation phase.
Green-border transfer strategy	⇧	Slow but steady progress recorded. This MMA Action will not be completed before the end of 2011. The implementation of the short term strategy has been carried out according to the plans: Transfer of the borders with Albania was carried out in April 2010. In addition, phase I of the transfer involving the transfer of FYROM borders (66 km) was also carried out in January 2011. Preparations for the last two phases are currently underway.

Cross- border crime strategy	⇔	Pending policy decision – this MMA Action is linked to others that directly involve the Public Prosecutors' Office.
Enhanced patrol management	⇧	Good progress. Two of four outputs are now complete: (1) One detailed SOP on Patrol Management (and related policy) including shift briefings, proactive use of local and Kosovo-wide intelligence, targeting policing issues of local concern, directed patrols, monitoring patrols, etc. (2) One training programme based on the SOP (1 above) and intended to communicate the required knowledge and skills to supervisors.
Annual patrol plans (Police Station level)	✓ **Accomplished**	This MMA Action has been successfully completed and the following outputs have been achieved: 1. Draft of effective patrol plans for all police stations in Kosovo and all regional stations that includes the legal obligations as per the applicable law. 2. Implementation of the patrol plan 3. Evaluation of the implemented patrol plan
Resource deployment plan	⇧	KP has not achieved any of the four outputs. Slow progress has been recorded in achieving the first key output, namely: a functioning incident recording system that defines the categories (and sub-categories) of incidents that regularly require the attendance of Kosovo Police; define the method whereby the data is collected and logged at station/regional levels in place for use throughout the Kosovo Police and Kosovo. The target date of the first output is April 2011.
Community policing *(Re-designed and subsumed into Annual patrol plans and Enhance patrol Management mirroring the new Kosovo Police organisational-structure)*		As part of the restructuring of the Kosovo Police it was decided to redeploy Community Policing Unit officers to station patrol work. It was agreed that the material developed in support of the objective of this Action will be used to enhance structured patrol work, under the Actions Enhance patrol Management and Annual patrol plans. This includes the achievement of one key output: new Terms of Reference for the Kosovo Police in regard to the Community Policing Unit.

Improve Operational Support Units operational capability	⇧	None of the planned outputs have been fully completed. However, the first output seems to be on target and work is in progress. The monitoring plan for the implementation of Crowd and Riot Control Concept, the Standard Operating Procedure and the annual training plan have been completed.
Enhanced Traffic Directorate Performance	⇧	This MMA Action has achieved good progress and is almost completed. The EULEX TL is working on the final report declaring the MMA Action completed.
Tracking Special Intervention Unit and Improvised /Explosive Ordinance Directorate deployment.	✓ **Accomplished**	This MMA Action was successfully completed in April 2010 and the following outputs have been achieved: 1) A manual system in place within the Kosovo Police to categorize and record all incidents that require the attendance of Special Intervention Unit and Improvised /Explosive Ordinance Directorate resources. 2) A procedure within the KP that takes advantage of the data collected and recorded to plan resources and evaluate performance of the Special Intervention Unit and Improvised /Explosive Ordinance Directorate resources within the Kosovo Police. 3) A monitoring report on how the System and the Procedure is being utilized.
Kosovo Police promotion system	⇧	Slow progress marked in accomplishing this Action. The first of three planned outputs has been achieved, namely: establishing a Programme of review and reform of the promotion system within the Kosovo Police. It is hoped that the coming month will see the roll-out of output two: a new promotion system adhering to the standards set in the Programme.

Enhanced budget administration	⇧	Good progress continues and it is hoped that this MMA AF will be completed in March 2011. Two of three planned outputs have now been achieved: namely, 1. Design and implementation of a programme designed to improve the administration of budget and finance within the Kosovo Police organization. This will include development of a long-term strategy, multi-year projects, and a review of the benefits of decentralization. 2. Design and implantation of a curriculum for the training of Kosovo Police managers who are responsible for budget submissions and expenditures. To conclude the Action, work has to be done on Evaluating the implementation of the Programme and the adherence by the Kosovo Police to Programme itself, as well as the usage of the Curriculum.
Enhanced procurement performance	⇩	This MMA Action has made poor progress. It is now estimated that the first key output (establish institutional features of procurement management, consistent with the principles of European best practice, public accountability, transparency, organizational sustainability, the applicable law, the KP strategic plan and the Kosovo Budget) will not be completed before May 2011.
Sustainable Information Technology staffing	✓ **Accomplished**	This MMA Action has been successfully completed and the following outputs have been achieved: 1. Release the main HQ from all not so emergent issues/requests from the regions. 2. Improved supervision, management and sustained control of the IT system. 3. Acquired an effective system of compliance by PC users. 4. Decentralization of services.
Enhanced fleet management	⇧	The first of three outputs have been completed, namely: design an enhanced system of vehicle fleet management that includes budget management and procurement) life-cycle management, maintenance and repair (the System). Moreover, Police Strengthening Department indicates that KP is now confident that it can complete Outputs 2 (Implement the System within throughout the KP throughout Kosovo) and 3 (Monitor report on how the implementation of the System was conducted and how the System is functioning) ahead of the revised schedule in June 2011.

Reform of Capital Expenditure	⇩	Weak progress has been achieved in implementing this Action since the launch of MMA Actions.
Rationalize register database	⇧	Good progress continues to be made in achieving the MMA Action. Two of the four planned outputs have been finalized: 1) Improved collection, evaluation and analysis of information. 2) Approved strategic plan to build an effective and efficient information system for Kosovo Police managers. To conclude the Action, work has to be done in completing the following remaining outputs: Detailed technical specification for new Kosovo Police Information System and Monitor report on how the implementation was conducted and how the Standard Operating Procedure is functioning
Common Criminal Justice System crime statistics database **(***Merged with Revised Crime Statistics Action***)**		This action is stalled pending the Kosovo Police response to the recommendation for adopting a common policy in the recording, collecting and collating reported crimes and crime investigations. In addition the Action is pending the agreement of Kosovo Police management to extend the Case Management Information System platform (currently launched in Public Prosecutors Offices) to all Kosovo Police Regions.
Improved Public Information in the Criminal Justice System **This Action is deferred due to the lack of resources**		In addition to the ongoing MMA Actions, Kosovo Authorities and EULEX are committed to incept this MMA Action in order to fulfil the recommendations resented in the EULEX Programme Report 2009. Full description of this Action will be made available once implementation begins.
Joint Strategic Management of the Criminal Justice System **This Action is deferred due to the lack of resources**		In addition to the ongoing MMA Actions, Kosovo Authorities and EULEX are committed to incept this MMA Action in order to fulfil the recommendations resented in the EULEX Programme Report 2009. Full description of this Action will be made available once implementation begins.
Criminal Justice System Annual Report **This Action is deferred due to the lack of resources**		In addition to the ongoing MMA Actions, Kosovo Authorities and EULEX are committed to incept this MMA Action in order to fulfil the recommendations resented in the EULEX Programme Report 2009. Full description of this Action will be made available once implementation begins

JUSTICE

MMA Action	Progress Indicator	Comments
KOSOVO JUDICIAL COUNCIL (KJC)		
Independence and accountability	⇧	The Kosovo Judicial Council has since end of October 2010 taken over the vetting and appointment of Judges and Prosecutors from the Independent Judicial and Prosecutorial Council (IJPC). It has in the meanwhile announced the deadline for preliminary applications to the Judiciary. The key position of director of the KJC Secretariat was also advertised. EULEX advisors supported the KJC Secretariat in producing a draft regulation on appointment of judges. The regulation was adopted on February constituting towards establishing a process based on former IJPC regulations, reflecting European standards of transparent, fair and merit based selection of judicial officials. The Office of the Disciplinary Council (ODC) within the Kosovo Judicial Council (KJC) has removed from its registry all pending investigations against judges and prosecutors not been appointed by the IJPC, as ODC has not received complaints against newly appointed judges and prosecutors. This has substantially reduced the backlog of disciplinary cases.
Management	⇧	At the end of 2010, the KJC has presented the National Strategy for reducing the old backlog of criminal, civil and execution cases. The first meeting of the Working Group on the implementation of the Backlog Reduction Strategy took place on January. The full implementation of this strategy (projected to take three years), will increase the efficiency of the judiciary.

Service delivery	⇔	The KJC Advisors monitored the KJC-Budget and Finance Unit with particular reference to the Budget for 2011. It has been assessed that KJC is facing some financial difficulties related to the delay in the approval of the budget (pending election of the Assembly). This has also implication in the payment of the salaries of the judges which have been increased from January 2011.
MINISTRY OF JUSTICE AND THE DEPARTMENT FOR FORENSIC MEDICIN (MoJ & DFM)		
Legal Policy and Drafting	⇔	A comprehensive and systematic analysis of the challenges of legal drafting have been carried out in the MoJ Unit for Legal Policy and Drafting. The legislative policy formulation and legislative drafting capacity within the MoJ remains weak, leading to implications on the quality of the legislation prepared by MoJ. EULEX will continue to support the unit. Work on Criminal Code is ongoing with the focus on provisions on drugs and weapons.
International legal cooperation	⇧	Negotiations between Kosovo and Switzerland on the Agreement on Transfer of Sentenced Persons have been finalized. Negotiations on bilateral agreements are on-going with FYROM, Albania, Slovenia, Turkey, Germany and Italy.
Support to the Minister of Justice	⇩	No progress has been made since October 2010 due to ongoing political processes related to elections.
Operationalize Department of Forensic Medicine (DFM)	⇩	Logistical and managerial problems continue to affect the DFM as official advices given by EULEX have not been followed thus far.

Improved delivery of forensic services and staff development	⇔	Forensic medicine remains weak and requires measures to professionalize the field if it is to meet international standards and serve the judiciary effectively. The MMA conducted by the EULEX forensic experts with their local counterparts has revealed low level of forensic knowledge and skill in most aspects. A relevant scientific mentoring programme by EULEX experts should lead to a difference in the coming months. It is recommended that a mechanism to increase transparency and accountability of the institution is established.
J U D G E S (Civil and Criminal)		
Court Organization	⇔	It is being observed that the Official Gazette is missing in many courts (Peja region: MC Istog/Istok, Decan/Decane; Gjakove/Djakovica, MC Prizren/Prizeren, MC Ferizaj/Uroshevac, MC Pristina) and that the electronic version cannot be easily accessed due to unreliable internet connections. The lack of internet connectivity as well as the need for further training continues to hamper the full implementation of Case Management Information System. Several courts have a functioning Case Allocation System, while the situation is being monitored by EULEX in the other courts. Although there is an overall improvement, organizational chart is still not available in each court. EULEX continues to monitor the situation.
Strengthen the Kosovo judiciary	⇔	The implementation of the manual on court management is ongoing Many Kosovo judges experience pressure and are subject to threats outside as well as inside courts buildings. There is a need to improve court security and access to chambers of judges. Retrials monitored as of the main causes for backlogs, mentoring on-going.

Criminal cases	⇧	The launch of a plan for the implementation of the plea bargaining initiated. There is a need for further improvement of structure and legal reasoning of rulings on detention on remand cases
Civil cases	⇔	EULEX continuously monitored and mentored on the execution of civil court decisions, which remains ineffective. Limited progress monitored in reduction of stayed cases throughout the majority of courts in Kosovo, due to the last vetting and reappointment process. The implementation of the strategy on stayed cases is further weakened by the impossibility of delivering summons to Serbia.
CORRECTIONAL SERVICES		
Security and operations	⇧	In Dubrava, the KCS have supported the use of Security Information Reporting (SIR) for senior and middle management. This is part of a multi facet approach to re-implement and develop the SIR system to improve the communication of intelligence, and analysis of information. In conjunction with efforts in Dubrava regarding SIR's, the KCS Commissioner has approved a joint KCS/EULEX initiative for a comprehensive assessment of the KCS National Intelligence strategy. The project aims to give recommendations on improving intelligence gathering and dissemination, inter agency communication and training for KCS staff in the same. The capacity of the Escort Unit has improved due to the three new escort vans and several side arms weapons received. The Prisoner Escort Group has monitored KCS successfully carrying out a humanitarian escort of a Serbian prisoner (for the first time on a request of Mitrovicë/Mitrovica detention centre)
Prisoner population management	⇧	In Mitrovica Detention Centre the KCS has made improvements to the prison regime through the implementation of an Information Technology Room, Library, and a gym for prisoners use. EULEX Monitors have conducted a joint review on sentence planning in Mitrovicë/ Mitrovica

Strategic management	⇧	EULEX CU has mentored KCS on its long term strategy work including support for integrating ethnic minority staff and prisoners. The budget plan for 2011 is finalized but pending on the final governmental approval
Administration	⇔	A review on budget, procurement and finance procedures in KCS has been completed by EULEX. In the review it is noted that all decisions regarding financial and procurement issues have been centralized and fall directly under the MoJ Directorate of Administration. This means that the KCS HQ and/ or the individual facilities have limited possibility to input to their final budget plans. It is also noted that the absence of adequate finance database complicates the current procedures and slows down daily financial and procurement operations. A functioning audit process is also missing currently, as well as ongoing training for staff.
PROSECUTORS		
Autonomy of Kosovo Prosecutors	⇔	Much policy guidance and institutional setup for Kosovo prosecutorial services relies on the Law on KPC and Law on Kosovo State Prosecutor.
CMIS/PMIS (Case / Prosecution Management Information System)	⇩	The implementation of a Prosecutorial Management Information System is facing problems as KPC does not have the capacity to maintain the system and no budget has been requested for training of prosecutors
Case allocation system (CAS)	⇧	EULEX Prosecutors have drafted a new work plan proposing timeline to introduce and implement a transparent and objective case allocation system in District and Municipal Prosecution offices through Kosovo. Data on the current situation has already been collected in Pristina district and, based on the information gathered, an advice for KPC is being drafted.

Investigation and prosecution of serious crimes and criminal cases	⇔	As a result of an advice given by EULEX, there is now one local corruption prosecutor in each region responsible on and coordinating of corruption cases. An inventory of all corruption cases has been completed together with an operational plan for dealing with the cases. A plan for implementation of plea bargaining has been launched and mentoring on provisions related to plea bargaining conducted,
Accountability	⇧	EULEX will have an advisor to the KPC to support accountability mechanisms in the Kosovo Prosecutorial Services. The Office of the Disciplinary Council (ODC) within the Kosovo Judicial Council (KJC) has removed from its registry all pending investigations against judges and prosecutors who not been appointed by the Independent Judicial and Prosecutorial Commission (IJPC), as ODC has not received complaints against newly appointed judges and prosecutors. This has substantially reduced its the backlog of disciplinary cases.

CUSTOMS

MMA Action	Progress Indicator	Comments
Updating of operational plans incl. Integrated Border Management & organized crime strategy	⇔	Suggestion by EULEX Customs Component is to modify the preparatory process (starting from autumn) for the next Strategic Operational Framework/Action Plans.
Enhanced internal communications and data & intelligence sharing	⇧	Good results achieved towards intelligence distribution. Intelligence Unit is continuously providing outgoing intelligence reports to the appropriate field units (Border Crossing Points and Flexible Anti Smuggling Teams), and reasonable seizures of goods have been made. Some difficulties still persist on the flow of information from field units to the Kosovo Customs (KC) Intelligence Unit as the provision of information and intelligence is not perceived as part of their tasks; this is recognised and addressed by senior KC management by written instructions.
Intensified cooperation with law enforcement agencies, especially Public Prosecutors, and coordination of Integrated Border Management	⇧	A KC liaison officer was appointed to increase co-operation with the Public Prosecutor's Office. KC is improving their inter-action with other agencies towards effective Integrated Border Management (IBM). A Joint Task Force, primarily between KC and KP but when appropriate including Tax Administration of Kosovo (TAK) and Kosovo Food and Veterinary Agency (KFVA), has been set up with the aim to combat smuggling and fiscal evasion..
Implementation of the Integrated Border Management Action Plan, incl. upgrading of infrastructure and equipment at stations.	⇧	Some progress has been made in the field of implementation of the Integrated Border Management Action Plan. A risk assessment working group has been established (comprising KC, Kosovo Border Police and KFVA) which focuses on risk analysis and targeted actions at the border crossing points. A long term plan has been developed by KC and KP to construct joint control cabins. Infrastructure at border crossing points is being improved or upgraded.

LENGEND:

⇧ : MMA Action progressing

⇔ : MMA Action stalled

⇩ : MMA Action regressing

✓ : MMA Action completed