



# MONITORING, MENTORING AND ADVISING

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# TRACKING MECHANISM


DECEMBER 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

Information on the Programmatic MMA Actions can be downloaded from the EULEX website. The “catalogue” of MMA Actions contains more detailed information about the content and objectives of the various Actions.

## POLICE





| MMA Action                      | Progress Indicator   | Comments  |
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| <b>CRIME</b>                    |  |   |
| <b>Crime Reduction Strategy</b> | <br><b>Accomplished</b> | <p>This MMA Action has been successfully completed and the following outputs have been achieved:</p> <ol style="list-style-type: none"> <li>1. Draft written strategy to reduce the overall volume of crime and number of certain key crimes, in an effort to reduce crime levels.</li> <li>2. Staged process of consulting internal/external stakeholders and obtaining their agreement to the draft strategy.</li> <li>3. Formal ratification of agreed final strategy document by Kosovo Police Director General and Commanders.</li> <li>4. Written policy on how to monitor the implementation of the strategy.</li> <li>5. An evaluation of the implementation of the strategy by Kosovo Police.</li> </ol> |


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| <p><b>Revised crime statistics</b></p>  | <p>↑</p>                         | <p>The first output, namely an “established policy and written rules common for all of Kosovo in regard to the recording, collecting and collating reported crimes and crime investigations” was completed in November 2011. KP held a training course for the relevant staff within the KP on the use of the approved Policy, and fully informed the Kosovo Centre for Public Safety Education and Development and the Kosovo Judicial Council about the new policy.</p>  |
| <p><b>Victim ethnicity – crime statistics</b></p>   | <p>✓<br/><b>Accomplished</b></p> | <p>This MMA Action has been successfully completed and the following outputs have been achieved:</p> <ol style="list-style-type: none"> <li>1. A detailed Standing Operational Procedure (SOP, and related strategy) that defines (a) the categories of victim ethnicity in all forms of recorded crime across Kosovo; (b) the method whereby the new categories will be inserted into the standard Kosovo Police (KP) Crime Report; and (c) the way the data are collated into a central KP data pool and allows retrieval of statistics regarding crimes against ethnic minority groups.</li> <li>2. Training program to fully implement the SOP, in respect of data collection, collation and retrieval (done in close cooperation with KP IT Department).</li> <li>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).</li> <li>4. An 80% compliance with the SOP within 18 months (based on monitoring of the implementation of the SOP).</li> </ol> |
| <p><b>Kosovo Police Directorate of Intelligence and Analysis as criminal intelligence hub</b></p> | <p>✓<br/><b>Accomplished</b></p> | <p>All four Key Outputs have been completed, namely: (a) creation and implementation of a revised organizational structure that will place the DIA as the undisputed hub of the Criminal intelligence</p>  |




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|  |                                  | <p>system within the KP (the Structure); (b) creation of a human resource support within the KP capable of sustaining the Structure; (c) methodologies and procedures in place that will ensure that the Structure is operating in accordance with best European practices, sustainability, accountability and ensure overall efficiency of the DIA as the hub of the KP criminal intelligence system; and (d) conduct an assessment of the implementation of the Structure and how the usage of the Structure functions within the KP.</p>                          |
| <p><b>Intelligence led policing / Integrated intelligence system</b></p>       | <p>↑</p>                         | <p>PSD report that KP has now achieved the first two Key Outputs: 1. In support of the (OSCE-sponsored) programme to introduce intelligence-led policing throughout the KP organization, set in place a single intelligence gathering system that is based on a standardized intelligence form, detailed guidance, and dedicated staff to collate and analyse intelligence data. 2. Improved intelligence gathering culture among within the KP.</p> <p>KP is tackling the technical details related to the citizen’s crime tip hotline.</p>                         |
| <p><b>Enhanced Kosovo Police Directorate of Organized Crime capability</b></p> | <p>✓<br/><b>Accomplished</b></p> | <p>This MMA Action has been completed and all three outputs have been achieved:</p> <ol style="list-style-type: none"> <li>1. A fully implemented strategy throughout Kosovo Police (KP) Directorate of Organised Crime (DOC) to drive a more proactive approach to organized crime investigation.</li> <li>2. A revised organizational structure for KP DOC that will effectively deliver the intelligence lead policing concept.</li> <li>3. An evaluation and a final report in regard to the implementation and impact of the strategy and structure.</li> </ol> |


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| <p><b>Enhanced forensics techniques</b></p> | <p style="text-align: center;">↑</p>                         | <p>The original objective that was defined in July 2009 became redundant in 2010, following the decision to move the Forensics Laboratory out of Kosovo Police (KP) and under direct control of the Ministry of Internal Affairs. Subsequently, the KP Director General decided to establish a Forensics Unit in KP Headquarters that will regulate the policies, procedures, working standards and training standards of KP Forensics Officers in the regions. In support of this decision, the MMA Action on Enhanced forensic techniques is being adapted to support the development of the new Unit, and in particular to: 1. Develop a system that effectively can measure performance in forensic services and that will ensure the provision of new forensic techniques in accordance with European Best Practices; 2. Implement the system within the KP, and 3. Evaluate the system put into place.</p> <p>Some progress was made since the last reporting period: the SOP for the Quality Control Unit has been approved, while KP QCU (Quality Control Unit) is doing site visits to the regional evidence rooms together with Chiefs of respective Regional Units for Crime Techniques and with evidence room officers of all regions.</p> |
| <p><b>Proactive drug strategy</b></p>       | <p style="text-align: center;">✓<br/><b>Accomplished</b></p> | <p>In August 2011 PSD reported that all three Key Outputs are now 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. 3 Monitor the implemented Strategy and its use throughout the KP primary narcotics authority.</p>  |

## BORDER





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| <p><b>Enhanced border police planning</b></p>            | <br><b>Accomplished</b> | <p>This MMA Action has been successfully completed and the following outputs have been achieved:</p> <ol style="list-style-type: none"> <li>1. Development of a Standard Operating Procedure for planning documents and evaluation reports.</li> <li>2. Implement the SOP throughout the KP organization in all of Kosovo.</li> <li>3. Monitoring report on the implementation of the SOP.</li> </ol>  |
| <p><b>Enhanced border infrastructure</b></p>             |                         | <p>No significant progress has been registered, with one output out of four completed to date: the draft of a detailed Standing Operational Procedure (SOP) and related policy document on minimum standards for all police detention areas, as well as a system of audits and inspections to ensure compliance.</p> <p>A cost evaluation report on cost effectiveness of border police detention areas has been completed and it is currently awaiting for final approval and distribution.</p> |
| <p><b>Enhanced border communications</b></p>             |                       | <p>A Strategic Plan on Information and Communication Technologies Systems approved by KP DG and relying on donor-funded support may prove the aim of this Action partially redundant; the review of relevant aims and activities has not yet been completed to date</p>  |
| <p><b>Implementing migration laws and strategies</b></p> |                       | <p>Little progress has been recorded after the review of this MMA Action; difficulties related to the review of applicable legislation, the evaluation of the Border Management System (BMS), translation services, the "Refusal of Entry form" and other procedural issues have hitherto hampered the achievement of the foreseen outputs, i.e.: 1. Develop a plan to action the KP functions</p>   |

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|                                       |  | envisaged in the current laws, administrative instructions and strategies of the Ministry of Internal Affairs (MIA) relating to foreigners, migration and asylum; 2. Implement this plan throughout the KP organization; 3. Produce a final evaluation of KP competencies to confirm the capacity and willingness to comply with the applicable law and MIA strategies.  |
| <b>Cross-border crime strategy</b>    | ↔  | MoJ, MoIA and KP have not yet come up with a proposal for a common framework of crime statistics, the main prerequisite for publishing joint CJS statistics. Further commitment is needed from all parts involved to enhance activities enlisted in this MMA Action  |
| <b>Green-border transfer strategy</b> | ↑  | PSD report that KP continues to make progress in respect of Key Output 2: creation of institutional measures (including SOPs, Job Descriptions and related procedures), in compliance with the principles of European best practice, public accountability and organizational sustainability. The existing SOP will be reviewed and, as necessary, revised according to the new Law on Border Control and Surveillance. Work also continued on Key Output 5, design of the system to monitor KP implementation. The EULEX team leader created a questionnaire with the benchmarks which can indicate the level of implementation. This proposal has been accepted by the KP team leader. |
| <b>OPERATIONS</b>                     |  |  |
| <b>Enhanced patrol management</b>     | <br><b>Accomplished</b> | All outputs have been achieved, i.e.: 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   |



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|   |  | above) and intended to communicate the required knowledge and skills to supervisors. 3. Delivery of the training programme comprising KP-led monitoring. 4. Implemented SOP throughout Kosovo and the KP including a detailed KP-led system of monitoring at station level the understanding and adoption of the SOP. Also include a final report with the findings on the implementation of the above mentioned training programme and SOP.  |
| <b>Annual patrol plans<br/>(Police Station level)</b>                                 | <br><b>Accomplished</b>   | <p>The main objectives have been implemented Kosovo-wide in daily police patrol plans and reporting forms. This has resulted in the achievement of the following key outputs:</p> <ol style="list-style-type: none"> <li>1. Drafting of effective patrol plans for all police stations in Kosovo and all regional stations that include the legal obligations as per the applicable law.</li> <li>2. Implementation of the patrol plan.</li> <li>3. Evaluation of the implemented patrol plan.</li> </ol> |
| <b>Resource deployment plan</b>   |                         | <p>Work continued (over the reporting period) on the daily roster and SOP at station level, as well as daily rosters and instructions at the regional and central level. Work also continued on the radio log and instructions at station and regional levels. Output 1 (a functioning incident recording system for use throughout KP) shall be duly completed in the near future.</p>   |
| <b>Tracking Special Intervention Unit and Improvised/Explosive Ordinance Disposal</b> | <br><b>Accomplished</b> | <p>This MMA Action was successfully completed in April 2010 and the following outputs have been achieved:</p> <ol style="list-style-type: none"> <li>1. A manual system in place within the Kosovo Police (KP) to categorize and record all incidents that require the attendance of Special Intervention Unit and</li> </ol>   |

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|   |  | <p>Improvised/Explosive Ordnance Directorate resources.</p> <ol style="list-style-type: none"> <li>2. A procedure within the KP that takes advantage of the data collected and recorded in order to plan resources and evaluate performance of the Special Intervention Unit and Improvised/Explosive Ordnance Directorate resources within the KP.</li> <li>3. A monitoring report on how the system and the procedure is being utilized</li> </ol> <p>A follow up MMA Action is being implemented: <i>Transforming the Improvised/Explosive Ordnance Disposal Unit.</i></p> |
| <b>Operational Support Units</b>                                    | ↑  | <p>Steady progress noted on this MMA AF, with most of the outputs completed. A unified Crowd and Riot Control (CRC) Concept for the Kosovo Police (KP) and a Standing Operational Procedure (SOP) in force within the KP for the Operational Support Units (NjSO), have been produced, and a training system for the unified CRC Concept, mandatory for all the KP was accomplished. EULEX PSD and KP are to discuss ways to finalize all activities.</p>   |
| <b>Enhanced Traffic Directorate</b>                                 | ↑  | <p>The final form of the internal structure of the Traffic Department was approved, paving the way toward the completion of the SOP for the new Traffic Department. PSD staff are conducting a review of the Operational Manual of Traffic Policing.</p>  |
| <b>Transforming the Improvised/Explosive Ordnance Disposal Unit</b> | <br><b>Accomplished</b> | <p>PSD reports that all the Key Outputs have been completed: 1. An operational KP IEDD Unit that will operate throughout Kosovo; 2. A KP intuitive Bomb Data Centre; 3. A monitoring report of the functioning of the KP IEDD Unit, the intuitive Bomb Data Centre and the Admin System.</p>  |

## ADMINISTRATION

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| <b>Kosovo Police Information System</b>    |                           | <p>This MMA Action is expected to resume with the inception of a European Commission funded project to <i>support of the implementation of the intelligence-led policing in Kosovo</i>, which includes the upgrading of the IT infrastructure within Kosovo Police (KP) and the KP Information System, as well as necessary training. The Action is awaiting a policy decision by the KP DG, based on consultation with KP IT and the TAIEX IT Expert.</p> |
| <b>Rationalize Kosovo Police Structure</b> | <br><b>Accomplished</b>   | <p>This MMA Action has been successfully completed in February 2011 and provided the following key outputs:</p> <ol style="list-style-type: none"> <li>1. A thorough review and analysis of the strengths and weaknesses of the post-2006 Kosovo Police structure.</li> <li>2. A revised organizational chart, indicating a staffing structure that significantly reduced overlap, duplication and redundant functions.</li> </ol>                         |
| <b>Kosovo Police promotion system</b>      |                         | <p>Good progress has been made and two of three key outputs have been achieved, namely: 1. Establish a programme of review and reform of the promotion system within the Kosovo Police (KP). 2. A new promotion system adhering to the standards set in the programme.</p> <p>However, the final output – which relates to the monitoring of the newly revised procedures – is effectively stalled as a result of suspension of all promotions.</p>        |
| <b>Enhanced budget administration</b>      | <br><b>Accomplished</b> | <p>This MMA Action has been completed and the planned outputs have been achieved: namely:</p> <ol style="list-style-type: none"> <li>1. Design and implementation of a programme to improve the</li> </ol>   |


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|  |   | <p>administration of budget and finance within the Kosovo Police organization, including the development of a long-term strategy, multi-year projects, and a review of the benefits of decentralization.</p> <ol style="list-style-type: none"> <li>2. Design and implementation of a curriculum for the training of Kosovo Police managers who are responsible for budget submissions and expenditures.</li> <li>3. Evaluation of the implementation of the programme and the adherence by the Kosovo Police, as well as the use of the training curriculum.</li> </ol> |
| <b>Reform of Capital Expenditure performance</b> | ↔ | <p>After the completion of output 1 (an Investigation Report with findings on the key causes of poor performance investment within KP), KP efforts are currently directed to Output 2: creating an established Programme, containing but not limited to new routine(s) in conducting Capital Investment expenditure throughout the KP. Specifically, KP is working on the finalization of that part of the SOP that defines the duties and responsibilities of Project Managers and Job Description.</p>   |
| <b>Enhanced procurement performance</b>          | ↔ | <p>No output could be completed within the reporting period, due to turnovers within both KP and PSD staff in charge of the Action. Activities shall resume as early as possible if goals are to be achieved within a reasonable timeframe</p>   |
| <b>Rationalize register databases</b>            | ↑ | <p>Good progress. PSD report that the KP has completed three Key Outputs: 1. Kosovo Police Information and Communication Technologies System Plan; 2. KP Requirement for different segments of the integrated information system. 3. KP technical specifications for integrated databases of BMS, KPIS, RMS and specifications for interfaces of other governmental and</p>  |

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|  |  | <p>international databases.</p> <p>PSD report progress in respect of the fourth and last Key Output, namely: evaluation of database integration and implementation. Specifically, work was done on the following Key tasks: (a) assessment of the readiness of technical personnel to operate integrated databases; (b) assessment of readiness of upper management to use databases in their work; and (c) evaluation of readiness of KP officers to use databases in their work, and as a way of finding recorded information.</p> |
| <b>Sustainable Information Technology staffing</b> | <br><b>Accomplished</b>   | <p>This MMA Action has been successfully completed and the following outputs have been achieved:</p> <ol style="list-style-type: none"> <li>1. Release the main Kosovo Police HQ from all not so emergent issues and requests from the regions.</li> <li>2. Improved supervision, management and sustained control of the IT system.</li> <li>3. Acquired effective system of compliance by PC users.</li> <li>4. Decentralization of services.</li> </ol>   |
| <b>Enhanced fleet management</b>                   | <br><b>Accomplished</b> | <p>PSD report that all of the following Key Outputs have been completed: 1. design an enhanced system of vehicle fleet management that includes budget management and procurement) life-cycle management, maintenance and repair (the System). 2. Implement the System throughout the KP organization. 3. Monitor report on how the implementation of the System was conducted and how the System is functioning.</p>  |

# JUSTICE



| MMA Action                                    | Progress Indicator | Comments   |
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| <b>KOSOVO JUDICIAL COUNCIL (KJC)</b>          |                    |  |
| <p><b>Independence and accountability</b></p> | <p>↑</p>           | <p>The Kosovo Judicial Council (KJC) conducted the first Kosovo wide elections of KJC members in July 2011. All 178 first instance court judges were eligible to vote and 152 voted. According to the results two new members of KJC were selected from their peers – judges.</p> <p>On 28 July 2011, the KJC published on its website the names of the five appointees for the Kosovo Supreme Court. The publication can be seen as a step towards ensuring a transparent, fair and merit based appointment process in the Kosovo judiciary. The KJC also finalized the selection of candidates for four positions in the Special Chamber of the Supreme Court and two positions of the Commercial Court in Prishtinë/Priština on 31 October and they were appointed by President of Kosovo on 27 December 2011.</p> <p>On September 14 2011, the KJC adopted a regulation establishing the workload norm for judges.</p> <p>The additional budget requested from KJC was rejected by the Budgetary Committee of the Assembly on 5 December 2011. The budget was necessary for the implementation of the new laws and</p> |

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|                                      |   | <p>the KJC had argued for the request in detail. The budget request also included the need to increase the staffing table in the courts and ensure the set-up of public information offices as stipulated in the Manual of Court Management. KJC will not have the financial means to implement all planned activities and will need to prioritize, also taking into due consideration the needs related to the implementation of the Law on Courts and the Law on Special Chamber.</p> <p>The Disciplinary Committee of the KJC has reviewed and finalized 34 disciplinary cases.</p>   |
| <b>Management and administration</b> | ↑ | <p>Following the adoption of a three-year backlog reduction strategy, KJC has established a Consultative Committee to assist the implementation of the backlog strategy and particularly to ensure flow of information from the courts to the KJC. Since January 2011 there has been a 33,82% reduction (51211 cases) in the number of backlog cases (September statistics). These figures are from the official KJC report: Progress on the work achieved by Kosovo Judiciary in Implementation of National "Backlog Reduction" Strategy, from 28 October 2011.</p> <p>The Director of KJC-Secretariat has drafted a new organic chart of the Secretariat which foresees a rationalization of the structure and a reduction of the reporting lines.</p> <p>On 01 September 2011, a new director of KJC procurement department was appointed.</p> <p>The Plan for the implementation of the Law on Courts has been published on the KJC website.</p> |
| <b>Service delivery</b>              | ↑ | <p>The project for supporting the KJC in drafting a five-year IT strategy has started. The project is a joint EU (TAIEX) and</p>   |

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|   |   | <p>Norwegian Ministry of Foreign Affairs initiative.</p> <p>In a regular monthly meeting with EJU and KJC-IT, a number of issues related to implementation of Court Management Information System (CMIS) have been raised. It has been discovered that CMIS is not compatible with Windows 7.</p> <p>The KJC has started the elaboration of a public relations strategy and media guidelines aiming to increase transparency of KJC overall operation.</p> <p>On 15 September 2011 KJC and the Ministry of Justice (MoJ) signed a memorandum of understanding (MoU) for the transfer of the competence related to the Court Liaison Offices from the MoJ to the KJC. The Court Liaison Offices' mandate is to facilitate access to justice for vulnerable (including minority) communities.</p> <p>KJC-IT department has proved highly professional and committed. The Courts have complied with the approved standard operating procedures (SOPs) to request for expert support and KJC-IT was already following-up and solving the problems when EULEX advisors started monitoring on the basis of the reports from the judges' unit.</p> |
| <b>MINISTRY OF JUSTICE and DEPARTMENT FOR FORENSIC MEDICINE (MoJ &amp; DFM)</b> |   |   |
| <b>Legal Policy and Drafting</b>  |  | <p>Legislative policy formulation and drafting capacity of the MoJ is still in need of further development.</p> <p>On 25 July 2011 the MoJ signed an Administrative Instruction allowing the EULEX Task Force on the report drafted by Council of Europe rapporteur Dick Marty: "the inhuman treatment of people and illicit trafficking in organs in Kosovo (the "Marty Report") to enter into direct cooperation with foreign judicial authorities.</p>   |

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| <p><b>International legal cooperation</b></p> | <p>↑</p> | <p>Negotiations on bilateral agreements are on-going with Albania, Slovenia, Germany and Italy.</p> <p>The Law on International Legal Cooperation in Criminal Matters has entered into force on 01 October.</p> <p>The new Law on International Agreements has been approved by the Kosovo Assembly. Apparently the new law shifts the exclusive responsibility for negotiation of international agreements to the Ministry of Foreign Affairs, which would also decide on the composition of the respective Kosovo delegation.</p> <p>The Director of the Department for International Legal Cooperation (DILC) has been selected. The MoJ's Permanent Secretary approved the DILC's proposal to create a translation pool within the MoJ. The translation pool will be created within the office of the Permanent Secretary and will also serve the needs of the DILC.</p> <p>The Technical Arrangement (TA) for Mutual Legal Assistance with non-recognizing countries between Kosovo and EULEX (TA) is in the phase of becoming operational. Due to received clarifications on the communications with non-recognizing countries the transfer of requests for mutual legal assistance could now start. The MoJ Department for International Legal Cooperation (DILC) has been informed accordingly and asked to nominate a focal contact point in accordance with the provisions of the TA.</p> <p>On 10 November 2011, the first request for mutual legal assistance was sent to the Ministry of Justice of Serbia on the basis of the technical agreement signed between EULEX and the Kosovo Ministry of Justice. A second request followed two weeks after. Responses are still to be received.</p> <p>Department for International Legal Cooperation visited the</p> |
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|  |          | <p>Croatian Ministry of Justice for a study tour. Negotiations opened on the conclusion of bilateral agreements in the field of Mutual Legal Assistance.</p>  |
| <p><b>Support to the Minister of Justice</b></p>                   | <p>↔</p> | <p>EULEX supported the Ministry of Justice with comments on the Project Implementation Fiche "Enhanced law approximation and coherence of the legal order". The fiche forms the basis for the MoJ's application for the Instrument for Pre-Accession Assistance (IPA) 2012 and is linked to the Strategic Development Plan 2012-2016. The proposal is now pending with European Commission Liaison Office (ECLO).</p> <p>In connection with the planned amendment of the law on Criminal Procedure as provided in the Government's legislative strategy, EULEX has continued to underline the importance of and need for a clear policy formulation to the Minister of Justice. This to ensure that such decisions are taken at the proper policy making levels and to provide guidance for the experts in the working group.</p> <p>Following the adoption of a new Regulation of Rules and Procedure of the Government of the Republic of Kosovo No. 09/2011 that establishes new rules governing policy development and policy analysis process, and new rules and procedure for drafting and reviewing primary and secondary legislation that also require new templates to be developed, concept documents for the draft laws will not be done before the approval of the Legislative Strategy by the Government</p> |
| <p><b>Operationalize Department of Forensic Medicine (DFM)</b></p> | <p>↔</p> | <p>Logistical and managerial issues continue to negatively affect the operational capability of the DFM. There is a special need for DFM to support a development of the structures in regard to forensic medicine.</p>   |

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| <p><b>Improved delivery of forensic services and staff development</b></p> |    | <p>In the field of forensic services and forensic medicine there is a need for staff development strategy.</p> <p>A creation of an independent oversight mechanism that would increase transparency and accountability of the services provided by the DMF would be desirable, in order to further enhance the services provided by the DMF.</p> <p>DMF staff has during the last six months attended trainings in the UK, Albania and the USA. This has included the formation and training of two exhumation teams.</p>  |
| <p><b>JUDGES (Civil and Criminal)</b></p>                                  |   |  |
| <p><b>Court Organization</b></p>   |  | <p>EULEX monitoring has revealed that the Case Allocation System (CAS) is not fully transparent in many cases and that cases are still being allocated based on subjective criteria. The Supreme Court of Kosovo still does not have a case allocation system in place.</p> <p>The Official Gazette is available through internet in Prizren, District Court (DC) Prizren, Municipal Court (MC) Prizren, MC Suharekë/Suva Reka, DC and MC Gjilan/Gnjilane, MC Viti/Vitina and MC Kamenicë/Kamenica and also hard copies are available in most court. Mitrovicë/Mitrovica is still lacking adequate number of copies. In all courts there is a need for consolidated compilation of the legal material, including European convention on human rights and its case law, commentaries of the procedural law and criminal law, more professional legal material and legal library in each court.</p> <p>CMIS is being used by Court administrators to register new cases in</p> |

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|   |          | <p>DC Gjilan/Gnjilane MC Kamenicë/Kamenica, MC Viti/Vitina, DC Prizren, MC Prizren and to some extent in MC Skenderaj/ Srbica, MC Ferizaj/Uroševac, MC Klinë/Klina, MC Kaçanik/Kaçanik and MC Lipjan/Lipljan, DC Pejë/Peć, MC Pejë/Peć, MC Istog/Istok, MC Deçan/Deçani, MC Rahovec/Orahovac, MC Suharekë/Suva Reka, MC Dragash/Dragaš, MC Malishevë/Mališevo, MC Gjakovë/Đakovica and the Supreme Court. The system is not fully serving its purpose because judges are not using it.</p> <p>Public Information Office has been established in the following municipal courts: Rahovec/Orahovac, Lipjan/Lipljan, Malishevë/Mališevo and Skenderaj/Srbica as instructed in the Manual on Court Management and Standard Operating Procedures. Also a Central Records Management Office has been established in the District Court of Gjilan/Gnjilane in accordance with Chapter 3 in the Manual.</p> <p>A roster of experts is available at MC Pristina, MC Glogovc/Glogovac, MC Lipjan/Lipljan, MC Gjilan/Gnjilane, Prizren Municipal Courts and Pejë/Peć Municipal Courts.</p> |
| <p><b>Strengthen the Kosovo judiciary</b></p> | <p>↔</p> | <p>EULEX team in Prizren Municipal Court monitored cases against members of Kosovo judiciary. The cases include: accepting bribes, issuing unlawful decisions and abusing local position or authority (six cases altogether).</p> <p>Between April and October 2011, DC Pejë/Peć team has monitored and inquired about judicial misconduct cases in the Region: There is one criminal proceeding pending against a MC Deçan/Deçani Judge currently pending at the DC Pristina upon an appeal, one criminal proceeding against a Kosovo Police Officer at the MC of Gjakovë/Đakovica.</p> <p>EULEX judges monitored the elections for KJC representatives in</p>   |

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|                              |          | <p>July at the DC Prishtinë/Priština, DC Prizren, DC Gjilan/Gnjilane, DC and MC Pejë/Peć. The election procedure was transparent and in full appliance of the relevant law and regulations, no irregularities occurred.</p>  |
| <p><b>Criminal cases</b></p> | <p>↑</p> | <p>Shortcomings encountered in court processing: trials are often postponed/adjourned as the parties are not properly summoned and they do often not appear for the trial sessions (DC Gjilan/Gnjilane, MC Prizren) a few numbers of cases are without acknowledgements of delivery of summons, date and the time of the session missing in the summons addressed to the parties (MC Malishevë/Mališevo), stamps missing (MC Pejë/Peć) and files are not in chronological order (MC Istog/Istok).</p> <p>In Mitrovicë/Mitrovica Region (Vushtrri/Vučitrn) criminal registry are performing their duties well: parties are being duly notified, documents are sealed, and deadlines are respected.</p> <p>No proper facilities for witness protection monitored in MC Prishtinë/Priština, Kaçanik/Kaçanik, Glogovac/Glogovac, Klinë/Klina, Podujevë/Podujevo Ferizaj/Uroševac, MC Rahovec/Orahovac, MC Suharekë/Suva Reka, MC Dragash/Dragaš and MC Malishevë/Mališevo.</p> <p>The main recurring problem in juvenile cases was monitored to be the long delays of the procedure (Pejë/Peć, Mitrovicë/Mitrovica, Supreme Court and Gjilan/Gnjilane). In addition, names of juveniles are posted in court information boards, which is against the juvenile code.</p> <p>In serious criminal cases one of the most important shortcomings is the issue of confiscation. Currently, the courts in Kosovo are not ruling on confiscation of objects used in the commission of a criminal offence or objects derived from the commission of a</p> |

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|                    |   | criminal offence.  |
| <b>Civil cases</b> | ↑ | <p>Shortcomings encountered in court processing: missing stamps or wrong stamps being used in judgments (MC Glogovac/Glogovac, DC Prishtinë/Priština, MC Pejë/Peć, MC Gjilan/Gnjilane, MC Lipjan/Lipljan, MC Podujevë/Podujevo, Ferizaj/Uroševac, MC Glogovac/Glogovac ), name of the judge in charge missing in the main registry book and registering of case allocation of the presiding judge done on internal notebooks (DC Prizren, MC Rahovec/Orahovac, MC Suharekë/Suva Reka), delivery slips missing (MC Podujevë/Podujevo, MC Glogovac/Glogovac, MC Rahovec/Orahovac), court tax being paid in instalments (MC Podujevë/Podujevo, MC Lipjan/Lipljan) or not paid at all (MC Pejë/Peć, MC Lipjan/Lipljan), signatures missing (DC Prishtinë/Priština), delays in notifications sent (MC Gjilan/Gnjilane), no ruling on scheduling of the session (MC Podujevë/Podujevo, MC Lipjan/Lipljan and MC Ferizaj/Uroševac), judgement missing in the files (MC Lipjan/Lipljan), lack of formal summoning of the parties (MC Viti/Vitina, MC Prizren, MC Gjilan/Gnjilane), too narrow timeframe in summoning (MC Klinë/Klina), delays in judgment (MC Ferizaj/Uroševac)</p> <p>19 out of 22 courts have now followed the advice of the Assembly of EULEX Judges (from 23 September 2009) on execution of civil decision upon appeal. As advised, copies of all files of execution of civil cases are kept in the first instance court for continuation of the executive actions, while the appeal is pending with the original file at the second instance court for decision (Missing ones MC Prishtinë/Priština, MC Lipjan/Lipljan and MC Podujevë/Podujevo).</p> <p>Fraudulent property transactions and the impossibility of verification of property document stored in Serbia is hindering the</p> |

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|   |   | reduction of the backlog of property related cases.   |
| <b>PROSECUTORS</b>                              |   |   |
| <b>Improved transparency and accountability</b> | ↔ | District Prosecutor Office in Prizren was chosen as a model office for the implementation of the Prosecution Management Information System (PMIS). However, PIMS is not in use in Prizren, Pejë/Peć and Gjakovë/Đakovica. PMIS has been installed in most of the EULEX Prosecution team computers (installation is still partly on-going in Prishtinë/Priština and Mitrovicë/Mitrovica). Another reported problem is that Windows 7 is not compatible with the CMIS programme.  |
| <b>Improved professional performance</b>        | ↔ | <p>Improvements monitored as a result of mentoring activities include: interviewing techniques (Gjilan/Gnjilane), examination skills (Pejë/Peć), and how to build a criminal case (Pejë/Peć),</p> <p>Cooperation between police and prosecution has increased in Gjilan/Gnjilane, Prizren and Pejë/Peć as case conferences are being organized and best practices shared on investigative techniques. Also an anti-corruption task-force is meeting regularly in Pejë/Peć in order to focus on proactive prosecution and investigation of corruption cases.</p> <p>The indictments of all monitored cases qualified as election fraud are filled with similar mistakes. There is a lack of description of individual actions/omissions; there is also no description of the elements of criminal offence.</p> |




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| <p><b>Adherence to international standards and European best practice</b></p> | <p>↑</p> | <p>An anti-corruption task-force was established in Gjilan/Gnjilane and Pejë/Peć.</p> <p>EULEX Prosecution team in Prizren continues to organize monthly workshops with their local counterparts on jointly identified themes (mutual legal assistance, forensics relating to weapons examination and bullets comparison, extradition requests, mobile phone technology on geographic location information, interview skills and confiscation).</p> <p>One-to-one weekly mentoring meetings organized with Prishtinë/Priština District Prosecutor on anti-corruption cases, procurement cases and sensitive cases.</p>   |
| <p><b>CORRECTIONAL SERVICES</b></p>   |          |  |
| <p><b>Security and operations</b></p>   | <p>↑</p> | <p>The Kosovo Correctional Services Prisoner Escort Group (KCS-PEU) has continued its good performance and the number of requests for EULEX PEG support continues to decrease.</p> <p>Implementation phase of the reinforcement of KCS Security Information System has been finalized. As a result, The KCS both at HQ level and Dubravë/Dubrava prison have acknowledged the need for an improved SIR system and have given full support to the implementation. KCS has, in cooperation with EULEX, begun a systematic approach to increase information sharing and to highlight the importance of SIR's. Dubravë/Dubrava prison has seen an increase in the number of SIR's submitted.</p> |
| <p><b>Prisoner population management</b></p>                                  | <p>↑</p> | <p>A working group consisting of members KCS HQ and EULEX CU has completed an Internal Working Regulation document Regimes for prisoners sentenced and continue with the preparation of the</p>  |

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|                             |   | <p>drafts documents: Regimes for Juveniles and draft for Risk Assessment</p> <p>Needs analysis and recommendations on regimes and transfers in KCS has been completed and approved</p> <p>EULEX Correctional Regional Monitor has prepared draft house rules for Correctional Centre Dubravë/Dubrava. (CC Dubravë/Dubrava). New House rules CC Dubravë/Dubrava will take into account the provisions of Internal Working Regulation Regimes for prisoners sentenced and its adoption will enable the implementation of the regimes in CC Dubravë/Dubrava. However, the new house rules for CC Dubravë/Dubrava must be approved by the general Director of the Kosovo Correctional Service and must be issued by Directors of the Correctional Institutions.</p> |
| <b>Strategic management</b> | ↔ | <p>The implementation of the KCS strategic plan for 2011-2015 is hindered by uncertainty whether the Ministry of Justice will change its priorities.</p> <p>EULEX CU has started a new activity in cooperation with local counterparts from Kosovo Correctional Service (KCS) and Kosovo Probation Service (KPS). The purpose for the activity is to analyse prisoner/client daily costs for KCS and KPS.</p>   |
| <b>Administration</b>       | ↑ | <p>The Ministry of Justice (MoJ) has started decentralization process which includes human resources, budget and procurement management. This is an important step towards better functioning administration system of the KCS.</p> <p>A joint working group (KCS-EULEX) established in October 2010 to develop administrative instructions has completed its work and the administrative instructions have been forwarded to the Minister of Justice for final approval.</p>   |

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|  |   | <p>The MoJ has transferred the administration and human resources authority from the MoJ department of administration to the Kosovo correctional Services on 01 August 2011.</p> <p>KCS opened several key positions to proceed with the on-going decentralization of administration from MoJ to KCS.</p>  |
| <b>KOSOVO PROSECUTORIAL COUNCIL (KPC)</b>  |   |  |
| <b>Effective functioning of KPC</b>  | ↑ | <p>The implementation of the Law on KPC is on-going. The KPC has established the required Prosecutor Professional Performance Unit (PPRU). In addition, the Disciplinary Commission is established and working. Several Regulations on administration and procedures have been adopted, and working groups have been created to develop a strategic plan and a plan for the transition of the prosecution offices according to the Law on State Prosecutor.</p>  |
| <b>Efficiency /quality of prosecutorial work based on standard policies/procedures</b> | ↑ | <p>A working group including EULEX advisor has been set up to plan the transition of the prosecution offices according to the Law on State Prosecutor. The first meeting was held 22 September 2011 and a draft plan was presented.</p> <p>EULEX advisor identified the need of the Office of Chief State Prosecutor for a general instruction on case-handling in cases related to allegations/complaints against judges and prosecutors.</p> <p>The Implementation Plan for the Law on State Prosecutor was approved by the KPC in its meeting on 05 December 2011 and the plan was published on the Office of Chief State Prosecutor website. The implementation plan describes key activities and deadlines, but needs more detailed work plans and regulations.</p> |

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| <p><b>Prosecution offices are structured/operating based on Law State Prosecutor</b></p> | <p>↑</p> | <p>An evaluation process has been agreed with the EULEX prosecutors' focal point for the implementation of Prosecution Management Information System (PMIS). The result of a questionnaire sent to all Prosecution offices shows that in 80% of all cases the Prosecution Management Information System (PMIS) software had not been installed or was not functioning. 60% of the staff had not completed the PMIS training and a total of 95% of staff members stated they did not feel comfortable using the software without further training. Overall, there appears to be a lack of general computer skills. There might be a need for general computer training among the staff</p> <p>A working group is developing a project plan for transition of the State Prosecution Structure. The EULEX advisor is member of the working group. EULEX advised to create a transparent and objective Resource Allocation System before the plan is carried out.</p> |
| <p><b>Public information strategy</b></p>  | <p>↔</p> | <p>It has been agreed in the secretariat of the KPC to develop a KPC website where news of any kind can be made public.</p> <p>KPC is planning to have spokespersons in every prosecution office – District and Municipal. These spokespersons shall report regularly to the KPC any event of interest, and the KPC secretariat will put the relevant information on the website.</p>   |
| <p><b>Efficient and transparent human resource management system</b></p>                 | <p>↔</p> | <p>In December KPC finalized the selection of candidates for District Prosecution Offices. Recommendation for appointment will be submitted to the President. Interviews with candidates for municipal prosecution offices will begin in January 2012. A special challenge is to fill the reserved places for prosecutors from minorities, as very few candidates for these positions appear.</p>   |

# CUSTOMS

| MMA Action   | Progress Indicator  | Comments  |
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| <p><b>Updating of operational plans incl. Integrated Border Management &amp; organized crime strategy</b></p>  |    | <p>No progress registered; more efforts should be paid to foster interaction between Kosovo Customs and EULEX on the achievement of foreseen outputs</p>  |
| <p><b>Enhanced internal communications and data &amp; intelligence sharing</b></p>   |    | <p>Implementation of the Intelligence Guidelines has been an integral part of MMA. Key principles and practices of the EU standard National Intelligence Model have been adopted by the KC Law Enforcement Directorate which are enshrined in the Kosovo Customs, Intelligence Sector Guidelines. Visible results of cooperation with Kosovo Police in tackling serious crime matters which led to an adoption of a Task Force approach and signing of a MoU on relates matters.</p>                                  |
| <p><b>Intensified cooperation with law enforcement agencies, especially Public Prosecutors, and coordination of Integrated Border Management</b></p> |  | <p>Cooperation with KP Police shows visible improvements on a number of areas as a result of which the two agencies continually carry out quality smuggling interventions. KC have compiled a programme of intelligence led exercises for 2012 scheduled out on a monthly basis, concentrated on identification of illicit cash movements, joint narcotics operations with KP and identification of Intellectual Property Rights infringements. Moreover, cooperation has also been initiated with the Kosovo Tax</p> |

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|  |   | Administration on fighting revenue loss. Tangible results in effective utilization of existing MoU's with other countries in exchange of intelligence. Moreover, negotiations on signing cooperation agreements with other countries ongoing.  |
| <b>Implementation of the Integrated Border Management Action Plan, incl. upgrading of infrastructure and equipment at stations</b> | ↑ | An SOP on joint use of the existing infrastructure with other IBM agencies signed, where KC had the leading role. As a result, the KC officers have been sharing with and demonstrating the use of equipment to their border agency counterparts and, where their special skills are needed, they have conducted the searches/ examinations, as per request of the other agencies. |

**Important Note: the following Actions, although in the MMA Programme since 2009, have not seen a start of implementation, and are therefore temporarily taken out of the Programme: Improved public information in the Criminal Justice System (CJS); Team approach in criminal investigations; Joint strategic management of the CJS; Common CJS crime statistics database; CJS Annual Report.**

**LENGEND:**

- ↑ : MMA Action progressing
- ↓ : MMA Action regressing
- ↔ : MMA Action stalled
- ✓ : MMA Action completed