



Programmatic MMA Actions

This catalogue contains a description of the ongoing and completed EULEX “monitoring, mentoring and advising” (MMA) Actions, specifically designed to implement change and reform processes within the Rule of Law institutions in Kosovo. The Actions have been set up in response to the EULEX Programme Report of July 2009, which brought forward a large number of recommendations for future change (<http://www.eulex-kosovo.eu/docs/Accountability/EULEX-PROGRAMME-REPORT-July-2009-new.pdf>)

The EULEX Programme Report 2010 collates and presents performance data from implementing the MMA Actions between mid-2009 and mid-2010 (<http://www.eulex-kosovo.eu/docs/tracking/EULEX%20Programme%20Report%202010%20.pdf>).

In order to track further progress in the MMA Actions, being a joint effort of the Kosovo Rule of Law institutions and EULEX, a “Tracking Mechanism” is updated on a regular basis (see <http://www.eulex-kosovo.eu/en/tracking/>).

The description of the Actions on the following pages contains specific objectives and outputs to be achieved by each MMA Action, within four “pillars” of Kosovo Police (Crime, Border, Operations, Administration), for the Ministry of Justice and Department of Forensic Medicine (formerly Office of Missing Persons and Forensics), Judges, Prosecutors, Kosovo Judicial Council, Kosovo Correctional Services, and for Kosovo Customs. They indicate also links to actions contained in the European Partnership Action Plan 2011 for Kosovo, as well as complementary donor activities.

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, Team approach – criminal investigations; Joint strategic management of Criminal Justice System (CJS), Common CJS crime statistics database, Publish CJS Annual Report.

Programmatic MMA Actions

POLICE

Crime

- Crime Reduction Strategy
- Revised Crime Statistics
- Victim Ethnicity – Crime Statistics
- KPDIA as Criminal Intelligence Hub
- Intelligence-Led Policing /Integrated Intelligence System
- Enhanced Directorate of Organized Crime (DOC) Capability
- Enhanced Forensics Techniques
- Proactive Drug Strategy

Border

- Enhanced Border Police Planning
- Enhanced Border Infrastructure
- Enhanced Border Communications
- Implementing Migration Laws and Strategies
- Cross-Border Crime Strategy
- Green-Border Transfer Strategy

Operations

- Enhanced Patrol Management
- Annual patrol Plans (Police Station level)
- Resource Deployment Plan
- Tracking Special Interventions Unit and Improvised/Explosive Ordnance Disposal
- Community Policing
- Operational Support Units (OSU)
- Enhanced Traffic Directorate
- Transforming The Improvised/Explosive Ordnance Disposal Unit

Administration

- Kosovo Police Information System
- Rationalize Kosovo Police Structure
- Kosovo Police Promotion System
- Enhanced Budget Administration
- Reform Capital Expenditure Performance
- Enhanced Procurement Performance
- Rationalize Register Databases
- Sustainable IT Staffing
- Enhanced Fleet Management

JUSTICE

- Ministry of Justice and Department Of Forensic Medicine
- Kosovo Judicial Council
- Judges In the Criminal and Civil Fields
- Prosecutors
- Kosovo Correctional Service

CUSTOMS

- Updated Operational Plans/IBM and Organised Crime
- Enhanced Internal Communications
- Intensified Cooperation With Other Law Enforcement Agencies
- Integrated Management Action Plan

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **CRIME REDUCTION STRATEGY**
Partner(s): *Kosovo Police*
Rule of Law Area: *Police* Sector/Unit: *Crime*

2. RATIONALE

During the initial period of EULEX assessment, it has been found that recorded crimes (and serious crimes such as homicide) in Kosovo were higher than in other states in the Balkan region.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to assist the relevant Kosovo Police (KP) senior staff in the design and implementation of an effective strategy to reduce the overall volume of crime and the number of certain key crimes, in an effort to reduce crime levels.

The MMA Action has a direct link with the Mission aims of adhering to internationally recognized standards and European best practices, in ensuring all possible efforts of preventing and reducing crime.

Since this MMA Action covers the whole spectrum of crime, it also links to the strategic objectives of EULEX by contributing to the fight against organized crime, fraud and corruption.

3.2. Expected outputs

Draft written strategy to reduce the overall volume of crime and number of certain key crimes, in an effort to reduce crime levels.

Staged process of consulting internal and external stakeholders, and obtaining their agreement to the draft strategy.

Formal ratification of agreed final strategy document by Kosovo Police Director General and Kosovo Police commanders.

Written policy on how to monitor the implementation of the strategy.

Staged evaluation of KP implementation of the crime strategy, utilizing detailed monthly KP reports.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: “Revised crime statistics”; “Victim Ethnicity – Crime Statistics”; “Intelligence-led Policing/Integrated Intelligence System”; “Annual patrol plans”; “Resource deployment system”; “Enhanced role for Directorate of Crime Analyses as Criminal Intelligence hub”; “Enhance Directorate of Organised Crime Capability”.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with the actions within the short term priorities regarding European Standards on justice, freedom and security of the EPAP 2011, under heading EPP 103 to adopt and implement a crime strategy (matrix p. 103/125), with a particular emphasis on action 103.1 to complete the policy and institutional frameworks in the area of national security, public safety and fighting crime.

4.2. Complementary actions

No complementary actions known at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **REVISED CRIME STATISTICS**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police, Justice* Sector/Unit: *Crime, Administration*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January–June 2009), a number of problems were identified with the KP system of collating crime statistics. Published figures are not readily comprehensible to the public and private industry, and do not match commonly used European Union categories.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to assist the relevant KP senior staff in the design, implementation and evaluation of an effective and common policy of recording, collecting and collating reported crimes and crime investigation statistics. The system should ensure that crimes will be recorded under categories that are of concern to the public and match the categories used by EU member states.

The MMA Action objective has a direct link with the Mission aims of accountability and compliance with European best practices, as well as the strategic objective of EULEX to ensure that cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes are properly investigated, prosecuted adjudicated and enforced.

3.2. Expected outputs

An established policy common for all of Kosovo in regard to the recording, collecting and collating of reported crimes and crime investigations.

Staged process of consulting internal and external stakeholders, and obtaining their agreement on the policy.

Implementation of the policy.

Evaluation of the implementation of the policy.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: “Crime reduction strategy”; “Victim Ethnicity – Crime Statistics”; “Intelligence-led Policing/Integrated Intelligence System”; “KP Directorate of Crime Analyses as Criminal Intelligence hub”; “Enhanced Directorate of Organised Crime capability”.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

The United Nations Office on Drugs and Crime (UNODC) has delivered training to Kosovo institutions, including to the police, on bringing justice and crime statistics towards compliance with international standards and EU *acquis communautaire*. (see UNODC South Eastern Europe, <http://www.unodc.org/southeasterneurope/en/cards-phase-3-kosovo1244>). These trainings were part of the EU funded Regional Action Programme on “Development of Monitoring Instruments for Judicial and Law Enforcement institutions in the Western Balkans” under CARDS (Community Assistance for Reconstruction, Development and Stabilisation).

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING

Title: **VICTIM ETHNICITY – CRIME STATISTICS**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit *Crime, Administration*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was discovered that the KP crime statistics could not identify the ethnicity of victims of crime and, therefore, the organization could not measure the extent to which crime might be ethnically motivated.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to assist the relevant KP senior staff in the design and implementation of an effective policy of recording, collecting and collating the ethnicity of victims of crime and instances of crime that are likely to be ethnically motivated.

The MMA Action objective has a direct link with the Mission aims of public accountability and provision of multi-ethnic policing services. It also links to the strategic objective of EULEX to help ensure that Kosovo Rule of Law services are free from political interference, and the objective to ensure that cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes are properly investigated, prosecuted adjudicated and enforced.

3.2. Expected outputs

A detailed Standard Operating 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 KP Crime Report (Forms); and
- (c) the way the data are collated into a central KP data pool, and allows retrieval of weekly/monthly/annual statistics regarding crimes against ethnic minority groups.

A training programme to fully implement the SOP, in respect of data collection, collation and retrieval, in close cooperation with KP Information Technology (IT).

A training programme for all relevant KP staff involved in the collection, collation, retrieval and analysis of police incident data, in close cooperation with KP Training Department.

A 80% compliance with SOP within 18 months (verified through a system of monitoring the staged implementation of the SOP, starting with a regional pilot scheme, then moving Kosovo-wide).

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: ‘Intelligence-led Policing/Integrated Intelligence System’; ‘Revised Crime Statistics’; ‘KP Directorate of Crime Analyses as Criminal Intelligence hub’; ‘Enhanced Directorate of Organised Crime capability’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions (planned) at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **KP DIA AS CRIMINAL INTELLIGENCE HUB**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Crime, Border, Operations*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performances, it was found that the KP lacked a single (administrative and authoritative) hub for its criminal intelligence system. This organizational deficit is directly linked to the KP poor performance in proactive investigations and ability to target organised crime groups.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to assist the relevant senior KP staff in the development of organisational structure, human capacity and overall efficacy of Directorate of Crime Analyses (DCA), later Directorate for Intelligence and Analysis (DIA), as the hub of the KP Criminal Intelligence System.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability and compliance with European best practices and internationally recognized standards. It also links to the strategic objective of EULEX to ensure that cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes are properly investigated, prosecuted adjudicated and enforced. It is also relevant to the objective of strengthening co-operation and coordination throughout the whole judicial process, particularly in the area of organised crime.

3.2. Expected outputs

The creation and implementation of a revised organizational structure that will place the DIA as the undisputed hub of the Criminal Intelligence System within the KP.

The creation of a human resource support within the KP capable of sustaining the new DIA structure.

Methodologies and procedures in place that will ensure that DIA 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.

Conduct an assessment of the implementation of the new DIA structure and how it functions within the KP.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: 'Revised crime statistics'; 'Intelligence-led Policing/Integrated Intelligence System'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with the actions of the EPAP 2011 to develop Kosovo Police capacities for the implementation of the strategy on intelligence-led policing, under the key priority of applying an anti-corruption, organized crime and financial crime zero tolerance policy (action 4.7, matrix p. 45/125) and within the short term priorities regarding European Standards on justice, freedom and security, in order to improve the effectiveness of crime investigations (action 102.1, matrix p. 103/125).

4.2. Complementary actions

The Organization for Security and Cooperation in Europe (OSCE) has organized for KP intelligence staff (DCA / Regional Intelligence Units – RIU) the course entitled “Training of trainers on criminal intelligence and analysis”.

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>, IPA 2010), will fund the upgrading of the IT infrastructure within KP, including the KP Information System and Criminal Intelligence System, as well as necessary training, in support of the development and implementation of the intelligence-led policing concept in Kosovo, which is being supported by EULEX. The project thus aims at improving the collection, evaluation and analysis of police information, ensuring the availability of quality intelligence data in secured databases, and enhancing the use of police intelligence data at strategic, operational management and tactical levels.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **INTELLIGENCE-LED POLICING /
INTEGRATED INTELLIGENCE SYSTEM**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Crime, Border, Operations*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that the KP lacked a single criminal intelligence system. This organizational deficit is directly linked to the KP's poor performance in proactive investigations and ability to target organized crime groups.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to assist the relevant senior KP staff in the full implementation of a detailed plan provided by the Organization for Security and Cooperation (OSCE) to introduce intelligence-led policing throughout the organization. This complex programme will unfold at several levels simultaneously, including: creating an intelligence gathering culture; use of common forms and collection systems; data collation, analysis and distribution capacity; and planning proactive operations.

The MMA action objective has a direct link to the Mission aims of sustainability, accountability and compliance with European best practices and internationally recognized standards. It also links to the strategic objective of EULEX to ensure that cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes are properly investigated, prosecuted adjudicated and enforced. It is also relevant to the objective of strengthening co-operation and coordination throughout the whole judicial process, particularly in the area of organised crime.

3.2. Expected outputs and main activities

In support of the programme to introduce intelligence-led policing throughout the KP organization, put 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.

Improve the intelligence gathering culture throughout the KP organization.

Establish a single intelligence cycle within the KP.

Monitor and evaluate the intelligence cycle.

3.3. Crosscutting Issues / Links to other Actions

This action is the result of a merger of two former MMA actions, namely 'Intelligence-led policing' (for the KP Crime Pillar) and 'Integrated Intelligence System' (for the KP Border Pillar). Outputs and activities have been revised accordingly.

This action is also linked to the following EULEX MMA actions: ‘Revised Crime Statistics’; ‘KP Directorate of Crime Analyses as Criminal Intelligence hub’; ‘Enhanced Directorate of Organised Crime capability’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with the actions of the EPAP 2011 to develop Kosovo Police capacities for the implementation of the strategy on intelligence-led policing, under the key priority of applying an anti-corruption, organized crime and financial crime zero tolerance policy (action 4.7, matrix p. 45/125), and within the short term priorities regarding European Standards on justice, freedom and security, in order to improve the effectiveness of crime investigations (action 102.1, matrix p. 103/125).

4.2. Complementary actions

The OCSE Mission in Kosovo has been promoting the intelligence-led policing concept since 2007; it had a leading role in terms of training and capacity building. In 2010 it organized the workshop on “Finalization of the Strategy and Action Plan on Strengthening Intelligence-Led Policing”, and conducted specialized executive training programmes for the senior management staff of Kosovo police promoting the concept.

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>, IPA 2010), will fund the upgrading of the IT infrastructure within KP (the KP Information System and Criminal Intelligence System, including necessary training), in support of the development and implementation of the intelligence-led policing concept in Kosovo which is being supported by EULEX. The project thus aims at improving the collection, evaluation and analysis of police information, ensuring the availability of quality intelligence data in secured databases, and enhancing the use of police intelligence data at strategic, operational management and tactical levels.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ENHANCED DIRECTORATE OF ORGANIZED CRIME (DOC) CAPABILITY**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Crime, Border, Operations*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that the KP lacked a clear strategy in order to drive a more proactive approach to crime investigation, particularly in the field of combating organized crime. The Directorate of Organized Crime (DOC) has the potential to act as a focal point for the design and implementation of such a strategy.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant senior KP staff in the full development of the Directorate of Organized Crime, now Department against Organized Crime (DOC), as a focal point of the KP's proactive strategy and centre of excellence in intelligence-led policing. The work of developing DOC's potential is directly linked to the much larger strategy to introduce intelligence-led policing.

The MMA Action objective has a direct link to the Mission aims of sustainability and compliance with European best practices and internationally recognized standards. It also links to strategic objective of EULEX to ensure that cases of war crimes, terrorism, organised crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes are properly investigated, prosecuted adjudicated and enforced.

3.2. Expected outputs

An implemented strategy throughout KP DOC to drive a more proactive approach to organized crime investigation.

An implemented new organisational structure for the KP DOC that will effectively deliver the intelligence led policing concept.

An evaluation and a final report in regard to the implementation of the strategy and the new DOC structure.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: 'Revise Crime Statistics'; 'Enhanced role for Directorate of Crime Analyses as Criminal Intelligence hub'; 'Intelligence-led Policing/Integrated Intelligence System'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011:

- the actions to develop Kosovo Police capacities for the implementation of the strategy on intelligence-led policing, under the key priority of applying an anti-corruption, organized crime and financial crime zero tolerance policy (action 4.7, matrix p. 45/125), and within the short term priorities regarding European Standards on justice, freedom and security, in order to improve the effectiveness of crime investigations (action 102.1, matrix p. 103/125);
- within the short term priorities regarding European Standards on justice, freedom and security: the actions 104 to draft a strategy and action plan to fight organised crime and terrorism, 105 to complete the legislative framework on organised crime, and 106 to strengthen further the local capacity of the KP Directorate on Organised Crime, as well as the actions linked to these, as indicated in the EPAP 2011 matrix (p. 104/125);
- within the mid term priorities regarding European Standards on justice, freedom and security: the action 153 to implement and update the strategy on the fight against organised crime and terrorism and the action 154 to strengthen local capacities to investigate organised crime related activities (matrix p. 125/125), as well as the actions linked to these, as indicated in the EPAP 2011 matrix.

4.2. Complementary actions

The OCSE Mission in Kosovo has been promoting the intelligence-led policing concept since 2007; it had a leading role in terms of training and capacity building. In 2010 it organized the workshop on “Finalization of the Strategy and Action Plan on Strengthening Intelligence-Led Policing”, and conducted specialized executive training programmes for the senior management staff of Kosovo police promoting the concept.

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLLO, <http://www.delprn.ec.europa.eu/>, IPA 2010), will fund the upgrading of the IT infrastructure within KP (the KP Information System and Criminal Intelligence System, including necessary training), in support of the development and implementation of the intelligence-led policing concept in Kosovo, which is being supported by EULEX.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ENHANCED FORENSICS TECHNIQUES**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Crime*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that the KP requires further development toward the European Union (EU) standards and best practice in terms of its use of forensic techniques in crime investigation.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant senior KP staff regarding the introduction of an effective system of measuring performance in forensic services, provision of new forensic techniques, and mentoring KP staff in the operational aspects of such techniques.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, compliance with European best practices. It also links to the strategic objectives of EULEX to ensure the maintenance and promotion of the rule of law, public order and security, and to strengthen co-operation and coordination throughout the whole judicial process, particularly in the area of organized crime. It also links to the objective of contributing to the fight against corruption, fraud and financial crime.

3.2. Expected outputs and main activities

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. The system shall also ensure that the operational aspects are taught to the relevant KP staff.

Implement the system within the KP forensics.

Evaluate the system put into place within the KP.

3.3. Crosscutting Issues / links to other Actions

This action is linked to the following EULEX MMA actions: ‘Intelligence-led Policing/Integrated Intelligence System’; ‘KP Directorate of Crime Analyses as Criminal Intelligence hub’; ‘Enhanced Directorate of Organised Crime capability’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

The European Union through its Instrument of Pre-Accession Assistance 2009 (IPA 2009, see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>) - Strengthening the Rule of Law Programme - supports a project to introduce an integrated ballistics identification system (IBIS) in the Central Forensic Laboratory, including extensive training of staff on the use of this system, in order to set up a database of all registered weapons and to exchange ballistic data with other authorities. This should enhance the capacity of KP to respond to all investigation requests and court orders, improve the effectiveness of investigations and contribute to reducing the backlog of cases in the Kosovo courts.

Donor assistance might still be needed in some areas to achieve EU standards.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **PROACTIVE DRUG STRATEGY**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Crime*

2. RATIONALE

During the initial period of EULEX assessment of the Kosovo Police (KP) Department of Organized Crime (DOC), Central Narcotics Investigation Section (CNIS) performance (January – June 2009), EULEX Police Component Strengthening Department Crime Pillar Organized Crime Narcotic Investigation Section, International Police Advisors found that the KP DOC CNIS lacks a common strategy to tackle against illicit drugs-related crime, included criminal intelligence gathering. In particular, it was found that the organization needs to develop a more integrated approach in the fight against illicit drug crime, improve case handling, and the coordination and flow of information within KP DOC and with KP Regional Narcotic Investigation Sections (RNIS). Furthermore external actors such as KP Border Police and Kosovo Customs in a proactive approach.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to advise relevant senior KP primary narcotics authority regarding the design and implementation of a common strategy throughout the KP in respect of a proactive approach to the investigation of drug crime. Such a strategy will include improving case investigation, information gathering, coordination and cooperation, including regions and international contacts and information flow within KP DOC and achieving an integrated approach with other relevant actors within KP as well as external actors

The MMA Action objective has a direct link to the Mission aims of accountability, sustainability, compliance with European best practices and internationally recognized standards, multi-ethnicity, freedom from political interference. It also links to the fourth strategic objective (Ensure that cases of war crimes, terrorism, organised crime, drug cases, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes, are properly investigated, prosecuted adjudicated and enforced, according to the applicable law).

3.2. Expected outputs and main activities

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.

Implementation of the KP strategy.

Monitor the implemented strategy and its use throughout the KP primary narcotics authority.

3.3. Crosscutting Issues / links to other Actions

This Action is linked to other EULEX MMA Actions, such as ‘Enhance DOC capability’, and ‘Intelligence-led Policing/Integrated Intelligence System’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011:

- within the short term priorities regarding European Standards on justice, freedom and security, the action 100.1 to advance and build institutional and technical capacities for the implementation of the legal and policy framework in prevention and fighting of trafficking and abuse of narcotics (matrix p. 102/125);
- the mid term priority action 156 to ensure international cooperation as well as within agencies in order to improve results in the fight against drugs' trafficking (matrix p. 125/125), as well as the actions linked to it, as indicated in the EPAP 2011 matrix.

4.2. Complementary actions

No complementary actions (planned) at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title/Number	ENHANCED BORDER POLICE PLANNING		
Partner(s)	<i>Kosovo Police</i>		
Rule of Law Area	<i>Police</i>	Sector/Unit	<i>Border</i>

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that Border managers and supervisors lacked a common approach and standard in their preparation of planning documents and evaluation reports. The issue is directly related to the proactive capability of the Border Police.

3. DESCRIPTION

3.1. Objectives

The main objective of this activity is to assist the relevant senior KP Border staff regarding the development of a sufficiently detailed Standard Operating Procedure (SOP) for planning documents and evaluation reports, in accordance with European best practice.

The MMA Action objectives have a direct link to the Mission aims of sustainability, accountability, compliance with European best practices and internationally recognized standards. It also links to the EULEX strategic objectives to strengthen co-operation and coordination throughout the whole judicial process, particularly in the area of organised crime), and to contribute to the fight against corruption, fraud and financial crime.

3.2. Expected outputs and main activities

Develop a Standard Operating Procedure (SOP) for planning documents and evaluation of reports.

Implement the SOP throughout the KP organization and throughout Kosovo.

Produce a monitor report on how the implementation of the SOP was conducted and how it is applied.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: 'Intelligence-led Policing/Integrated Intelligence System'; 'Enhanced Directorate of Organised Crime capability'; 'Resource deployment plan'; 'Enhanced border communications'; 'Green Border Transfer Strategy'; 'Cross Border Crime Strategy'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with the EPAP 2011 short term priority actions regarding European Standards on justice, freedom and security, particularly to improve the efficiency of the control of persons' movement through borders, by further improving the legal and policy framework in the area of border issues and Integrated Border Management as well as building

institutional and technical capacities for the implementation of these legal and policy frameworks (actions 95.1 and 95.2, matrix p. 98/125).

4.2. Complementary actions

The European Union through its Instrument of Pre-Accession Assistance 2007 (IPA 2007, see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>) - Justice and Home Affairs / Strengthening the Rule of Law Programme - supports a project to strengthen the organisational, management, inter-agency cooperation and operational capacity of the border police, including the development of training programmes to strengthen the professional capacities.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ENHANCED BORDER INFRASTRUCTURE**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Border*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that much of the Border Police facilities and infrastructure remains inadequate. This deficit has a direct impact upon KP Border capability and compliance with the applicable law and European best practices.

3. DESCRIPTION

3.1. Objectives

The main objective of this activity is to support the relevant senior KP Border staff regarding the development of a medium-term strategy to improve the facilities and equipment available at all Border Crossing Points (BCPs), with particular attention to those facilities made available for interviewing and detaining immigrants.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, multi-ethnicity, and compliance with European best practices. It also links to the strategic objectives of EULEX: to ensure the maintenance and promotion of the rule of law, public order and security, and to strengthen co-operation and coordination throughout the whole judicial process, particularly in the area of organised crime.

3.2. Expected outputs

A detailed Standard Operating Procedure (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 (Police Inspectorate of Kosovo – PIK - and civil society) audits and inspections to ensure compliance.

A project to fully implement the SOP and related policy across Kosovo, including measures to rationalise the cost effectiveness of police detention areas (i.e. reduce the number and increase the standard).

Specific training for designated detention staff, ensuring that they have the necessary knowledge, skills and attitudes to implement the new SOP.

A more than 80% compliance with new SOP after 18 months in all detention areas (verified through monitoring the in all areas where it has been implemented).

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: ‘Enhanced border communications’; ‘Implementing migration laws and strategies’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with the actions within the EPAP 2011 short term priorities regarding European Standards on justice, freedom and security, under heading EPP 97 to construct shelters and accommodation premises for persons seeking for asylum, in particular by further improving the legal and policy framework in the area of asylum and migration as well as building institutional and technical capacities for the implementation of these legal and policy frameworks (actions 97.1 and 97.2, matrix p. 100/125).

4.2. Complementary actions

The Organization for Security and Co-Operation in Europe (OSCE) in Kosovo proactively monitors the work of the police with the aim of fostering an effective, accountable and human rights compliant police force. It is engaged in a detention and holding cell monitoring project that assesses the conditions of the facilities, as well as visiting procedures and mechanisms for the prevention of torture, and other cruel, inhuman or degrading treatment or punishment (see OSCE Kosovo, <http://www.osce.org/kosovo/>). Within the framework of the EULEX MMA Action, OSCE staff has given assistance regarding human rights compliance of holding- and detention facilities at border crossing points, the inspection process and possible improvements. Close cooperation has been established for the review of KP standing operational procedures and the design of training curricula.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ENHANCED BORDER COMMUNICATIONS**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Border*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was discovered that – in a number of respects – the Border communications infrastructure is inadequate. This weakness has a direct impact upon the KP's ability to ensure safe and secure borders, as well as an effective deterrent to organized cross-border crime.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant senior KP Border staff in respect of the design and implementation of a strategy to improve communications and information flow throughout the Pillar. This should address several aspects of the problem: improvement of communications' infrastructure; continuous training in forged documents, intelligence gathering and analysis, contraband, drugs and related matters; and enhanced briefing skills for supervisors.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, multi-ethnicity, and compliance with European best practices. It also links to the strategic objectives of EULEX to ensure the maintenance and promotion of the rule of law, public order and security, and to strengthen co-operation and coordination throughout the whole judicial process in the area of organised crime). It also links to the objective: of contributing to the fight against corruption, fraud and financial crime.

3.2. Expected outputs and main activities

Draft a strategy to improve communications and information flow throughout the KP Department of Border Police (the Border Pillar).

Implement the Strategy throughout the KP Border Pillar.

Evaluate the implementation of the Strategy and compliance with its terms of reference by the KP.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: 'Intelligence-led Policing/Integrated Intelligence System'; 'Enhanced border planning'; 'Enhanced border infrastructure'; 'Implementing migration laws and strategies'; 'Green Border Transfer Strategy'; 'Cross Border Crime Strategy'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>, IPA 2007 and IPA 2008), is funding feasibility studies and programmes in order to upgrade infrastructure and equipment at border crossing points and to increase the observation, surveillance and control of the green and blue border, including control, mobility and communication equipment.

Further donor support might be needed to improve border communications infrastructure.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **IMPLEMENTING MIGRATION LAWS AND STRATEGIES**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Border*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was discovered that the KP was still in the process of implementing the revised legislation relating to migration. There is a need to develop plans to enforce the laws and strategies in respect of migration and related issues.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant senior KP staff regarding the design and implementation of a comprehensive plan to implement the law and current policies of the Kosovo Ministry of Internal Affairs that relate to foreigners, migration and asylum.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, multi-ethnicity, and compliance with European best practices. It also links to the strategic objectives of EULEX: to ensure the maintenance and promotion of the rule of law, public order and security, and to strengthen co-operation and coordination throughout the whole judicial process, particularly in the area of organised crime. It also links to the objective of contributing to the fight against corruption, fraud and financial crime.

3.2. Expected outputs and main activities

Develop a plan to action the KP functions envisaged in the current laws, administrative instructions and strategies of the Ministry of Internal Affairs (MIA) relating to foreigners, migration and asylum.

Implement the plan throughout the KP organization.

Produce a final evaluation of KP competencies to confirm the capacity and willingness to comply with the applicable law and MIA strategies on foreigners, migration and asylum. KP performance will be judged to be “satisfactory” if it is found to be at or above 80% compliance in the relevant areas.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: ‘Intelligence-led Policing/Integrated Intelligence System’; ‘Enhanced Directorate of Organised Crime capability’; ‘Resource deployment system’; ‘Enhanced border infrastructure’; ‘Enhanced border communications’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011 within the short term priorities regarding European Standards on justice, freedom and security, namely all actions under heading EPP 95 to improve the efficiency of the control of persons' movement through borders and improve effectiveness and transparency of the department for Border Police, under heading EPP 96 to strengthen cooperation among border management agencies with neighbouring countries, under heading EPP 97 to construct shelters and accommodation premises for persons seeking for asylum, and under heading EPP 98 to approve a law on migration in compliance with European standards, and develop a strategy and action plan to address, in particular, re-admission and re-integration of returnees (matrix p. 98-101/125).

4.2. Complementary actions

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>), is funding *inter alia* institution building and legal drafting to strengthen the organisational, management, inter-agency cooperation and operational capacity of the border police (IPA 2007) and capacity strengthening of the Ministry of Internal Affairs to align asylum and migration legislation with the *acquis communautaire* and to implement it (IPA 2008).

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **CROSS-BORDER CRIME STRATEGY**

Partner(s): *Kosovo Police, Judiciary, Kosovo Customs*

Rule of Law Area: *Police, Justice, Customs* Sector/Unit: *KP Border, Public Prosecutors Office, Kosovo Customs*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police KP performance (January-June 2009), it was found that there was no proactive cross border crime strategy. The KP (Border) and Public Prosecutors Office (PPO) tend to provide a purely reactive investigation services, i.e. acting only when a crime is discovered. There is a need for all entities to collaborate in a proactive strategy.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant KP staff regarding the development of a joint cross-border crime strategy, with Public Prosecutors' Office and Kosovo Customs. Such a strategy should to establish key objectives over the next three years, maximize the use of resources across the agencies, and eliminate unnecessary duplication of effort, overlapping and unhelpful competition.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, compliance with European best practices and internationally recognized standards. It also links to the strategic objectives of EULEX to ensure the maintenance and promotion of the rule of law, public order and security, to strengthen cooperation and coordination throughout the whole judicial process, particularly in the area of organised crime, as well as to contribute to the fight against corruption, fraud and financial crime.

3.2. Expected outputs and main activities

Create an effective cohesive and enduring cross border crime strategy to proactively fight crime. The crime strategy shall include transnational police cooperation with the objective of establishing a successful information and intelligence exchange as well as establishing a designated section within the Office of the Public Prosecutor dedicated to the investigation and prosecution of cross border crime.

Programme of implementation of the cross border crime strategy.

Evaluation of the implementation programme and impact of the new strategy.

3.3. Crosscutting Issues / Links to other Actions

This MMA Action is linked to the following EULEX MMA Actions: 'Crime reduction strategy'; 'Intelligence-led Policing/Integrated Intelligence System'; 'Enhance Directorate of Organised Crime capability'; 'Enhanced border planning'; 'Enhanced border communications'; 'Implementing migration laws and strategies'; 'Green Border Transfer Strategy'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011:

- the action 4.7 to develop Kosovo Police capacities for the implementation of the strategy on intelligence-led policing, under the key priority of applying an anti-corruption, organized crime and financial crime zero tolerance policy (matrix p. 45/125);
- within the short term priorities regarding European Standards on justice, freedom and security, all actions under heading EPP 95 to improve the efficiency of the control of persons' movement through borders and improve effectiveness and transparency of the department for Border Police (matrix p. 98-99/125), all actions under heading EPP 96 to strengthen cooperation among border management agencies with neighbouring countries (matrix p. 100/125), and the action 107.1 to complete the policy framework and build institutional capacities in preventing and fighting trafficking in human beings (matrix p. 104/125).

4.2. Complementary actions

The European Commission, through its Instrument of Pre-Accession Assistance 2007 (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>), has funded *inter alia* institution building and legal drafting to strengthen the organisational, management, inter-agency cooperation and operational capacity of the border police.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **GREEN-BORDER TRANSFER STRATEGY**

Partner(s): *Kosovo Police, KFOR*

Rule of Law Area: *Police* Sector/Unit: *Border*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that the KP is imminently faced with the significant challenge of taking responsibility for securing Kosovo's extensive Green Border. KP senior staffs have sought the assistance of EULEX and KFOR experts in the task of designing a plan for transfer, active mentoring during implementation and monitoring and evaluation of the KP system.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant senior KP staff regarding the design and implementation of an integrated strategy to transfer responsibility from KFOR for the security and protection of the Kosovo Green Border.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, compliance with European best practices and internationally recognized standards. It also links to the strategic objectives of EULEX to ensure the maintenance and promotion of the rule of law, public order and security, and to strengthen co-operation and coordination throughout the whole judicial process, particularly in the area of organized crime. It also links to the objective of contributing to the fight against corruption, fraud and financial crime.

3.2. Expected outputs and main activities

Design an integrated strategy to transfer responsibility from KFOR for the security and protection of the Kosovo Green Border.

Institutional measures, including Standard Operating Procedure (SOPs), Job Descriptions and related procedures, in compliance with the principles of European best practice, public accountability and organizational sustainability.

Comprehensive human capacity building programme to facilitate institutional development.

Implementation of the Strategy.

Monitoring the implementation phase of the Strategy and assess levels of security.

3.3. Crosscutting Issues / links to other Actions

This action is linked to the following EULEX MMA actions: 'KP Information System'; 'Cross-Border Crime Strategy'; 'Enhanced border planning'; 'Enhanced border communications'; 'Intelligence-led Policing/Integrated Intelligence System'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with actions of the EPAP 2011 within the short term priorities regarding European Standards on justice, freedom and security, to improve the efficiency of the control of persons' movement through borders, by further improving the legal and policy framework in the area of border issues and Integrated Border Management as well as building institutional and technical capacities for the implementation of these legal and policy frameworks (actions 95.1 and 95.2, matrix p. 98/125)

4.2. Complementary actions

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>, IPA 2007 and IPA 2008), is funding an EU compatible communication system and the procurement of control and mobility equipment for increased observation, surveillance and control of the green and blue border.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ENHANCED PATROL MANAGEMENT**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Operations, Border*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was discovered that - in many geographical areas - the management of KP uniform patrols was inadequate. There is a lack of disciplined control, strategic and operational direction, and sense of accountability to local communities.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the first line supervisors in a range of basic patrol management skills and competencies. These should include the conduct of briefings for patrol officers; use of statistical data and intelligence in defining patrol objectives; local community consultation and setting patrol targets; active monitoring of patrol officers; evaluating success and failure in patrol strategies; preparing reports on patrol performance; motivating and disciplining patrol officers.

The MMA Action objectives have a direct link to the Mission aims of sustainability, accountability, provision of multi-ethnic policing services, as well as compliance with European best practices. It also links to the strategic objective of EULEX to ensure the maintenance and promotion of the rule of law by helping the KP to properly manage the deployment of resources in response to community policing needs.

3.2. Expected outputs

A detailed Standard Operating Procedure (SOP) and related policy on Patrol Management including shift briefings, proactive use of local and Kosovo-wide intelligence, targeting policing issues of local concern, directed patrols, monitoring patrols, etc.

A training programme based on the SOP and intended to communicate the required knowledge and skills to supervisors.

Delivery of the training programme, comprising KP-led monitoring.

Implemented SOP throughout Kosovo and the KP, including a detailed KP-led system of monitoring (at station level) of the understanding and adoption of the SOP.

A final report with the findings on the implementation of the SOP and related training.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: ‘Intelligence-led Policing/Integrated Intelligence System’; ‘Annual patrol plans’; ‘Resource deployment system’; ‘Community Policing’; ‘Enhanced Traffic Directorate’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions (planned) at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ANNUAL PATROL PLANS (Police Station level)**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit *Operations, Traffic*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that many Station Commanders were not acting in compliance with applicable law requirements (first introduced in late 2005) with regard to community consultation and planning. Specifically, many Commanders were not creating annual plans that target community priorities, revealed through consultation.

3. DESCRIPTION

3.1. Objectives

The main objective of this activity is to assist the relevant senior KP staff (Regional Commanders and Station Commanders) in the design, implementation and evaluation of an effective patrol plan for a period of 12 months. Each Station Commander should develop a list of goals to guide the effective use of uniform patrols, based on the concerns of local community representatives. Each Regional Commander should develop a list of goals to guide the effective use of Traffic Units, Operation Support Units (OSU) Officers and Community Policing Teams, consistent with the concerns of local community representatives.

The MMA Action objectives have a direct link to the Mission aims of sustainability, accountability, in the KP organisation as well as European best practices. It also links to the strategic objective of EULEX to ensure the maintenance and promotion of the rule of law by helping the KP manage to design, implement and evaluate effective patrol plans.

3.2. Expected outputs and main activities

Draft of effective patrol plans for all police stations in Kosovo and all regional stations, which includes the legal obligations as per the applicable law.

Implementation of the patrol plan.

Evaluation of the implemented patrol plan.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: 'Crime reduction strategy'; 'Intelligence-led Policing/Integrated Intelligence System'; 'Enhanced patrol management'; 'Resource deployment system'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions (planned) at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **RESOURCE DEPLOYMENT PLAN**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Operations, Administration, Crime, Border*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that KP Commanders had limited information about current (up to the minute) availability/deployment of operational staff. Commanders are unable to track patterns of staff abstractions and their impact on operational capability. There is limited understanding of the benefits of quantifying the effective use of resources and planning deployment according to needs.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to support the relevant senior KP staff regarding the development of a system of categorizing and recording all incidents that require the attendance of patrol officers, and demonstrating how such data can be used to plan resources and evaluate performance.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, provision of multi-ethnic policing services as well as compliance with European best practices. It also links to the strategic objective of EULEX: namely, ensuring the maintenance and promotion of the rule of law by helping the KP to properly manage the deployment of resources in response to community policing needs. It also links to the objective of strengthening co-operation and coordination throughout the whole judicial process, particularly in the area of organised crime.

3.2. Expected outputs

A functioning incident recording system for use throughout Kosovo and the KP, regulated by a Standard Operating Procedure (SOP). This system shall:

- (a) define the categories (and sub-categories) of incidents that regularly require the attendance of KP officers;
- (b) define the method whereby the data are collected and logged at station/regional levels;
- (c) define the way the data are collated into a central KP data pool;
- (d) specify the parameters of statistical data recall from the central pool (i.e. allows KP commanders to retrieve weekly/monthly statistics concerning the levels/locations of incidents); and
- (e) allow the KP to plan resources effectively according to the needs.

A specific training programme for all relevant KP staff involved in the collection, collation, retrieval and analysis of police incident data (in close cooperation with KP Training Department).

A SOP, a handbook and a training programme for senior level KP staff (regional and station commanders) in order to use the data collected for planning resources and evaluating performance.

A 60% compliance with the SOP within 18 months (verified through a system of monitoring the staged implementation of the SOP, starting with a regional pilot scheme, then moving Kosovo-wide).

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: 'Intelligence-led Policing/Integrated Intelligence System'; 'Annual patrol plans'; 'Enhanced patrol management'; 'Rationalize register databases'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions (planned) at present. However donor support could be required in order to develop the system, provide suitable software, human capacity building and specialized training.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **TRACKING SPECIAL INTERVENTION UNIT AND IMPROVISED/EXPLOSIVE ORDNANCE DISPOSAL**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Operations*

2. RATIONALE

During the initial period of EULEX assessment of KP performance (January – June 2009), it was found that the relevant KP managers had limited information about the operational use and deployment of Special Intervention Unit (SIU) and Improvised/Explosive Ordnance Disposal (I/EOD). Little thought had been given to the question of the real cost/benefits and actual need for these units, and whether alternative a less expensive options might prove equally effective.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to mentor and advise the relevant senior KP staff regarding the development of a system of categorizing and recording all incidents that require the attendance of SIU and I/EOD resources, and demonstrating how such data can be used to plan resources and evaluate performance.

The MMA Action objective has a direct link to the Mission aims of sustainability and accountability in the KP organization, as well as European best practices.

It is linked as well to EULEX strategic objective of ensuring the maintenance and promotion of the rule of law by assisting KP to properly manage its human resources and provide sufficient staff for operational duties.

3.2. Expected outputs

A manual system in place within the KP to categorize and record all incidents that require the attendance of SIU and I/EOD resources.

A procedure in place within the KP that takes advantage of the data collected and recorded, in order to plan resources and evaluate performance of the SIU and I/EOD resources within the KP.

A monitoring report on how the system and the procedure are being utilized.

3.3. Crosscutting Issues / Links to other Actions

No specific links to other MMA Actions; however there is a EULEX follow-up MMA Action: “Transforming the Improvised/Explosive Ordnance Disposal Unit”.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **COMMUNITY POLICING**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Operations*

2. RATIONALE

EULEX monitors observed disconnections between the Central Community Policing (CP) Unit and the Community Policing Officers in the regions. The latter report to their line managers within the regions, and the Head of the CP Unit (Police MHQ) has no real authority to influence their choice of strategy or work regime. There is a need to review the terms of reference for the CP Unit in MHQ and properly define its relationships to the regional CP teams. There is also a need to ensure that the KP Community Policing Strategy is consistent with the legal requirement to consult local communities regarding policing plans and objectives.

3. DESCRIPTION

3.1. Objectives

The main objective of this activity is to support the relevant senior KP staff in drafting the terms of reference of the Community Policing Units, at MHQ and regional levels. They should look at the benefits of developing a single community policing strategy, methodology, evaluation and reporting mechanism. It should also explore the need to link the KP community policing strategy with the requirement for local community consultation in the Police Law.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, multi-ethnic policing, and compliance with European best practices and internationally recognized standards. It also links to the strategic objective of EULEX: to ensure the maintenance and promotion of the rule of law by helping the KP to fully exploit preventive measures in security and public safety.

3.2. Expected outputs

A single Community Policing Program (CPP) for all of the KP.

Terms of Reference for the KP with regard to the Central Community Policing Unit (CPU).

An evaluation and reporting mechanism between the KP regions and the MHQ with regard to the work done by the CPU.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: ‘Annual patrol plans’; ‘Enhanced patrol management’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with the action 103.1 of the EPAP 2011, within the short term priorities regarding European Standards on justice, freedom and security, to complete the policy and institutional frameworks in the area of national security, public safety and fighting of crime, and particularly establishing Municipal Community Safety Councils (matrix p. 103/125).

4.2. Complementary actions

No complementary actions (planned) at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **OPERATIONAL SUPPORT UNITS (OSU)**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Operations*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that the Operational Support Unit (OSU) teams lacked a sufficiently detailed and relevant set of Standard Operating Procedures (SOPs), as well as properly planned training exercises to demonstrate the level of response capability. These crowd and riot control units are now called Njesija Speciale Operative (NjSO).

3. DESCRIPTION

3.1. Objectives

The main objective of this activity is to support the relevant senior KP staff regarding the development of a sufficiently detailed SOP for the Operational Support Units, in full compliance with European best practice and internally recognized standards.

The MMA Action objective has a direct link to the Mission Aims as; sustainability, accountability and adhere to European best practices. The Action objective also links to the EULEX strategic objective of ensuring the maintenance and promotion of the rule of law, public order and security.

3.2. Expected outputs

A unified Crowd and Riot Control (CRC) Concept for all of the KP in force within the KP.

An SOP in force for all KP NjSO/OSU, adhering to internationally recognized standards and European best practices.

A training system for the unified Crowd and Riot Control (CRC) Concept, which is mandatory for all of the KP.

An evaluation and a report on the KP usage of the implemented CRC Concept, the SOP and the annual training plan.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the EULEX MMA action on 'Enhanced patrol management'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions known at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ENHANCED TRAFFIC DIRECTORATE**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Operations*

2. RATIONALE

During the initial period of EULEX assessment of KP performance (January – June 2009), EULEX monitors found that many proposals, directives and requests for organizational change failed to achieve the desired results, as a result of extended chains of command and a lack of implementation skills among supervisors and managers. It was also found that many traffic officers lacked essential training and failed to act in pursuit of a common KP road traffic strategy.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to mentor and advise the relevant senior KP staff regarding desirable changes to the organizational structure of Traffic Directorate, in pursuit of enhanced communications, strategic leadership and operational command. Mentoring and advice will focus on the revisions to the Standard Operating Procedure (SOP), capacity building for traffic officers in the revised operating structures and procedures and adoption of European best practice and internationally recognized standards in traffic policing.

The MMA Action objective has a direct link to the mission aims of sustainability, accountability, compliance with European best practices and internationally recognized standards. It also links to the second strategic objective of EULEX: namely, ensuring the maintenance and promotion of the rule of law, public order and security.

3.2. Expected outputs

Assessment of the current structure of the KP Traffic Directorate and current SOP(s) in force in regard to traffic policing. The assessment shall include but not be limited to review of applicable law and regulation.

A new organizational structure within the KP to be responsible for traffic policing in Kosovo.

A new SOP on the Traffic Department, and a reviewed Operational Manual of Traffic Policing.

A new training SOP for KP traffic policing throughout Kosovo.

Evaluation of the implemented new organizational structure; the use and knowledge of the SOP on Traffic Department; the use and knowledge of the Training SOP and the use and knowledge of the Operational Manual of Traffic Policing.

3.3. Crosscutting Issues / Links to other Actions

This Action is linked to other EULEX MMA actions: ‘Rationalize KP structure’ and ‘Enhance patrol management’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions (planned) at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **TRANSFORMING THE IMPROVISED/EXPLOSIVE
ORDNANCE DISPOSAL UNIT**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Operations*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that the relevant KP managers had limited information about the operational use and deployment of Special Intervention Unit (SIU) and Improvised/Explosive Ordnance Disposal (I/EOD). Therefore an MMA Action has been implemented to mentor and advise the relevant senior KP staff regarding the development of a system of categorizing and recording all incidents that require the attendance of SIU and I/EOD resources, and demonstrating how such data can be used to plan resources and evaluate performance. This MMA Action was completed mid 2010. However, during monitoring of the use of the new system, it was identified that the KP needed a fully operational Improvised Explosive Device Disposal (IEDD) Unit that could handle cases with explosives that have a criminal intent and ensure that in these cases the KP can provide evidence in court proceedings that is in line with EU standards. In order to be fully operational, there is a need to improve the IEDD managerial capabilities and systems to ensure a better use of IT systems and modern equipment.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to mentor and advise the relevant senior KP staff regarding the transformation of the KP I/EOD Unit into an operational IEDD Unit that will operate throughout Kosovo. This includes the establishment of an intuitive Bomb Data Center and an administrative IT system to manage the resources of the IEDD Unit.

The MMA Action objective has a direct link to the Mission aims of sustainability and accountability in the KP organization, as well as European best practices.

It is linked as well to EULEX strategic objective of ensuring the maintenance and promotion of the rule of law by assisting KP to properly manage its human resources and provide sufficient staff for operational duties.

3.2. Expected outputs

An operational KP Improvised Explosive Device Disposal (IEDD) Unit that will operate throughout Kosovo.

An intuitive Bomb Data Center for the KP that will systemize, categorize and record all incidents that require the attendance of IEDD Unit throughout Kosovo.

An implemented administrative IT system to manage the resources in the IEDD Unit.

A monitoring report of the functioning of the KP IEDD Unit, its administrative IT System, as well as the intuitive Bomb Data Center.

3.3. Crosscutting Issues / Links to other Actions

No specific links to other MMA Actions; however this is a follow-up of the EULEX MMA Action on “Tracking Special Intervention Unit and Improvised/Explosive Ordnance Disposal”.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with the action 103.2 within the short term priorities regarding European Standards on justice, freedom and security of the EPAP 2011, namely to build institutional and technical capacities for the implementation of the legal and policy framework on small arms (matrix p. 103/125).

4.2. Complementary actions

No complementary actions.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **KOSOVO POLICE INFORMATION SYSTEM**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Crime, Administration, Border, Operations*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that the KP lacked a single information system whereby it could collect, collate and analyse data regarding all police-related incidents. Such a management tool would allow senior KP Commanders to make informed decisions about staff deployment, resource allocation and patrol strategy.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant senior KP staff in the design and implementation of a robust and effective information system, in full compliance with European best practice. This should include the task of identifying a donor to assist with the procurement and installation of necessary software systems and related training needs.

The MMA Action objectives have a direct link to the Mission aims of sustainability, accountability, multi-ethnicity, and compliance with European best practices. It also links to the EULEX strategic objectives of ensuring the maintenance and promotion of the rule of law, and of strengthening co-operation and coordination throughout the whole judicial process, particularly in the area of Organised Crime.

3.2. Expected outputs

Approved strategic plan to build a robust information system for KP managers.

Detailed technical specification for new Kosovo Police Information System.

Transparent assets and resources situation.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: 'Revised Crime Statistics'; 'Victim Ethnicity – Crime Statistics'; 'Intelligence-led Policing/Integrated Intelligence System'; 'Rationalize register databases'; 'Resource deployment system'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with the actions of the EPAP 2011 to develop Kosovo Police capacities for the implementation of the strategy on intelligence-led policing, under the key priority of applying an anti-corruption, organized crime and financial crime zero tolerance policy (action 4.7, matrix p. 45/125), and within the short term priorities regarding European

Standards on justice, freedom and security, in order to improve the effectiveness of crime investigations (action 102.1, matrix p. 103/125).

4.2. Complementary actions

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLLO, <http://www.delprn.ec.europa.eu/>, IPA 2010), will fund the upgrading of the IT infrastructure within KP, including the KP Information System and Criminal Intelligence System, as well as necessary training, in support of the implementation of the intelligence-led policing concept in Kosovo, and aiming *inter alia* at improving the collection, evaluation and analysis of police information.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **RATIONALIZE KOSOVO POLICE STRUCTURE**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Border, Operations,
Administration, Crime*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that there is unnecessary duplication of resources and effort across the KP Border, Crime, Operations and Administration Pillars. In terms of economy of scale, the KP cannot afford to operate competing specialist units in two or more pillars; limited resources must be used to maximum effect.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant senior KP staff regarding the rationalization of the KP Border, Crime, Operations and Administration Pillars, to avoid unnecessary duplication of effort and overlapping. This issue is particularly relevant to tackling ‘cross-border crime’ (part of Integrated Border Management – IBM - development), and the use of investigators in the KP Crime, KP Operations and KP Border pillars.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, compliance with European best practices and internationally recognized standards. It also links to the strategic objectives of EULEX to ensure the maintenance and promotion of the rule of law, public order and security, and to strengthen co-operation and coordination throughout the whole judicial process, particularly in the area of organised crime. It also links to the objective of contributing to the fight against corruption, fraud and financial crime.

3.2. Expected outputs

Revised Standard Operating Procedure (SOPs) for KP Crime, KP Operations and KP Border that include a properly defined demarcation of operational and support role functions, thereby effectively eliminating any duplication of effort or overlap of functions.

Provide assistance to the working group focused on “Revision of the KP Structure”.

Full evaluation of the revised KP structure, particularly in respect of role definition, duplication of effort and overlapping of function.

Full evaluation of the SOP implementation phase.

3.3. Crosscutting Issues / Links to other Actions

This action is linked to the following EULEX MMA actions: ‘Intelligence-led Policing/Integrated Intelligence System’; ‘Enhanced role for Directorate of Crime Analyses as Criminal Intelligence hub’; ‘Enhanced forensic techniques’; ‘Enhanced Traffic Directorate’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions (planned) at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **KOSOVO POLICE PROMOTION SYSTEM**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Personnel & Training*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that the current system of selection for promotion fell short of European best practice in a number of respects. Further changes could increase the transparency of the system and better ensure that the best candidates are selected.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant senior KP staff regarding the development of a programme of review and reform of *the promotion system*. The programme should survey KP opinion regarding aspects of the promotion system, perceptions of its objectivity, and the integrity of the current exams, assessments and interview panels. Additional or alternative selection methods should be considered and evaluated, and a comprehensive report prepared as the basis for possible reform measures.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, multi-ethnicity, compliance with European best practices and internationally recognized standards. It also links to the strategic objectives of EULEX to ensure the maintenance and promotion of the rule of law, public order and security, and to contribute to the fight against corruption, fraud and financial crime.

3.2. Expected outputs and main activities

Establish a programme to review and reform of the promotion system within the KP. This should result in a clear, concise and transparent promotion process.

Create a new promotion system adhering to standards set in the programme, compliant with EU best practice and international recognized standards.

Implement the system.

Evaluate the implemented system.

3.3. Crosscutting Issues / links to other Actions

This action is linked to the following EULEX MMA actions: ‘Rationalise KP structure’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with most of the short term priority actions (regarding political criteria on democracy & rule of law) of the EPAP 2011 to “rigorously implement transparent

procedures on recruitment, transfer, performance assessment, promotion, supervision and dismissal of civil servants, including police employees”, as mentioned under the heading EPP 19 (matrix p. 51-52/125).

4.2. Complementary actions

No complementary actions known at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ENHANCED BUDGET ADMINISTRATION**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Support Services*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that the KP had a limited multi-year budget planning capability. Key staff lacked sufficient competencies in budget submission and expenditure management.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant senior KP staff to improve the administration of budget and finance in the organization.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, compliance with European best practices and internationally recognized standards. It also links to the EULEX objective to contribute to the fight against corruption, fraud and financial crime.

3.2. Expected outputs and main activities

Design and implementation of a programme designed to improve the administration of budget and finance within the KP organization (the Programme). This will include development of a long-term strategy, multi-year projects, and a review of the benefits of decentralization.

Design and implantation of a curriculum for the training of KP managers who are responsible for budget submissions and expenditures (the Curriculum).

Evaluation of the implementation of the Programme and the adherence by the KP to it, as well as the use of the Curriculum.

3.3. Crosscutting Issues / links to other Actions

This action is linked to the following EULEX MMA actions: 'Reform capital expenditure performance'; 'Enhanced procurement performance'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions known at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **REFORM CAPITAL EXPENDITURE PERFORMANCE**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Administration*

2. RATIONALE

During the initial period of EULEX assessment of KP performance (January – June 2009), it was found that the KP had consistently failed to realize major capital investment projects. This has had a major impact upon programmes to develop facilities and infrastructure.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to mentor and advise the relevant senior KP staff in the conduct of a special investigation into the poor performance of capital investment expenditure. The investigation should seek to identify the key causes of poor performance and bring forward potential remedies. This will form the basis of a programme of reform to greatly improve performance in 2012.

The MMA Action objective has a direct link the Mission aims of sustainability, accountability, compliance with European best practices and internationally recognized standards.

3.2. Expected outputs

Investigation report with findings on the key causes of poor performance of capital investment expenditure within the KP. The report shall also contain but not be limited to, remedies to the key causes identified.

An established programme, containing but not limited to new routine(s) in conducting capital investment expenditure throughout the KP.

An evaluation of and a final report in regard to the implementation of the programme.

3.3. Crosscutting Issues / links to other Actions

This Action is linked to other EULEX MMA actions, such as: ‘Enhanced Budget Administration’ and ‘Enhanced procurement performance’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions known at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ENHANCED PROCUREMENT PERFORMANCE**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Support Services*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that KP performance in procurement actions was inadequate and this was having a negative impact upon capital investment programmes to improve facilities and infrastructure.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant senior KP staff regarding ongoing tenders and act as quality manager/project manager, together with one appointed KP official, familiar with procurement practice. The project manager should act as an information focal point in respect of requesting units, and assist in identifying the gaps and causes of delays in the practice/procedures of the Directorate, including planning and implementation of the annual procurement forecast.

The MMA Action objective has a direct link the Mission aims of sustainability, accountability, compliance with European best practices and internationally recognized standards. It also links to the EULEX objective to contribute to the fight against corruption, fraud and financial crime.

3.2. Expected outputs and main activities

Establish institutional features of procurement management, consistent with the principles of European best practice, public accountability organizational sustainability, the applicable law, the KP strategic plan and the Kosovo Budget. These features will include a comprehensive Standard Operating Procedure (SOP), Job Descriptions and procurement forms.

Establish short term planning procedures in accordance with the applicable law and the KP priority budget plan.

Produce a monitoring report regarding all the planned and agreed upon features.

3.3. Crosscutting Issues / links to other Actions

This action is linked to the following EULEX MMA actions: 'Reform capital expenditure performance'; 'Enhanced budget administration'; 'Enhanced fleet management'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011:

- within the short term priorities regarding European Standards on the internal market, the action 61.1 to improve and complete the Law on Public Procurement legal framework, with adoption of required secondary legislation in compliance with the *Acquis communautaire* (matrix p. 76/125);
- within the mid term priorities regarding European Standards on the internal market, all actions under the heading EPP 129 to ensure that public procurement rules are implemented effectively by contracting authorities and other entities at all levels (matrix p. 111-112/125).

4.2. Complementary actions

No complementary actions known at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **RATIONALIZE REGISTER DATABASES**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Administration*

2. RATIONALE

During the initial period of EULEX assessment of KP performance (January – June 2009), it was found that the KP manages a number of key registries with disparate and incompatible software systems. A rationalized system might allow better administration, cross-referencing and status checks.

3. DESCRIPTION

3.1. Objectives

The main objective of this Action is to mentor and advise the relevant senior KP staff regarding the condition of registers and readiness to integrate them into controlling systems (i.e. citizen, criminal, weapon, passport, driving license, vehicle and stolen vehicle registers), and co-operation between registers. They should also mentor and advise regarding the structure of IT/Comms projects: i.e. organisational documents, calculating life cycle costs, personnel requirements and their training needs, spare parts and maintenance.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, compliance with European best practices and internationally recognized standards. It also links to the second strategic objective of EULEX: namely, ensuring the maintenance and promotion of the rule of law, public order and security, and the fifth strategic objective (strengthening co-operation and coordination throughout the whole judicial process, particularly in the area of Organised Crime). It also links to the sixth objective: contributing to the fight against corruption, fraud and financial crime.

3.2. Expected outputs

Improved collection, evaluation and analysis of information

Approved strategic plan to build an effective and efficient information system for KP managers.

KP requirements for the database rationalization.

Technical specifications for the database rationalization.

Evaluation of database integration and implementation.

3.3. Crosscutting Issues / Links to other Actions

This Action is linked to other EULEX (Programmatic) Actions, such as: ‘Kosovo Police Information System’ and ‘Resource Deployment System’.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with the actions of the EPAP 2011 to develop Kosovo Police capacities for the implementation of the strategy on intelligence-led policing, under the key priority of applying an anti-corruption, organized crime and financial crime zero tolerance policy (action 4.7, matrix p. 45/125), and within the short term priorities regarding European Standards on justice, freedom and security, in order to improve the effectiveness of crime investigations (action 102.1, matrix p. 103/125).

4.2. Complementary actions

No complementary actions (planned) at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **SUSTAINABLE IT STAFFING**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Support Services*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January/June 2009), it was found that the KP lacks a sustainable strategy for the maintenance of Information Technology (IT) systems. The organization must now identify a long term solution to ensure it has a sustainable system.

3. DESCRIPTION

3.1. Objectives

The main objective of this action is to assist the relevant KP Staff in the implementation of an effective strategy to properly select staff members towards a sustainability of the IT mechanisms in all regions, and most importantly, retain a team of local IT specialists and end the reliance upon foreign specialists.

The MMA Action objectives have a direct link to the Mission aims of sustainability and accountability in the KP organization, as well as European best practices by helping the KP to properly manage and provide sufficient expert staff for IT matters.

3.2. Expected outputs and main activities

Draft an effective strategy to properly select staff members towards a proper sustainability of the IT mechanisms in all regions. The Strategy shall include a plan how to retain a team of local IT specialists and end the reliance upon foreign specialists.

Implement the Strategy.

Monitor the implementation of the Strategy and how KP adhered to the Strategy, and the effects of the Strategy when implemented.

3.3. Crosscutting Issues / links to other Actions

This action is linked to the following EULEX MMA actions: 'Rationalised register of databases'; 'Enhanced border communications'; 'Resource deployment system'; 'Intelligence-led Policing/Integrated Intelligence System'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions known at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ENHANCED FLEET MANAGEMENT**

Partner(s): *Kosovo Police*

Rule of Law Area: *Police* Sector/Unit: *Administration*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Police (KP) performance (January – June 2009), it was found that there are a number of weaknesses in KP vehicle fleet management. It was noted that there is a need to rationalize the management system, and introduce policies and strategies designed to improve efficiency and effectiveness in procurement, maintenance and repair.

3. DESCRIPTION

3.1. Objectives

The main objective of this activity is to assist the relevant senior KP staff regarding the development of an enhanced system of vehicle fleet management, including budget management, procurement and life-cycle management, maintenance and repair.

The MMA Action objective has a direct link to the Mission aims of sustainability, accountability, compliance with European best practices and internationally recognized standards. It also links to the strategic objective of EULEX to ensure the maintenance and promotion of the rule of law, public order and security.

3.2. Expected outputs and main activities

Design an enhanced system and improved policies and strategies of vehicle fleet management that includes budget management, procurement and life-cycle management, maintenance and repair (the System).

Implement the System within throughout the KP throughout Kosovo.

Monitor and report the implementation of the System, and evaluate its functioning.

3.3. Crosscutting Issues / links to other Actions

This action is linked to the following EULEX MMA actions: 'Enhanced procurement performance'.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

No complementary actions known at present.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **MINISTRY OF JUSTICE and
DEPARTMENT OF FORENSIC MEDICINE**

Partner(s): *Ministry of Justice and Department of Forensic Medicine*

Rule of Law Area: *Justice* Sector/Unit *MoJ / DFM*

2. RATIONALE

During the EULEX assessment of Ministry of Justice (MoJ) performance from January to June 2009, a number of weaknesses were identified within the Ministry of Justice and the Office of Missing Persons and Forensics (OMPF). These included: weak legislative policy formulation and legal drafting skills within the MoJ, weak capacities in the area of international legal cooperation (including human resources), and gaps in the work of OMPF, especially with a strong need for a fully functioning Department of Forensic Medicine.

3. DESCRIPTION

3.1. Objectives

The overall objectives of this Action can be subdivided into four areas:

Legal policy and drafting: strengthened legal policy formulation and legislative drafting within Ministry of Justice.

International Legal Cooperation: strengthened capacities with regard to international legal assistance in the Ministry of Justice as well as international legal cooperation with other states and international organizations

Minister of Justice: Strengthening of the overall compliance of Ministry's decisions with legal instruments applicable in Kosovo.

Department of Forensic Medicine: Development of an operational and administrative strategy for the Department of Forensic Medicine, and improved delivery of forensic services to the judiciary combined with staff professional development.

3.2. Expected outputs and main activities

Legal Policy and drafting

Improved planning, formulation and consultation of legal policy and legislative strategy within the Ministry of Justice, by:

- improvement of draft laws through providing guidance, sharing legal knowledge and comments on legal policy, based on European standards and best practices,
- reviewing MOJ's current practices regarding development of legislative strategy, including e.g. preparation of concept documents, conducting regulatory impact assessments and budget reviews, and consulting relevant stakeholders,
- providing guidance in identifying legislative priorities and the formulation of legislative strategy.

Improved quality of the legislative drafting technique, through:

- providing support in drafting of individual laws,
- encouraging appropriate use of tools, manuals and guidelines for legislative drafting,
- reviewing Kosovo Governmental Instructions on legislative drafting in light of best European practice.

International Legal Cooperation

Improved capacities with regard to international legal assistance, by assessing the functioning of the recently established International Legal Cooperation Division of the Ministry of Justice, e.g. in processing of incoming and outgoing requests.

Strengthened drafting, consultation and negotiation of bilateral and multilateral agreements concluded by the Ministry of Justice, by:

- providing advice on drafting of international agreements and on consultations or negotiations with other states,
- reviewing existing international agreements, including a needs assessment, and taking into account best European practice.

Increased capacity within the Ministry of Justice with regard to the implementation of extraditions, by supporting it in the formation of an Escort Unit in order to accompany persons being extradited to or from Kosovo.

Improved legal compliance of Ministry's decisions and legal policy and strategy formation by monitoring decisions and provide advice with regard to European best practice and international standards.

Department of Forensic Medicine (initially Office of Missing Persons and Forensics)

Strengthened operations and administration for the Department of Forensic Medicine, by:

- supporting drafting of Laws on the Establishment of the Department of Forensic Medicine,
- supporting drafting of Law on Forensic Medicine,
- re-issuing SOPs to all staff and empower middle management,
- defining functions, organograms and processes,
- defining mission, vision and strategy of organization,
- defining legal sub-acts for posts, staff, human resources, selection, salaries, etc.,
- defining budget allocations,
- defining external communication strategy,
- establishing an effective Human Resources management,
- completing inventory of forensic investigative equipment.

Improved delivery of forensic services to the judiciary, and the professional development of staff within the institution, through:

- establishing an inventory of unfinished autopsy reports in Forensic Institute and OMPF,
- defining the status of junior doctors, and establishing a Forensic Medicine specialization,
- designing a professional development strategy for OMPF/DFM.

3.3 Crosscutting issues / links to other action fiches

As EULEX employs a wide range of experts, these are included on an ad-hoc basis to improve the technical input in the legislative drafting.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1 European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011:

- the key priority action 3.1 to complete the legislation on international legal cooperation (matrix p. 42/125), as well as the key priority action 4.3 to improve and complete the legal and institutional framework and policies to prevent and fight corruption (matrix p. 43/125).
- within the short term priorities regarding the political criteria on democracy & rule of law:
 - the action 23.1 to complete legal and policy frameworks within the judicial reform (matrix p. 53/125);
 - the action 29.1 to restructure the Ministry of Justice and build its administrative capacity (matrix p. 55/125), as part of the government capacity development to assume responsibilities in the area of justice, free from political interference;
 - the actions under the heading EPP30 to enhance efforts in achieving international standards to address joint request for legal assistance in cases of criminology and extradition requests, namely completing the legal and policy framework and building capacity on international legal cooperation (matrix p. 55/125);
 - the action 34.1 to improve and complete the legal and policy frameworks in preventing and fighting corruption (matrix p. 56/125).
- within the short term priorities regarding the human rights and protection of minorities, the action 36.3 to complete and implement the legal, policy and institutional frameworks in the area of missing persons (matrix p. 58/125).

4.2 Complementary actions

The European Commission, through its Instrument of Pre-Accession Assistance (IPA 2008, see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>), has funded a Twinning Project “Standards for the Ministry of Justice” in order to increase the administrative and management capacities, as well as policy making and legal drafting skills within the Ministry.

Since mid-2007 the United States Agency for International Development (USAID) has been funding the “Kosovo Justice Support Program (JSP)”, which *inter alia* aims at improving the MOJ's capacity to handle international legal assistance and represent the Government of Kosovo in legal matters (see USAID Kosovo, <http://www.usaid.gov/kosovo/eng/>). Further assistance to KJC may be made available under the upcoming USAID “Effective Rule of Law” Programme.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **KOSOVO JUDICIAL COUNCIL**

Partner(s): *Kosovo Judicial Council*

Rule of Law Area: *Justice* Sector/Unit *KJC*

2. RATIONALE

During the initial period of EULEX assessment of the Kosovo Judicial Council in the period of January to June 2009, several weaknesses were identified. The EULEX Programme Report published in July 2009, indicated inter alia the need for an accountability mechanism within the Kosovo Judiciary, measures to support the independence of the Kosovo Judiciary while strengthening the access to justice, enhancing a transparent and objective selection, evaluation and promotion system of Kosovo Judges and Prosecutors. Furthermore there was a need for an effective case management, for improvement of infrastructure available for the Kosovo Judiciary, and to foster a service orientated approach of the KJC.

KJC has become fully operational in July 2009 when representatives from the judiciary and the prosecution have been appointed. Recently promulgated legislation, including the Law on Courts and the Law on KJC, has set the legal framework and poses clear strategic objectives to the KJC in terms of regulatory, organizational and managerial strategies. The Judiciary in Kosovo is undergoing an in depth reform and it will be the main KJC challenge to set-up an independent, multi-ethnic, accountable, efficient and transparent judiciary.

A number of specific challenges for KJC have been identified in the EULEX Programme Report 2010, especially in the field of management of resources (personnel, assets, IT, etc.) and organization. These challenges are indeed incorporated in the overall KJC plan of activities and will benefit from the newly established legal framework.

3. DESCRIPTION

3.1. Objectives

The overall objective is to support the KJC in achieving progress towards being a judicial institution that promotes an independent, transparent and accountable judiciary, as well as an institution that pursues a service orientated approach towards the Kosovo Judiciary.

3.2. Expected outputs and main activities

Independence and accountability: implementation of measures to ensure the independence and accountability of the judiciary through:

- establishing the relevant regulations and procedures for a proper planning, management and follow-up of KJC meetings and decisions;
- planning and implementing a transparent case allocation system while promoting the integration of the Case Management Information System in the daily court activities;
- setting the regulations for background checks, selection, recruitment, transfer, promotion and discipline of judges;

- determining policies, standards and instructions regulating the training of judges and lay judges;
- developing a policy and relevant instruments to protect the independence of the judiciary and to respond to any kind of interference;
- finalizing KJC security policy and measures for judges and prosecutors with the appropriate cooperation of relevant institutions;
- developing and implementing policies to ensure that staffing in judiciary reflects the society's composition of ethnic diversity and gender.

Management: strengthen the management capacities of the KJC through:

- coordinating and supporting KJC units on the basis of their function and responsibility;
- administering the judiciary's personnel system including: allocation of personnel to the courts based on workload, qualifications and functions; maintaining personnel records; establishing a performance appraisal system; ensuring proper disciplining of court employees and the protection of their employment rights;
- determining and implementing policies to decentralize court management;
- setting up advanced coordinated and transparent procedures for financing, procurement and management of goods and services;
- setting the regulations for the selection, recruitment, transfer, promotion and discipline of non-judicial staff;
- determining policies, standards and instructions which regulate training for the non-judicial staff;
- implementing the recommendations of the Judicial Audit Unit (JAU).

Service delivery: reinforce a service oriented approach of KJC towards the Kosovo judiciary and the citizens through:

- supporting the implementation of the Manual on Court Management;
- ensuring that courts are properly supplied with the materials necessary to efficiently and effectively render justice;
- ensuring public access to Courts and assistance to the public;
- providing timely and effective support to Courts for the use of the CMIS;
- re-designing the website as a tool for outreach activities, to enhance transparency and provide timely information;
- cooperation with citizens and organizations responsible for monitoring the judicial system.

3.3. Crosscutting Issues / links to other action fiches

The effective functioning of KJC is a key prerequisite for the proper functioning of the Judiciary. Thus close cooperation and coordination is necessary with the implementation of the MMA Actions for Prosecutors and Judges.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011:

- within the key priority of ensuring full observation of the rule of law, human rights and protection of minorities: the action 4.1 to restructure the judicial system as part of the implementation of legislation on courts and prosecutions (matrix p. 42/125).

- within the short term priorities regarding the political criteria on democracy & rule of law:
 - all actions under the heading EPP23 to ensure effective, independent, accountable, impartial and free from political interference courts and prosecutors (matrix p. 53/125), including completion of legal and policy frameworks within the judicial reform, restructuring courts and building human capacities, improving accountability of courts, and building capacity within KJC;
 - the actions under the heading EPP26 to fully implement the automated case management system at all courts, and to decrease the number of outstanding cases and implement judgments of civil courts (matrix p. 54/125);
 - the action under heading EPP28 to develop further legal training and advancement for judges and administrative staff (matrix p. 54/125).
 - the action 29.2 to build capacity within KJC on the investigation of indecent behavior, as part of the government capacity development to assume responsibilities in the area of justice, free from political interference (matrix p. 55/125).

4.2. Complementary actions

External donors are supporting directly or indirectly the Kosovo Judicial Council and its activities, thus being complimentary to EULEX Actions.

Although KJC is not the only beneficiary of the United Nations Development Programme (UNDP, see UNDP Kosovo: <http://www.ks.undp.org/>), the programs “Rule of Law institutional capacity building” and “Access to Justice” are highly complimentary to KJC activity, by e.g. supporting training of aspirants for judges and prosecutors, organizing expert level roundtables, developing capacity in order to improve services, or supporting coordination meetings on access to justice themes.

Through its “Kosovo Justice Support Program” the United States Agency for International Development (USAID, see USAID Kosovo, <http://www.usaid.gov/kosovo/eng/>) inter alia aims at improving the administration of courts and professionalism of staff. It has introduced a "model courts" program, designed to assist KJC in the implementation of reforms in Kosovo's court administration. In addition, educational programs for judges, prosecutors and court staff are helping legal professionals to develop practical skills, to better address ethical and professional dilemmas and to provide better legal services to clients. Further assistance to KJC will be made available under the upcoming USAID “Effective Rule of Law” Programme.

The European Union through its Instrument of Pre-Accession Assistance programme 2008 (IPA 2008 II, see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>) funded an upgrade of infrastructure in the Rule of Law Sector, including the renovation and/or construction of court buildings and prosecutorial offices, and building new premises for the KJC. The EU will, complimentary to the USAID efforts (see before), further support KJC through its IPA 2010 programme, especially to assist in the development of its strategies, statutes, procedures, regulations and secondary legislation, to establish a fair and transparent system for evaluating professional capacities of judges, and to establish the disciplinary functions of the KJC.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **JUDGES IN THE CRIMINAL AND CIVIL FIELD**

Partner(s): *Kosovo Judges*

Rule of Law Area: *Justice* Sector/Unit: *Judges*

2. RATIONALE

During the initial period of EULEX assessment of Kosovo Judiciary over the period of January to June 2009, several weaknesses were identified. The EULEX Programme Reports published in July 2009 and 2010, indicated *inter alia* the need to support the independence of Kosovo Judges, for an objective and transparent case allocation system and effective case management, for an improved adjudication of serious crime cases, for enhanced cooperation between court administrations and the Kosovo Judicial Council, to support the execution of civil cases and to reduce the backlog of stayed cases.

3. DESCRIPTION

3.1. Objective

To improve and strengthen a transparent, free from political interference, and an overall independent and accountable judicial system, which will adhere to internationally recognized standards and European best practices.

3.2. Expected outputs and main activities

Improved court organization, by:

- implementation of the Court Management Information System (CMIS) in all courts;
- implementation of the Manual on Court Management and the Standard Operating Procedures;
- introducing an objective and transparent Case Allocation System;
- improving access of all courts to up-dated legal materials;
- improving the transparency of appointments and the verification of qualifications of scientific experts in court proceedings.

Strengthened Kosovo Judiciary, by:

- improving the independence of the Kosovo Judiciary through addressing interferences and pressures identified;
- identifying and reporting on patterns of judicial misconduct including appropriate adjudication of criminal cases against members of the Kosovo Judiciary.

Improved capacity of Kosovo Judiciary in criminal cases, by:

- ensuring that the registry at Courts are functioning up to the standards;
- ensuring that appropriate measures are taken to adjudicate serious crime cases;
- improving witness protection during trial phase related to serious crimes;

- ensuring that vulnerable groups including juveniles are treated in line with international and European standards;
- addressing proper consideration of restrictions to liberty, including alternative measures for detention on remand.

Improved capacity of Kosovo Judiciary in civil cases, by:

- ensuring that the registry at Courts are functioning up to the standards;
- ensuring proper execution procedures of civil decisions while under appeal;
- addressing the problem of property related cases;
- implementing a systematic approach for managing stayed cases;
- improving the enforcement of pecuniary judgements.

3.3. Crosscutting Issues / links to other action fiches

Close coordination and collaboration with other stakeholders will be needed for the proper implementation of the Case Management Information System (CMIS), since these are cross cutting issues involving Prosecutors, Judges, Court administrators and several donors. There is a strong link with the EULEX MMA Action at the Kosovo Judicial Council, in terms of regulatory, organizational and managerial strategies.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011:

- several actions within the key priority of ensuring full observation of the rule of law, human rights and protection of minorities as well as applying an anti-corruption, organized crime and financial crime zero tolerance policy (heading EPP4, matrix p. 42-45/125): restructuring the judicial system as part of the implementation of legislation on courts and prosecutions, as well as improving, completing and implementing the legal framework and policies to prevent and fight corruption, economic and financial crimes.
- within the short term priorities regarding the political criteria on democracy & rule of law:
 - all actions under the heading EPP23 to ensure effective, independent, accountable, impartial and free from political interference courts and prosecutors (matrix p. 53/125);
 - the actions under the heading EPP26 to fully implement the automated case management system at all courts and prosecutions, and to decrease the number of outstanding cases and implement judgments of civil courts (matrix p. 54/125).

Other EPAP actions may also be complimentary to MMA by EULEX Judges; however the authorities in charge are not necessarily the Courts themselves, but rather the Kosovo Judicial Council (KJC) or the Ministry of Justice (MoJ). Where relevant these actions are referred to in other EULEX Action Fiches.

4.2. Complementary actions

External donors are supporting directly or indirectly the Judiciary, thus being complimentary to EULEX Actions. The European Union through its Instrument of Pre-Accession Assistance programme 2008 (IPA 2008, see European Commission Liaison Office - ECLO, <http://www.delpn.ec.europa.eu/>) has funded a comprehensive reform of the *higher legal education* system in Kosovo, to provide the basis for sustainable capacity building in the field of Rule of Law and to strengthen the skills of judges, prosecutors and advocates.

Since mid-2007 the United States Agency for International Development (USAID) has been funding the “Kosovo Justice Support Program (JSP)”, which *inter alia* aims at improving the professionalism of judges, prosecutors and court staff by developing practical skills and better addressing ethical and professional dilemmas (see USAID Kosovo, <http://www.usaid.gov/kosovo/eng/>). Further assistance will be made available under the upcoming USAID “Effective Rule of Law” Programme.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title : **PROSECUTORS**

Partner(s) : *Kosovo Prosecutors*

Rule of Law Area : *Justice* Sector/Unit: *Prosecutors*

2. RATIONALE

During the EULEX assessment of Kosovo prosecutors from January to June 2009, several weaknesses were identified. The EULEX Programme Report published in July 2009, indicated *inter alia* a need to strengthen the autonomy of Kosovo Prosecutors, for an effective case management, to enhanced investigation and prosecution of serious crimes, and for support the use of alternative measures to detention on remand. The EULEX Programme Report 2010 identified further structural challenges for the Kosovo prosecution service, in view of the introduction of new laws including the Law on Courts, the Law on the Kosovo Prosecutorial Council and the Law on the State Prosecutor's Office, in order to strengthen its autonomy and accountability.

3. DESCRIPTION

3.1 Objectives

The overall objective is to have an efficient, effective and sustainable prosecution for the whole of Kosovo, as part of a sustainable, accountable and multi-ethnic justice system which is free from political interference and in compliance with both internationally recognized standards and European best practices.

3.2 Expected outputs and main activities

The monitoring, mentoring and advising by EULEX prosecutors will include mixed team cases, one-to-one coaching, small group discussions, knowledge sharing, workshops, topical meetings and data collection, aimed at the expected outputs below.

Improved transparency and accountability in the prosecution system, by:

- systematic monitoring and information gathering on a transparent case allocation system (CAS);
- identifying the level of functioning of the Prosecutorial Management Information System (PMIS);
- monitoring of the day to day implementation of Kosovo Prosecutorial Council (KPC) policies at the ground level.

Improved professional performance of Kosovo prosecution, by:

- encouraging performance improvement in relation to legal skills, particularly legal reasoning, trial procedure and relevance of facts to the law;
- mentoring and advising on the use of the file review form and evidential testing;
- mentoring and advising on the preparation of prosecution cases for court hearings;
- improving the working relationship between the Kosovo Prosecution and the Police.

Adherence to international standards and European best practice in all prosecutions, in particular regarding those concerning serious crimes, by:

- organizing thematic workshops and/or meetings, according to needs identified in consultation with local counterparts, which may include topics as confiscation and sequestrated assets, international legal assistance, money laundering, anti-corruption, plea agreements, police-prosecution relationship, etc;
- focusing attention on aspects of both corruption and trafficking of human beings (THB) in relation to prosecution cases and activities;
- promoting the use of alternatives to detention on remand as provided for in the legislation.

3.3 Crosscutting Issues / links to other action fiches

Close coordination and collaboration with other stakeholders will be needed for the proper implementation of the Case Management Information System (CMIS) and the Prosecutorial Management Information System (PMIS), since these are cross cutting issues involving Prosecutors, Judges, Court administrators and several donors. Effective investigation and prosecution of criminal cases, in particular serious crimes, requires a high level of cooperation between the Kosovo Police and Prosecution. Sustained quality coordination between EULEX Prosecutors, EULEX Police Strengthening Department and the local counterparts will be essential. Where possible the EULEX prosecution team will also take into account the efforts of other stakeholders in the justice sector, aiming at efficient exchange and utilization of information.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011:

- several actions within the key priority of ensuring full observation of the rule of law, human rights and protection of minorities as well as applying an anti-corruption, organized crime and financial crime zero tolerance policy (heading EPP4, matrix p. 42-45/125): restructuring the judicial system as part of the implementation of legislation on courts and prosecutions, as well as improving, completing and implementing the legal framework and policies to prevent and fight corruption, economic and financial crimes.
- within the short term priorities regarding the political criteria on democracy & rule of law:
 - all actions under the heading EPP23 to ensure effective, independent, accountable, impartial and free from political interference courts and prosecutors (matrix p. 53/125);
 - some actions under the heading EPP34 to implement the law on prevention of corruption and the anti-corruption plan (matrix p. 55-57/125), e.g. improving, completing and implementing the legal framework and policies to prevent and fight corruption, building institutional capacity and improving inter-institutional cooperation.

Other EPAP actions may also be complimentary to MMA by EULEX Prosecutors; however the authorities in charge are not necessarily the Prosecutor's Office itself, but rather the Kosovo Prosecutorial Council (KPC) or the Ministry of Justice (MoJ). Where relevant these actions are referred to in other EULEX Action Fiches.

4.2. Complementary actions

External donors are supporting directly or indirectly the Prosecutor's Office(s), thus being complimentary to EULEX Actions. The European Union through its Instrument of Pre-Accession Assistance has funded a comprehensive reform of *the higher legal education* system in Kosovo, to provide the basis for sustainable capacity building in the field of Rule of Law and to strengthen the skills of judges, prosecutors and advocates (IPA 2008), and funds the feasibility study and construction of adequate working facilities for the public prosecution in Pejë/Pec, Ferizaj/Uroševac and Gjilan/Gnjilane (IPA 2009). It will also support the establishment and improvement of the Kosovo Prosecutorial Council, complimentary to the USAID support (see below), under its IPA 2010 programme (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>).

Since mid-2007 the United States Agency for International Development (USAID) has been funding the "Kosovo Justice Support Program (JSP)", which *inter alia* aims at building an effective Public Prosecutors' Service through the establishment of a functional independent Prosecutorial Council as well as improving the professionalism of judges, prosecutors and court staff by developing practical skills and better addressing ethical and professional dilemmas (see USAID Kosovo, <http://www.usaid.gov/kosovo/eng/>). Further assistance will be made available under the upcoming USAID "Effective Rule of Law" Programme.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **KOSOVO CORRECTIONAL SERVICE**

Partner(s): *KCS*

Rule of Law Area: *Justice* Sector/Unit: *Correctional Unit*

2. RATIONALE

During the initial period of EULEX assessment of the Kosovo Correctional Service (KCS) performance over the period of January to June 2009, several weaknesses were identified. The EULEX Programme Report published in July 2009 indicated *inter alia* a need to improve: management at KCS Head Office, security in the Security Unit and Block 1 at Dubravë/Dubrava prison, security during high and medium risk escort, prisoner classification system and social reintegration of prisoners.

3. DESCRIPTION

3.4 Objectives

The objective of this Action is to achieve considerable progress towards sustainability and accountability of the performance of the KCS, to develop and strengthen a stable and safe confinement system, as well as to ensure that the KCS is free from political interference and adheres to internationally recognized standards and European best practices.

3.5 Expected outputs and main activities

Improved and modernized prison security management and security systems, by:

- improving the searching, and disruption of contraband in Dubrava/ë Prison;
- reinforcing and improving physical, dynamic and operational security;
- improving the management of serious incidents and use of force;
- establishing a sustainable national KCS Prisoner Escort Unit.

Improved management of prisoner population and social reintegration, by:

- adequate management of Dubravë/a Prison high risk prisoners block, with a specific focus on the implementation of procedures for searching and security standards;
- adequate performance of the Prisoner Oversight Committee, including the application of the rules on classification of prisoners and the management of subversive prisoners;
- improving social reintegration and rehabilitation;
- increasing the attention for vulnerable prisoners, especially women and juveniles, in KCS planning, policies and operational procedures.

Strengthened strategic management of KCS and coordination with the Ministry of Justice, by:

- developing long term strategies and strategic plans in line with the Ministry of Justice strategy;
- improving internal inspection of correctional facilities;

- reintegrating of minority staff and prisoners;
- improving management of prisoner information through the development of a KCS data base, and the analysis and planning of future administration needs.

Improved administration by ensuring the principles of good prison management and operational efficiency, by improving:

- the budget planning, procurement and finance procedures;
- the human resources management;
- the management of legal affairs.

4 LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1 European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011:

- within the short term priorities regarding political criteria:
 - on democracy & rule of law, the action 24.1 regarding the construction of two detention centers in Prishtinë/Priština and Gjilan/Gnjilane (matrix p. 54/125);
 - on human rights & protection of minorities, the action 43.2 to implement the appropriate legislation on the protection of children's rights, by improving the conditions in the correction center in Lipjan/Lipljan for juveniles in custody (matrix p. 61/125);
- within the mid term priorities regarding political criteria (on democracy & rule of law), the action 112.1 in order to improve the penitentiary system with particular attention to safety, control, management, training and reintegration schemes as well as the conditions in facilities, by improving the legal and institutional frameworks on functioning of the prisons (matrix p. 105/125).

4.2 Complementary actions

External donors are supporting Kosovo Correctional Services and thus reinforcing the impact of EULEX actions. The European Union through its Instrument of Pre-Accession Assistance (IPA, see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>) has funded a feasibility study for a high security prison (IPA 2007). The EU will provide further funds (under IPA 2008 and IPA 2010) to improve the penitentiary system, including the construction of the high security prison (through a trust fund), in order to enable Kosovo to cope with an expected increase of convictions and prisoners pending readmission of persons with a criminal background from EU member states. The Swiss Agency for Development and Cooperation (SDC, <http://www.swiss-cooperation.admin.ch/kosovo/>) has been supporting KCS in different areas, e.g. penal management system reform, vocational training programmes, working possibilities for inmates, and rehabilitation of prison infrastructure.

Several NGO's, including Kosovo Rehabilitation Centre for Torture Victims, are working in the field of corrections, and their findings will be taken into account, if possible, during implementation of EULEX MMA activities.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **UPDATED OPERATIONAL PLANS /
IBM and ORGANISED CRIME**

Partner(s): *Kosovo Customs*

Rule of Law Area: *Customs* Sector/Unit : *All Directorates*

2. RATIONALE

Initial assessment of the draft directorates' operational plans for 2009 revealed that quality is unequal, containing from quite detailed to rather broadly defined activities without setting clear outcomes. They seem to be quite generic in some areas and lacking proper timelines. In general there also seems to be no integration or consolidation of operational plans into one plan with clearly set objectives for the whole of Kosovo Customs. Overlaps frequently occur, and thus reporting against these operational plans becomes quite confuse. Government strategies of Integrated Border Management and Fight against Organized Crime will need to be reflected in operational plans.

3. DESCRIPTION

3.1. Objectives

The objective of this action is to support Kosovo Customs management in updating the customs strategic framework and operational plans. This should include the integration of the different Directorates plans into a consolidated plan which defines clearly the objectives and responsibilities. Specific attention should be given to incorporate all elements of the recently approved national Integrated Border Management Strategy and the future government strategy against organized crime.

The MMA Action objective links mainly to the Mission aim of sustainability of Kosovo Customs, by setting clear objectives for its operations and measuring progress/success. It points especially to the EULEX strategic objectives of the fight against organised and serious (cross border) crime.

3.2. Expected outputs

Updated Kosovo Customs Strategic Framework 2010-2012 which will include the Integrated Border Management (IBM) strategy and the government strategy against Organized Crime (OC).

Completion of the Kosovo Customs Directorates (Law Enforcement, Revenue Operations, Legal and Finance) Operational Plans for 2010.

Availability and integration of Customs plans of IBM and fight against OC into the Strategic Framework and Operational Plans.

3.3. Crosscutting Issues / links to other action fiches

This Action is linked to KC actions in response to EU Customs Blueprints gaps and needs analyses, especially regarding organisation and management indicators (including planning and reporting areas).

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

No specific link to actions in the EPAP 2011.

4.2. Complementary actions

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>, IPA 2008), is funding the Support to Customs and Tax Administrations (EU-CTA) programme which is providing technical assistance on customs related matters, including training, review of legislation, alignment of customs operations and procedures to EU standards, further development of law enforcement capabilities, establishment of “Single Window” facility, and review of procedures in Finance, Personnel, Procurement, IT and Logistics.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **ENHANCED INTERNAL COMMUNICATIONS**

Partner(s): *Kosovo Customs*

Rule of Law Area: *Customs* Sector/Unit : Directorates of Law
Enforcement and
Revenue Operations

2. RATIONALE

An initial assessment concluded that a thorough review might be needed to check all existing profiles and the risk analysis process within Kosovo Customs. Availability and use of intelligence data are for now relatively unsophisticated and much development work seems to be required in the area of serious/organized crime, as Kosovo Customs does not have a thorough database that can deliver their intelligence needs. On top, communication, intelligence dissemination or data sharing between Law Enforcement and Revenue Operations Directorates seems to be quite limited. Reports of EULEX monitors confirm that officers and supervisors do not see it as their task to collect intelligence, unless they received advance information or instructions.

3. DESCRIPTION

3.1. Objectives

The objective of this action is to support Kosovo Customs Directorates of Law Enforcement and Revenue Operations on enhancing internal communications and data sharing. This refers specifically to intelligence communication and dissemination, as well as data sharing in order to proactively tackle organized crime, and to identify target criminal groups. It should also enhance the capacity in profiling and advance risk assessment, and the selectivity of controls.

The MMA Action primarily links to the Mission aim of sustainability of Kosovo Customs, not only in collecting revenue but also in protecting the society and economy from illegal activities and cross border crime. It directly links also to the strategic EULEX objectives of maintenance and promotion of the rule of law, and fight against organised crime, corruption and fraud.

3.2. Expected outputs

A User Requirement exercise by the KC Law Enforcement Directorate in view of adopting the principles and practices of Intelligence Led Policing, with the aim of implementing the National Intelligence Model as a Standard Operating Procedure within the Customs service.

A Progress Plan to monitor the implementation of the recently adopted Intelligence Guidelines.

Cooperation with Kosovo Police developed on data sharing at policy and operational level (through MOUs), in order to proactively tackle organized crime and criminal groups.

Consolidated operational plan 2010 of the Law Enforcement and Revenue Operations Directorates which reflects the requirements and the implementation of specific data sharing mechanisms between the Directorates.

Implementation of the action points from the newly created joint Law Enforcement and Revenue Operations Directorate monthly meetings

3.3. Crosscutting Issues / links to other action fiches

This Action is directly linked to the EULEX MMA Action on intensified Customs cooperation with other law enforcement agencies, especially regarding the cooperation with Kosovo Police, and the EULEX Action on updating of Customs operational plans, more particularly the integration of organized crime strategy and consolidating the directorates' plans.

This Action can also be linked to any KC ongoing or future action in response to EU Customs Blueprints gaps and needs analyses, especially regarding investigation, enforcement and risk management indicators.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with the action104.1 within the EPAP 2011 short term priorities regarding European Standards on justice, freedom and security, to draft a strategy and action plan to intensify the fight against smuggling and organised crime through law enforcement techniques (matrix p. 104/125).

4.2. Complementary actions

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>, IPA 2008), is funding the Support to Customs and Tax Administrations (EU-CTA) programme which is providing technical assistance on customs related matters, including *inter alia* further development of law enforcement capabilities.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **INTENSIFIED COOPERATION WITH OTHER LAW ENFORCEMENT AGENCIES**

Partner(s): *Kosovo Customs*

Rule of Law Area: *Customs* Sector/Unit : *Legal & Law Enforcement Directorates*

2. RATIONALE

Preliminary assessment concludes that there is little cooperation on organized crime with other law enforcement agencies, also because Kosovo Customs has few powers in this respect. Public Prosecutors seem to have little or no faith in the Customs' role or capability, and give little or no support or authority to investigate/prosecute organized crime. On the other hand Kosovo Customs needs to ensure that all enforcement and investigation activities are performed consistently and in accordance with the law. The recently approved Integrated Border Management strategy, specifically involving Border Police, Customs and the Veterinary and Food Agency lays – apart from any earlier agreement or Memorandum of Understanding – the basis for national interagency and international cooperation.

3. DESCRIPTION

3.1. The objective of this Action is to support the Kosovo Customs Legal and Law Enforcement Directorates in intensifying the cooperation with other law enforcement agencies, and especially with Public Prosecutors. This should include improving the capability of Customs to investigate serious crime in accordance with legal provisions, as well as the coordination of activities in the framework of the national Integrated Border Management (IBM) Strategy.

The MMA Action links to the Mission aim of sustainability of Kosovo Customs. It however primarily links to the strategic EULEX objectives of strengthened cooperation and coordination in the area of organised crime, and proper investigation and prosecution of serious crime.

3.2. Expected outputs

A Programme of Activity which directs the KC Law Enforcement Directorate in their development of establishing agreements and protocols with KP counterparts in order to undertake joint enforcement activity.

A completed joint training programme (KC/KP) on organized crime for the year 2010, to be introduced as part of the Governmental Organised Crime Action Plan.

A new and properly functioning Unit in the Legal Directorate established specifically for liaison and cooperation with Public Prosecutors, and for providing legal advice within the KC with regard to pre-investigation procedures.

Development of the legal basis which gives the KC the authority to investigate customs related organized crimes. The Customs and Excise Code amended and supplemented accordingly.

A review of existing MOUs and operational arrangements, including recommendations for future expansion where appropriate.

Agreements and protocols on mutual assistance and cooperation, agreed with several EU and other countries' customs services, to develop sustainable cooperation in order to combat criminal activities.

Cooperation at policy level developed between the KC and other law enforcement agencies (e.g. police, prosecution) in order to ensure functioning cooperation on organized crime, Memoranda of Understanding are signed with the Police and Public Prosecutors and these documents include provisions with regard to regular meetings and exchange of information.

3.3. Crosscutting Issues / links to other action fiches

This Action is directly linked to the MMA Action on "Implementation of the Integrated Border Management Action Plan", especially regarding the cooperation and coordination in the area of organized crime.

This Action can also be linked to any KC ongoing or future action in response to EU Customs Blueprints gaps and needs analyses, especially regarding investigation and enforcement indicators.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011:

- within the short term priorities regarding political criteria on democracy and rule of law, the action 23.3 to improve accountability of prosecutions and inter-institutional cooperation, in particular by concluding memoranda of cooperation (between Prosecutors and Customs - matrix p. 53/125);
- within the short term priorities regarding European Standards on the internal market, the action 57.2 to conclude agreements on customs cooperation in order to fight cross-border crime (matrix p. 74/125);
- within the short term priorities regarding European Standards on justice, freedom and security, the action 96.3 to strengthen cooperation among border management agencies with neighbouring countries through improved bilateral cooperation in the area of border issues and IBM, and concluding agreements on mutual assistance with customs administrations (matrix p. 100/125);
- within the mid term priorities regarding European Standards on the internal market, the action 128.2 to deepen the cooperation between Customs and State Prosecution by concluding a memorandum of understanding (matrix p. 111/125), and action 130.5 to conclude an inter-institutional memorandum of cooperation to strengthen intellectual, industrial and commercial property rights (matrix p. 112/125).

4.2. Complementary actions

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>, IPA 2008), is funding the Support to Customs and Tax Administrations (EU-CTA) programme which is providing technical assistance on customs related matters, including *inter alia* further development of law enforcement capabilities.

EULEX Programmatic Action

1. MONITORING, MENTORING AND ADVISING (MMA)

Title: **INTEGRATED BORDER MANAGEMENT ACTION PLAN**

Partner(s): *Kosovo Customs*

Rule of Law Area: *Customs* Sector/Unit: *Revenue Operations Directorate*

2. RATIONALE

The National Strategy on Integrated Border Management (IBM) – in line with the European Commission Guidelines for Integrated Border Management in the Western Balkans – covers national and international cooperation in view of tackling cross-border and organized crime. In the Action Plan for Kosovo Customs several objectives are included regarding legal framework, organization & management, procedures, human resources & training, communication, information technology, and infrastructure & equipment, and coordination is therefore strongly recommended. Monitors reported that although some stations meet the basic infrastructure and equipment requirements, in several cases the search premises are not at a satisfactory level for adequate customs examinations and inspections.

3. DESCRIPTION

3.1. Objectives

The objective of this Action is to support Kosovo Customs in implementing the Integrated Border Management Action Plan, and especially the actions under the responsibility of Customs. This should include the upgrading of infrastructure and equipment at Customs stations.

The MMA Action links to the Mission aim of sustainability of Kosovo Customs, and respect of international standards and EU best practices (and specifically the Guidelines for Integrated Border Management in the Western Balkans). The Action thus also links to the strategic EULEX objective of (national, intra- & interagency as well as cross-border) co-operation and coordination in the area of organised crime.

3.2. Expected outputs

A joint plan of infrastructure and equipments at the Border Crossing Points (BCPs) is created, according to IBM requirements.

Cooperation/coordination with other law enforcement agencies in operational IBM-related activities is established and/or extended, through improved organization and management at the BCPs.

Accurate joint training plans are developed, with training ongoing at the operational level.

Level of communication and exchange of operational information amongst agencies are at satisfactory levels.

3.3. Crosscutting Issues / links to other action fiches

This Action links directly to the implementation of the National Strategy on Integrated Border management and its Action Plan. Interagency cooperation with other Kosovo agencies involved (Border Police, Veterinary and Food Agency) and International Cooperation is scheduled in the Action Plan.

This Action can also be linked to any KC ongoing or future action in response to EU Customs Blueprints gaps and needs analyses, especially regarding border control indicators.

4. LINKS WITH THE BROADER RULE OF LAW SECTOR

4.1. European Partnership Action Plan 2011 for Kosovo (EPAP 2011)

This MMA action links up with several actions of the EPAP 2011 within the short term priorities regarding European Standards on justice, freedom and security: the actions to improve the legal and policy framework in the area of border issues and Integrated Border Management as well as building institutional and technical capacities for the implementation of these legal and policy frameworks (actions 95.1 and 95.2, matrix p. 98/125), and the action 96.3 to strengthen cooperation among border management agencies with neighbouring countries through improved bilateral cooperation in the area of border issues and IBM, and concluding agreements on mutual assistance with customs administrations (matrix p. 100/125).

4.2. Complementary actions

The European Commission, through its Instrument of Pre-Accession Assistance (see European Commission Liaison Office - ECLO, <http://www.delprn.ec.europa.eu/>, IPA 2008), is funding the Support to Customs and Tax Administrations (EU-CTA) programme which is providing technical assistance on customs related matters.