



MONITORING, MENTORING AND ADVISING

TRACKING MECHANISM

MARCH 2012


KEY:

- ↑ : MMA Action progressing
- ↓ : MMA Action regressing/strong evidence of problems based on available data
- ↔ : MMA Action stalled/some evidence of problems based on available data
- ✓ : MMA Action completed



MMA TRACKING MECHANISM – MARCH 2012- EULEX WEBSITE

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





POLICE

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





<p>Revised crime statistics</p>	<p>↑</p>	<p>KP has made good progress during the reporting period. Training for the relevant staff within the KP on the use of the approved Policy on the recording, collecting and collating reported crimes and crime investigations has been organized, and 2 KPIS operators from each regions and border police have been trained. The Kosovo Centre for Public Safety Education and Development and the Kosovo Judicial Council have been informed about the new policy. It is foreseen that patrol units will be lectured about the policy as well in upcoming weeks. Moreover, the Implementation Team has made a plan regarding evaluation, which was agreed by KP Senior Management. During the evaluation period Regional KPIS Units will be interviewed with regards to the Policy via a questionnaire.</p>
<p>Victim ethnicity – crime statistics</p>	<p>✓ Accomplished</p>	<p>This MMA Action has been successfully completed in January 2012 and the following outputs have been achieved:</p> <ol style="list-style-type: none"> 1. A detailed Standard Operational Procedure (SOP, and related strategy) that defines (a) the categories of victim ethnicity in all forms of recorded crime across Kosovo; (b) the method whereby the new categories will be inserted into the standard Kosovo Police (KP) Crime Report; and (c) the way the data are collated into a central KP data pool and allows retrieval of statistics regarding crimes against ethnic minority groups. 2. Training program to fully implement the SOP, in respect of data collection, collation and retrieval (done in close cooperation with KP IT Department). 3. Training program for all relevant KP staff involved in the collection, collation, retrieval and analysis of police incident data (done in close cooperation with KP Training Department). 4. An 80% compliance with the SOP within 18 months (based on monitoring of the implementation of the SOP).
<p>Kosovo Police Directorate of Intelligence and Analysis as</p>	<p>✓ Accomplished</p>	<p>This MMA Action has been successfully completed in October 2011 and the following outputs have been achieved:</p>




criminal intelligence hub		<ol style="list-style-type: none"> 1. 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 Structure); 2. creation of a human resource support within the KP capable of sustaining the Structure; 3. methodologies and procedures in place that will ensure that the Structure is operating in accordance with best European practices, sustainability, accountability and ensure overall efficiency of the DIA as the hub of the KP criminal intelligence system; and 4. an assessment of the implementation of the Structure and how the usage of the Structure functions within the KP.
Intelligence led policing / Integrated intelligence system		<p>Progress is slow but positive; a telephone number for reporting anonymous crime tips has been activated and displayed on KP website. KP and PSD are currently arranging modalities for advertising the new service, while work also continued on the monitoring and evaluation of the intelligence cycle and preparation of a final report. Two outputs out of three have been hitherto achieved: KP have set in place a single intelligence gathering system that is based on a standardized intelligence form, detailed guidance, and dedicated staff to collate and analyse intelligence data; and they have improved the intelligence gathering culture within the KP.</p>
Enhanced Kosovo Police Directorate of Organized Crime capability	 Accomplished	<p>This MMA Action has been successfully completed in March 2012 and the following outputs have been achieved:</p> <ol style="list-style-type: none"> 1. A fully implemented strategy throughout Kosovo Police (KP) Directorate of Organised Crime (DOC) to drive a more proactive approach to organized crime investigation. 2. A revised organizational structure for KP DOC that will effectively deliver the intelligence lead policing concept. 3. An evaluation and a final report in regard to the implementation and impact of the strategy and structure.



<p>Enhanced forensics techniques</p>	<p style="text-align: center;">↑</p>	<p>This Action was changed in line with the decision of moving the Forensics Laboratory out of Kosovo Police (KP) in 2010, under direct control of the Ministry of Internal Affairs. A Forensics Unit was consequently set up in KP Headquarters, in order to regulate the policies, procedures, working standards and training standards of KP Forensics Officers in the regions. EULEX assisted in the strengthening of the new Unit, and to date one output – the development of a quality control function for measuring performance in Forensic Services – out of three has been delivered. Activities carried out within the reporting period encompass the approval of a plan for all forensic functions; the checking of conditions in Evidence Rooms at station level; the preparation of RFU (Regional Forensic Units) organization structure proposal; the completion of reviewed forensic forms, with a final version sent to Assistant of General Director for Investigations. The collection of data for forensic officers has also been completed, as well as the identification of training fields for refreshment course</p>
<p>Proactive drug strategy</p>	<p style="text-align: center;">✓ Accomplished</p>	<p>This MMA Action has been successfully completed in march 2012 and the following outputs have been achieved:</p> <ol style="list-style-type: none"> 1. Creation of a common strategy throughout the KP primary narcotics authority in respect of a proactive approach to the investigation of drug crime in accordance with the National anti-Drug Strategy and Action Plan of the Republic of Kosovo (The Strategy). It is hoped that the second Key Output (Implementation of the Strategy) will be completed in the near future. 2. Implementation of the strategy. 3. Monitor the implemented Strategy and its use throughout the KP primary narcotics authority.
<p>BORDER</p>		


<p>Enhanced border police planning</p>	<p style="text-align: center;">  Accomplished </p>	<p>This MMA Action has been successfully completed in March 2011 and the following outputs have been achieved:</p> <ol style="list-style-type: none"> 1. Development of a Standard Operating Procedure for planning documents and evaluation reports. 2. Implement the SOP throughout the KP organization in all of Kosovo. 3. Monitoring report on the implementation of the SOP.
<p>Enhanced border infrastructure</p>	<p style="text-align: center;">  </p>	<p>This MMA Action is nearing completion, with three completed outputs out of four. The Standing Operational Procedure (SOP) on minimum standards for all police detention areas had been reviewed in accordance with recommendations from the EULEX Quality Control Office, and distributed to all affected Border Crossing Points (BCP) throughout the region. During the next 18 months, the SOP will go through a monitoring phase that will allow the necessary improvements at the BCPs to be completed, and will identify any problems or additional training issues associated with the revised SOP. Work on the development of facilities at the BCP is ongoing.</p>
<p>Enhanced border communications</p>	<p style="text-align: center;">  Closed </p>	<p>Much of the overall objective of this Action appears to have been overtaken or displaced by the 'Information and Communication Technologies Systems Strategic Plan (ICTSSP) – 2011 to 2015', which was approved by the KP Director General in May 2011. Therefore, in March 2012, it was recommended to close the Action, and redeploy available PSD border experts on the monitoring of the ICTS Strategic Plan implementation.</p>
<p>Implementing migration laws and strategies</p>	<p style="text-align: center;">  </p>	<p>The new Law on Foreigners, Law on Asylum, Law on State Border Control and Surveillance entered into force in January 2012. The change of laws related to foreigners, migration and asylum will partially affect this Action, given its link to the implementation of laws and strategies relating to migration. The new laws require some necessary amendments to Administrative Instructions (MIA level), KBBP SOPs,</p>



		Police Memos and Instructions, and relevant working groups are in charge of identifying effective ways for ensuring the correct enforcement of the new legal provisions.
Cross-border crime strategy	↔	EULEX recommendation (February 2012) to move MMA Actions – such as this one - that relate to cooperation between Kosovo Police (KP) Crime Pillar and the Public Prosecutors’ Office (PPO) directly under EULEX Justice was finally endorsed. Foreseen activities are being consequently adapted to reflect the new team structure and chain of command.
Green-border transfer strategy	↑	<p>This MMA Action has now made good progress. All outputs have been completed with the monitoring phase currently underway and the Final Report being drafted. The Final Report is being finalized and processed through the chain of command for formal completion in the coming weeks.</p> <p>The completed outputs include:</p> <ol style="list-style-type: none"> 1. Design an integrated strategy to transfer responsibility from KFOR for the security and protection of the Kosovo Green Border (the Strategy). 2. Institutional measures (including SOPs, Job Descriptions and related procedures), in compliance with the principles of European best practice, public accountability and organizational sustainability. 3. Comprehensive human capacity building programme to facilitate the implementation of the institutional features (see 2 above). 4. Implement the Strategy. 5 EULEX to monitor the implementation phase of the Strategy and assess levels of security.
OPERATIONS		

<p>Enhanced patrol management</p>	<p style="text-align: center;">  Accomplished </p>	<p>This MMA Action has been successfully completed in July 2011 and the following outputs have been achieved:</p> <ol style="list-style-type: none"> 1. A detailed SOP on Patrol Management (and related policy) including shift briefings, proactive use of local and Kosovo-wide intelligence, targeting policing issues of local concern, directed patrols, monitoring patrols, etc. 2. A training programme based on the SOP (1 above) and intended to communicate the required knowledge and skills to supervisors. 3. Delivery of the training programme comprising KP-led monitoring. 4. Implemented SOP throughout Kosovo and the KP including a detailed KP-led system of monitoring at station level the understanding and adoption of the SOP. A final report with the findings on the implementation of the above mentioned training programme and SOP was also compiled.
<p>Annual patrol plans (Police Station level)</p>	<p style="text-align: center;">  Accomplished </p>	<p>The main objectives have been implemented Kosovo-wide in daily police patrol plans and reporting forms. This has resulted in the achievement of the following key outputs:</p> <ol style="list-style-type: none"> 1. Drafting of effective patrol plans for all police stations in Kosovo and all regional stations that include the legal obligations as per the applicable law. 2. Implementation of the patrol plan. 3. Evaluation of the implemented patrol plan.
<p>Resource deployment plan</p>	<p style="text-align: center;">  </p>	<p>EULEX and KP will consider to formally close this action by May 2012, even if not all outputs are to be achieved within this deadline: the extant ones collide with the goals enlisted in the new KP IT long-term strategy, and can be better pursued through other means of assistance</p>
<p>Tracking Special Intervention Unit and Improvised/Explosive Ordinance</p>	<p style="text-align: center;">  Accomplished </p>	<p>This MMA Action was successfully completed in February 2011 and the following outputs have been achieved:</p>

<p>Disposal</p>		<ol style="list-style-type: none"> 1. A manual system in place within the Kosovo Police (KP) to categorize and record all incidents that require the attendance of Special Intervention Unit and Improvised/Explosive Ordnance Directorate resources. 2. A procedure within the KP that takes advantage of the data collected and recorded in order to plan resources and evaluate performance of the Special Intervention Unit and Improvised/Explosive Ordnance Directorate resources within the KP. 3. A monitoring report on how the system and the procedure is being utilized <p>A follow up MMA Action is being implemented: <i>Transforming the Improvised/Explosive Ordnance Disposal Unit.</i></p>
<p>Operational Support Units</p>		<p>Steady progress noted on this MMA AF, with most of the outputs completed. A unified Crowd and Riot Control (CRC) Concept for the Kosovo Police (KP) and a Standing Operational Procedure (SOP) in force within the KP for the Operational Support Units (NjSO), have been produced, and a training system for the unified CRC Concept, mandatory for all the KP was accomplished. EULEX and KP are to discuss ways to finalize all activities.</p>
<p>Enhanced Traffic Directorate</p>		<p>The final form of the internal structure of the Traffic Department was approved, paving the way toward the completion of the SOP for the new Traffic Department. EULEX is conducting a review of the Operational Manual of Traffic Policing.</p>
<p>Transforming the Improvised/Explosive Ordnance Disposal Unit</p>	 <p>Accomplished</p>	<p>This MMA Action was successfully completed in March 2012 and the following outputs have been achieved:</p> <ol style="list-style-type: none"> 1. An operational KP IEOD Unit that will operate throughout Kosovo; 2. A KP intuitive Bomb Data Centre;

		3. A monitoring report of the functioning of the KP IEOD Unit, the intuitive Bomb Data Centre and the Admin System.
ADMINISTRATION		
Kosovo Police Information System	↔	No decision has been yet taken by the KP DG on the restructuring of this Action, following consultation with KP IT and the TAIEX IT Expert. Activities are to be streamlined in view of the inception of a European Commission funded project to <i>support of the implementation of the intelligence-led policing in Kosovo</i> , which includes the upgrading of the IT infrastructure within Kosovo Police and the KP Information System, as well as necessary training.
Rationalize Kosovo Police Structure	 Accomplished	<p>This MMA Action has been successfully completed in February 2011 and provided the following key outputs:</p> <ol style="list-style-type: none"> 1. A thorough review and analysis of the strengths and weaknesses of the post-2006 Kosovo Police structure. 2. A revised organizational chart, indicating a staffing structure that significantly reduced overlap, duplication and redundant functions.
Kosovo Police promotion system	↔	EULEX report no further progress, given that KP has not yet begun a new round of promotions. The recent changes to the Police Law will mean that the earlier agreed SOP will have to undergo further changes. There is a need to ensuring that both the process and the practice of promotions are “free of political interference”.
Enhanced budget administration	 Accomplished	<p>This MMA Action has been successfully completed in January 2012 and the following outputs have been achieved:</p> <ol style="list-style-type: none"> 1. Design and implementation of a programme to improve the administration of budget and finance within the Kosovo Police organization, including the development of a long-term strategy, multi-year projects, and a review of the benefits of

		<p>decentralization.</p> <ol style="list-style-type: none"> 2. Design and implementation of a curriculum for the training of Kosovo Police managers who are responsible for budget submissions and expenditures. 3. Evaluation of the implementation of the programme and the adherence by the Kosovo Police, as well as the use of the training curriculum.
Reform of Capital Expenditure performance	↔	<p>The EULEX Police Strengthening Department report good progress over the reporting period, with over 90% of the tasks under Output 2 - An established Programme, containing but not limited to new routine(s) in conducting Capital Investment expenditure throughout the KP - completed. The implementation team analyzed the findings under the Investigation Report on the key causes of poor performance investment within KP, and came to the conclusion that the proper way to solve most of the capital expenditure problems was through the design and implementation of a robust SOP that would address the key issues. To that end the Specification Form and Task List are being revised. Note that all the activities regarding the proposed changes to the Key Output were agreed jointly with the KP Implementation Team.</p>
Enhanced procurement performance	 Closed	<p>The EULEX Police top management agreed to formally close this Action in March 2012, because of the continuing difficulties in gathering relevant expertise to assist KP in this specialist area. Moreover, the ongoing criminal investigation into the activities of the Director of KP Procurement precludes the process of MMA.</p>
Rationalize register databases	↑	<p>A final report is being drafted with a view to closing the MMA Action. In spite of joint efforts by KP and EULEX, the final Key Output - evaluation of database integration and implementation - cannot be achieved until KP receives sufficient donor support to procure the necessary equipment/software.</p>

Sustainable Information Technology staffing	 Accomplished	<p>This MMA Action has been successfully completed and the following outputs have been achieved:</p> <ol style="list-style-type: none"> 1. Release the main Kosovo Police HQ from all not so emergent issues and requests from the regions. 2. Improved supervision, management and sustained control of the IT system. 3. Acquired effective system of compliance by PC users. 4. Decentralization of services.
Enhanced fleet management	 Accomplished	<p>This MMA Action has been successfully completed and the following outputs have been achieved:</p> <ol style="list-style-type: none"> 1. Design an enhanced system of vehicle fleet management that includes budget management and procurement) life-cycle management, maintenance and repair (the System). 2. Implement the System throughout the KP organization. 3. Monitor report on how the implementation of the System was conducted and how the System is functioning.

JUSTICE

MMA Action	Progress Indicator	Comments
KOSOVO JUDICIAL COUNCIL (KJC)		
<p>Independence and accountability</p>	<p>↑</p>	<p>On February 15, 2012 the Kosovo Judicial Council (KJC) Reconsideration Panel decided on the reconsideration requests filed in the procedure for appointment of judges to the Kosovo District Courts. This marked the end of the KJC selection procedure for judges to the second instance courts in Kosovo.</p> <p>The council has now started the last phase of the appointment and vetting process. The interviews for the Municipal Courts were finalized on 10 February 2012.</p> <p>KJC adopted the Regulation on the Evaluation of Performance of Judges on 24 February 2012. The regulation will be implemented for the regular assessment of performance of judges and for the final re-appointment of judges after the initial three-year period of appointment. The Regulation is also supposed to govern the transfer of judges within the process of implementation of the Law on Courts. EULEX participated actively in the drafting of the Regulation, which is of utmost importance for the transparent and fair assessment of the performance of judges within the comprehensive efforts of the KJC to enhance efficiency of the courts.</p> <p>The KJC Legal Department produced the first draft of the Regulation on the Discipline of judges. The new Law on KJC has a framework</p>

		<p>regulation of the disciplinary proceedings, which requires additional detailed regulation to be adopted by the KJC. In addition the Law on KJC contains an explicit obligation for the KJC to adopt regulations defining particular cases of judicial misconduct.</p> <p>On 9 March 2012 the KJC in its capacity of a second instance adjudicator of first instance disciplinary decisions reviewed five appeals on disciplinary cases. The KJC has finally dealt with the backlog of appeals waiting since the beginning of 2011.</p> <p>The KJC Committee for Normative Issues has reviewed the first draft of the Regulation on the Internal Organization of the Council. The draft has been produced by a WG composed of KJC, EULEX and USAID/EROL experts and the same WG is supporting the Committee to review proposed amendments, provide feed-back on European standards and best practices, and to update the draft accordingly.</p>
<p>Management and administration</p>	<p>↑</p>	<p>As part of the Implementation Plan for the Law on Courts, the Kosovo Judicial Council (KJC) set-up a steering committee in charge of coordinating the planned steps and ensure compliance with the timeline (a KJC international member has been appointed to the Committee). The Steering Committee during its first meeting has approved an instruction for the transfer of judges from the District Courts to the Court of Appeals. The deadline for applications for the new Court of Appeal expired on 29 February 2012. Altogether 56 judges throughout Kosovo have filed applications. Although the KJC still has to make the final determination of the number of judges in the Court of Appeals, it seems that the number of applicants is sufficient for the approximately 40 positions envisaged at present. The KJC still has not made an analysis of the applicants' pool as to minority and gender representation.</p> <p>The 4th report on the implementation of the National Backlog Reduction Strategy was published in February 2012. From 1 January till</p>

		<p>30 December 2011, the strategy has resulted in the completion of a total of 42,21% of the overall number of backlog cases.</p> <p>The EULEX KJC advisors continued the monitoring of the decision making process of the KJC. Some decisions were never presented to the Council for approval before being submitted to the relevant authorities, including the budget request and proposals for legislative amendments. These actions can partly be explained by the previous lack of quorum.</p> <p>The EULEX KJC advisors also completed a preliminary assessment of the functioning of the KJC. The outcome is that the KJC has often been deprived of its role as a decision-making body. It seems clear that the Council is not fully functioning due to the lack of a structured organization of the Secretariat and poor planning and organizational capacities.</p>
<p>Service delivery</p>	<p>↑</p>	<p>The KJC has not yet taken over the Court Liaison Offices, as agreed with the Ministry of Justice (MoJ) at the end of 2011. It appears as if the budget and the staff of the Offices have not been transferred to the KJC by the MoJ. This is an unfortunate development as the uncertainty in the management of these offices may negatively affect the access to justice of the non-majority communities.</p> <p>KJC approved the five-year ICT-Strategy. The Strategy aims at introducing the standards of the e-justice in the Kosovo judiciary with the application of the most updated technologies. An important part of the Strategy is dedicated to addressing the development of a new CMIS. KJC expects to receive the necessary funds to implement the strategy from the donors' community (in particular the Norwegian Government). However, the KJC has still to appoint a steering board for implementing the strategy.</p>
<p>MINISTRY OF JUSTICE (MoJ)</p>		

<p>Legal Policy and Drafting</p>	<p>↔</p>	<p>On 05 January 2012, the Government of Kosovo (GoK) approved the Legislative Strategy for 2012. However, some of the deadlines for finalization of draft legislation foreseen in the Legislative strategy of MoJ for 2012 are very ambitious and somewhat unrealistic. The EULEX experts at the Legal Policy and Legislation Unit (LPLU) advised on numerous occasions the MoJ Legal Department that the quality of the legislation should not be sacrificed at the expense of a speedy legislative process.</p> <p>In February 2012 the Legislative Program of the Government was updated and the part related to MoJ was expanded with six new draft laws including: 1. Draft Law on amending and supplementing the Law on Bar Exam; 2. Draft Law on amending and supplementing Law on Courts 3. Draft Law on amending and supplementing Law on Kosovo Judicial Council 4. Draft Law on amending and supplementing Law on Kosovo Prosecutorial Council 5. Draft Law on amending and supplementing Law on State Prosecutor 6. Draft Law on amending and supplementing Law on Special Prosecution of Republic of Kosovo. This brought up the total number of laws in the Legislative Program from ten to 16.</p> <p>The draft process of the Criminal Procedural Code is on-going and EULEX is participating providing advice and expertise.</p>
<p>International legal cooperation</p>	<p>↑</p>	<p>Kosovo has not accessed any international convention in the field of Mutual Legal Assistance yet.</p> <p>The EULEX Experts from the International Legal Cooperation Unit (ILCU) mentored and advised the MoJ Department for International Legal Cooperation (DILC) on three counter-proposals received from Italy regarding the conclusion of international agreements on extradition, mutual legal assistance and transfer of sentenced persons. The DILC is expected to transmit the amended agreements to their Italian counterparts shortly.</p> <p>EULEX Legal Experts at DILC continued monitoring and mentoring</p>

		on cases pertaining to extradition requests, cases referring to rogatory letters, cases pertaining to the applications for the return of children (child abductions cases) and cases referring to the transfer of sentenced persons (e.g.).
Support to the Minister of Justice	↑	<p>The Strategic Development Plan 2012-2016 of the MoJ was approved by the Government in the beginning of January 2012.</p> <p>The MoJ provided EULEX with a requested document outlining policies/concept papers concerning nine of the laws in the original legislative program for 2012. There is a need to improve the document in order to enhance policy guidance, consultation and transparency.</p>
DEPARTMENT OF FORENSIC MEDECINE (DFM)		
Development of a clearly defined organizational strategy	↔	Work has had to be done with middle management. Some potentiality for progress has been demonstrated regarding several organograms and drafting in the development of secondary legislation to the Law on the Establishment of the Department of Forensic Medicine (DFM).
Improved inter-agency cooperation and enhanced DFM outreach capacity	↔	There has been good progress with the MMA on communication skills of the outreach unit of Missing Persons. There is some evidence of local ownership demonstrated but it requires further work.

<p>Enhanced DFM capacity to deliver timely high-quality forensic services</p>	<p>↑</p>	<p>EULEX has identified training-needs, methodology and experts after consultation with middle-management. Final proposals were shown and explained to local-counter-part.</p> <p>With regards to supporting DFM with implementation of professional development programme, EULEX has held several trainings; almost all units have reported on their trainings.</p> <p>EULEX continued conducting on-the-job mentoring of DFM staff, whilst handing over executive functions. This activity has achieved significant progress for the local Exhumations Team, the Outreach Unit and the Medical Examiner’s Office.</p> <p>Monitoring of the backlog of pending cases, and completion unfinished autopsy reports continues.</p>
<p>Mechanisms put in place for transparency/ accountability</p>	<p>↔</p>	<p>In the development of a modern human resources management system, there is no progress since the last period.</p> <p>There is no progress on the work to assist the Administration Unit with putting in place standard financial administrative procedures and help develop its budgeting and financial planning functions.</p>
<p>J U D G E S (Civil and Criminal)</p>		
<p>Court Organization</p>	<p>↑</p>	<p>The problems of the current Court Management Information System (CMIS) persist. EULEX monitors the registration activity in the CMIS on a three-monthly (quarterly) basis. The monitoring ensures that the District and Municipal Courts (MC) that are already using the CMIS for the registration of cases continue to use it until a new system is put in place.</p> <p>All District Courts (DC) and most of the MCs in Kosovo have adopted a transparent and automatic case allocation system. EULEX judges conduct regular checks of the actual implementation of the case</p>

		<p>allocation systems in Kosovo DCs and MCs.</p> <p>The establishment of the public information office (PIO) is included in the court management manual and is mandatory for all courts. However, there is still no public information office in DC Prizren, MC Prizren, MC Suharekë/Suva Reka, MC Rahovec/Orahovac, MC Malishevë/Mališevo, MC Lipjan/Lipljan, Podujevë/Podujevo, MC Dragash/Dragaš, Glogovc/Glogovac, Kaçanik/Kaçanik, DC Pejë/Peć, MC Pejë/Peć, Klinë/Klina, Deçan/Deçani, Gjakovë/Đakovica, Istog/Istok and MC Prishtinë/Priština.</p> <p>PIO was established in MC Viti/Vitina, and MC Skenderaj/Srbica. EULEX in Gjilan/Gnjilane has monitored that the new court information office in Viti/Vitina has been taken well by public and the number of cases where judges are directly approached for information is decreasing.</p> <p>The Official Gazette is available through internet and hard copies are available in most court. There is still a need for a consolidated compilation of all legal material, including e.g. human rights law, commentaries of the procedural law and criminal law. It is not uncommon that judges must procure updated legal materials themselves.</p> <p>An updated roster of scientific experts is available in most courts. The lists are provided by the respective regional DC. In some DCs and MCs the list of experts must be updated more regularly and low level of fees is considered as a potential problem for finding suitable experts.</p>
<p>Strengthen the Kosovo judiciary</p>	<p>↔</p>	<p>Threats against judges and their families, pressure from the media and poor security conditions are affecting the independence of judges in Kosovo Courts. The constant backlog of cases also makes judges vulnerable to pressure to give priority to a particular case. This threatens independence of judges and invites inter alia to corruption.</p> <p>In January 2012 EULEX Judges in DC and MC Gjilan monitored two cases on abuse of official position or authority and one other criminal</p>

		<p>case where the prosecutors have appealed the dismissal of the two indictments. The cases will continue to be monitored.</p>
Criminal cases	↑	<p>EULEX judges continued monitoring the court registry in criminal cases by randomly selecting case files from the registry of Kosovo courts. Often, parties are not properly summoned and or do not appear for the trial sessions at all. There are still delays in the handling of cases and signatures stamps are missing. On a positive note the Registry of the DC Prishtinë/Priština works well and all cases are expedited timely.</p> <p>EULEX Judges Unit in Mitrovicë/Mitrovica monitored cases of domestic violence at the MC in Vushtrri/Vučitrn and has identified several shortcomings. In one case, there was no defence counsel present for the injured party and overall the case was poorly and passively handled.</p> <p>EULEX Judges in Gjilan/Gnjilane monitored cases of Trafficking in Human Beings. In one case, the police form of the victims' interviews did not indicate that the victims were duly informed about their specific rights. Some shortcomings were also found in the police reports. In another case the minutes of interrogation did not indicate that the prosecutor informed the injured party of his/her rights as prescribed by the law.</p> <p>A probation videoconference successfully took place between DC Gjilan/Gnjilane and a DC in Warsaw, Poland. DC Gjilan/Gnjilane is now technically prepared for future video conferences.</p>
Civil cases	↑	<p>EULEX judges continued monitoring the court registry in civil cases by randomly selecting case files from the registry of Kosovo courts.</p> <p>For instance, the following deficiencies were observed in several cases: court fees were not paid; faults in the summoning of litigants; hearings conducted without the respondents; and there were unjustified long time periods of delay in concluding the trials.</p>

		<p>Most Kosovo courts have now followed the advice of the EULEX Judges on execution of civil decision upon appeal. As advised, copies of all files of execution of civil cases are kept in the first instance court for continuation of the executive actions, while the appeal is pending with the original file at the second instance court for decision.</p> <p>EULEX judges continued to monitor randomly selected property related cases and pending case files in execution matters. In many instances, sessions were not scheduled; there were instances of delays and applicable procedural rules were not used.</p> <p>It is still impossible to verify property document stored in Serbia and this is hindering the reduction of the backlog of property related cases.</p>
PROSECUTORS		
Improved transparency and accountability	↑	<p>The Chief District Public Prosecutor of Gjilan/Gnjilane has appointed one of the District Public Prosecutors (DPP) as the prosecutor exclusively in charge of cases involving Trafficking of Human Beings.</p> <p>The Prosecution Management Information System is generally not being used by the prosecutors at Municipal and District level. In Gjilan/Gnjilane, a new database system has been installed by Kosovo Prosecutorial Council. The new system is dedicated only for courts administrators for registration.</p>
Improved professional performance	↑	<p>In Prishtinë/Priština, Public Prosecutors have been assisted and advised about the extradition of a suspect from abroad. Assistance was given when it comes to interpretation of the results by crime laboratory and in a fraud case (to local prosecutor and police). EULEX prosecutor interviewed with police the suspect and the injured party. The corruption prosecutor of Prishtinë/Priština District was given legal opinion and assistance in several cases.</p> <p>In the Office of the District Public Prosecutors (DPPO) in Prizren,</p>




		<p>EULEX judges undertook a voice and visual recognition procedure in two different cases. This was the first time such an activity was done by the DPPO.</p> <p>During a District Public Prosecutor (DPP) and Kosovo Police (KP) meeting in Prizren not only the Chiefs but also all the heads of the various units of the KP were present. They agreed to meet once a month to discuss about how to improve their cooperation.</p>
Adherence to international standards and European best practice	↑	<p>EULEX prosecutors in Pejë/Peć met with the Serious Crimes Unit in the district for two topical meetings regarding murder cases and necessary tactical investigative steps. In another topical meeting the EULEX prosecutor met with the Missing Persons Unit in Pejë/Peć. Also in Pejë/Peć EULEX prosecutors monitored a witness interview taken by the Regional Investigative Unit and a follow up meeting was held.</p>
CORRECTIONAL SERVICES		
Security and operations	↑	<p>EULEX Correctional Unit (CU) assisted the Kosovo Correctional Service (KCU) in partially implementing the Night and Key Management Procedures. Due to budgetary constraints the issue of security seals recommended by EULEX have not seen any further progress. Subsequently KCS provided training to its middle & upper management on the procedures.</p> <p>Dubrava Prison staff is showing reluctance in using the written reports system for the Security Information System (SIR), instead they prefer to give verbal reports.</p> <p>In January 2012, KCS Commissioner approved the KCS Prisoner Escort Unit (PEU) Updated SOPs. In addition, the donation of over 20 vehicles from EULEX to KCS was approved. In particular, Mitrovicë/Mitrovica Detention Centre is in need of new escort</p>

		vehicles.
Prisoner population management	↑	<p>The working relationship between EULEX monitors and KCS high security block staff has improved in Dubrava. EULEX monitors and KCS have worked together through sharing ideas and agreeing to significantly enhance dynamic security within the high risk block. This has included improved searches of prisoners and their property, more secure escorts during visits and recreational activities, advanced surveillance techniques via the new camera surveillance system, and mentoring concerning international penitentiary operations.</p> <p>The working group (WG) finished will all articles in the first and second reading of the New House Rules for Dubrava Prison. These New rules will take into account the provisions of internal working regulations regimes for prisoners.</p> <p>The KCS Commissioner has agreed that a social worker from the KCS HQ will proceed with sentence planning procedures as recommended by EULEX.</p> <p>With the request of the MoJ the monitoring and assessment of the Prisoner Home Leave and Privileges has been completed and awaits approval by EULEX.</p> <p>Gap analysis and recommendations on conditional release has been finalized. The publications of conditional release decisions now on the Ministry of Justice (MoJ) web page now correspond to the EULEX CU recommendations and advice.</p>
Strategic management	↑	<p>The Internal Inspectorate of the Ministry of Justice (MoJ) has agreed on a strategy to carry out an Internal Standards Audit Programme. This will enable his inspectors to carry out external audits of KCS facilities.</p> <p>EULEX CU is developing a tool kit for the Inspectorate, as well as a number of further activities for the near future. The tool kit in question will be a combination of current practices and sub-legal acts, and the application of the International Standards Audit Programme (ISAP)</p>

		<p>through agreed prison standards.</p> <p>EULEX CU in Mitrovicë/Mitrovica is conducting an assessment of Smrekovnica Correctional Centre (CC). It was concluded on 29 February 2012 and this resulted in 38 recommendations on a better development of the CC.</p>
Administration	↔	<p>Related to the job vacancies re-advertised and reported upon last period there seems to be sufficient qualified candidate to conclude the matter and EULEX expected that EULEX would attend the interviews. Interviews took place the second week of February 2012 without the presence of EULEX and no reasons for this was given.</p>
KOSOVO PROSECUTORIAL COUNCIL (KPC)		
Effective functioning of KPC	↔	<p>The EULEX KPC Advisor was not officially invited to attend the regular KPC meeting on 31 January 2012. Informally, EULEX was informed that no meeting was held because there was no quorum.</p>
Efficiency /quality of prosecutorial work based on standard policies/procedures	↔	<p>The EULEX KPC Advisor contributed to the discussion on the working group regarding norms for prosecutors. The Administrative Direction regarding Yearly Orientated Norms for the work of prosecutors has been issued by the KPC. This Administrative Direction sets the number of cases that a prosecutor is required to finish per month and year. Due to operational constraints, the Mitrovica Office will not yet be obligated to apply this Administrative Direction. These norms will be one of the main elements taken into consideration in the yearly Prosecutor Performance Report. The report contains the assessment of the work of the prosecutors.</p>
Prosecution offices are structured/operating based on Law State Prosecutor	↔	<p>EULEX got the answers to a questionnaire that was distributed to all prosecution offices. The offices in Pejë/Peć and Gjilan/Gnjilane did not submit any answers because the PMIS was not installed on their computers. The PMIS system is not in operation in Prosecution</p>

		<p>Offices. KPC staff has confirmed that PMIS is not a priority anymore; instead it has developed its own internal computer registration system for prosecutor performance evaluations. The PMIS/CMIS systems are to be further developed by the KJC and funded by the Norwegian Government. It has been agreed between KJC and KPC Advisors that KPC IT expert will be invited to attend coordination meetings on the development of new CMIS. In the future EULEX will monitor whether KPC IT expert are being invited to the meetings on CMIS.</p>
Public information strategy	↔	No new developments.
Efficient and transparent human resource management system	↔	No new developments.

CUSTOMS

MMA Action	Progress Indicator	Comments
Updating of operational plans incl. Integrated Border Management & organized crime strategy		No progress registered; more efforts should be paid to foster interaction between Kosovo Customs and EULEX on the achievement of foreseen outputs
Enhanced internal communications and data & intelligence sharing		Implementation of the Intelligence Guidelines has been an integral part of MMA. Key principles and practices of the EU standard National Intelligence Model have been adopted by the KC Law Enforcement Directorate which are enshrined in the Kosovo Customs, Intelligence Sector Guidelines. There have been moderate results with regard to cooperation with other law enforcement agencies, namely Kosovo Police (KP) and Kosovo Food and Veterinary Agency (KFVA). Where operations are taken jointly with other agencies, there is a gradual development of the culture of cooperation and coordination. Internal cooperation in general has also improved, although there is room for improvement, especially in the information flow between Border Crossing Points (BCP) and KC HQ.
Intensified cooperation with law enforcement agencies, especially Public Prosecutors, and coordination of Integrated Border Management		Cooperation with KP and KFVA shows moderate improvements on a number of areas. This is expected to further improve after meetings have taken place between the heads of the agencies in question on fully mapping the gaps of deficiencies identified and taking the necessary steps for short term and long term solutions. KC have compiled a programme of intelligence led exercises for 2012 scheduled out on a monthly basis, concentrated on identification of illicit cash movements, joint narcotics operations with KP and identification of Intellectual Property Rights infringements. There have been tangible

		results in effective utilisation of existing international agreements and MoUs with other countries in view of data exchange. Moreover, additional agreements are currently in negotiation with other countries.
Implementation of the Integrated Border Management Action Plan, incl. upgrading of infrastructure and equipment at stations	↓	Conditions remain poor at most BCP's. KC staff has raised issues regarding infrastructure. These include lack of or faulty equipment, lack of examination facilities, poor office conditions, no adequate covered areas for questioning of travellers, and low number of staff contrary to needs or requirements. However the plan to construct joint KC and KP control cabins is gradually proceeding and there have been signs of development of a culture of co-operation and co-ordination amongst the two.

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

LENGEND:

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