



SAP TRACKING MECHANISM FOR KOSOVO

(Second meeting, June 2003)

Sectoral Questionnaire: Justice and Home Affairs – selected chapters¹ - STM 0201

Initial discussion: Meeting of June 2003

General: Please provide a comprehensive overview of the organisation of the police forces, asylum boards, visa issuing agencies, border guards, etc., including their respective legal bases. Please add available statistics on crime in all its aspects (including clear-up rate).

1. Police system

- 1.1. What police forces exist in Kosovo? What is the relationship between these various forces? Any difficulties in their distribution of competencies? How are these being addressed?
- 1.2. What is the main legislative framework governing each of these forces? What are the procedures for judicial review of police acts?
- 1.3. What reforms are necessary? What reform strategy exists and with which timetable?
- 1.4. Regional and international cooperation on policing and especially on the implementation of criminal information exchange and processing? Cooperation with Interpol?
- 1.5. Staffing: Recruitment (including of minorities) and development, staff profile (sex / age / education status / length of service), accountability?
- 1.6. Training: ongoing and planned activities in the field of training including in human and minority rights, languages, other?
- 1.7. Monitoring of performance / discipline and ethics issues: rules, number of disciplinary proceedings, charges for abuse of office?
- 1.8. Activities to improve police image among all sectors of the population?
- 1.9. Co-operation between police and other law enforcement bodies (i.e border guards, customs services) and with public prosecutors / judiciary?
- 1.10. Crime statistics?

¹ The purpose of the paper is to structure a discussion of the overall reforms which will be required in order to achieve EU standards in this sector. It is not expected that precise replies can be provided, at the first discussion, to all points raised in this paper, and further more detailed questions will be sent at a later time.

2. Fight against corruption

2.1. Legislative framework? Is there any legal definition of corruption?

2.2. Bodies responsible for the fight against corruption e.g. Police, Judiciary, Parliamentary Commissions, other? Staffing (numbers, selection, discipline, training, independence, accountability) and resources? Cooperation between them?

2.3. In what areas is corruption a particular issue and why?

2.4. Is there a strategy to tackle corruption (programme, authority, resources) and are concrete steps being taken (rules on parliamentarians / public officials (or family members) holding assets, appropriate controls / transparency / deterrence enshrined into economic and business laws)? Any achievements to date and how are these measured (monitoring tools / benchmarks)?

2.5. How many corruption investigations are ongoing? Results to date? Main obstacles?

2.6. Regional and international cooperation in the fight against corruption?

3. Organised Crime

3.1. Legislative framework? Legal definition of organised crime? Is there a Kosovo-wide Action Plan defining the policy framework to combat organised crime?

3.2. Main areas in which organised crime is involved?

3.3. Effective measures (legal tools and coordination mechanisms) to combat organised crime? Bodies / Organisations involved (including in the banking sector)? Witness protection programmes / mechanisms? Further planned measures and timetable? Programme to match EU standards?

3.4. Is there legislation on the seizure of criminal proceeds and against money laundering? If so, please provide data on the number/ amounts of seizures of assets/ proceeds and of how many money transaction processes are being monitored yearly?

3.5. Describe the legislation regarding illicit drugs. Is there a national policy plan to combat illicit drugs?

3.6. Legislative framework regarding trafficking and smuggling? Definitions of trafficking (human beings, drugs)? Definitions of smuggling (migrants and goods, including tobacco, firearms, stolen vehicles etc.)? Scale of the problem? Volume of seizures/ estimates?

3.7. Procedures and instruments to combat trafficking and smuggling? Bodies responsible, training and resources to tackle this? Independence / discipline issues? Main obstacles?

3.8. Implementation: programme, rates, measure of achievement? Main obstacles faced? Concrete results?

3.9. Contacts with neighbouring states, cooperation at regional and international level? Concrete results / problems? Particular developments due to the increased measures against organised crime in Serbia since March 2003?

4. Asylum and migration / visa policy / border controls

Asylum and migration

4.1 Legal framework? Procedures (including asylum claims modalities and appeals procedure)? Safeguards (e.g. review by courts)? Legal definition of “refugee”?

4.2 Bodies / Organisations responsible? Mandate? Resources? Staffing issues (recruitment & selection / training / composition / length of service)? External monitoring - discipline, independence, performance?

4.3 Implementation - achievements, measurement, obstacles? Programme? Timetable?

4.4 Contacts with neighbouring states, cooperation at regional and international level? Concrete results / problems?

Visas

4.5 Legal framework? What documents are necessary for entering Kosovo? Any restrictions? Timing for full alignment with Sarajevo Declaration (i.e. same standards as rest of region)?

Controls on the border and administrative boundary line

4.6 Legal framework? Forces responsible for controlling border and administrative boundary line ? Cooperation with other law enforcement bodies (customs, asylum, veterinary / phyto-sanitary inspectors)?

4.7 Are systems for controlling external borders and administrative boundary line (Pisces, etc.) EC-compatible?

4.8 Means to control migration and trafficking?

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