



Role of Anti-Corruption Agency in Suppression and Prevention of Corruption in Kosovo



Anti Corruption Agency



- Agency is an independent institution that exercises responsibilities by Law nr. 03-L-159 on Anti Corruption Agency.
- Funds for functioning of ACA are provided by Kosovo budget.
- Activities of ACA are managed by Director (who is appointed by Assembly of Republic of Kosovo).
- ACA reports to Kosovo Assembly and is monitored by Parliamentary Monitoring Committee.



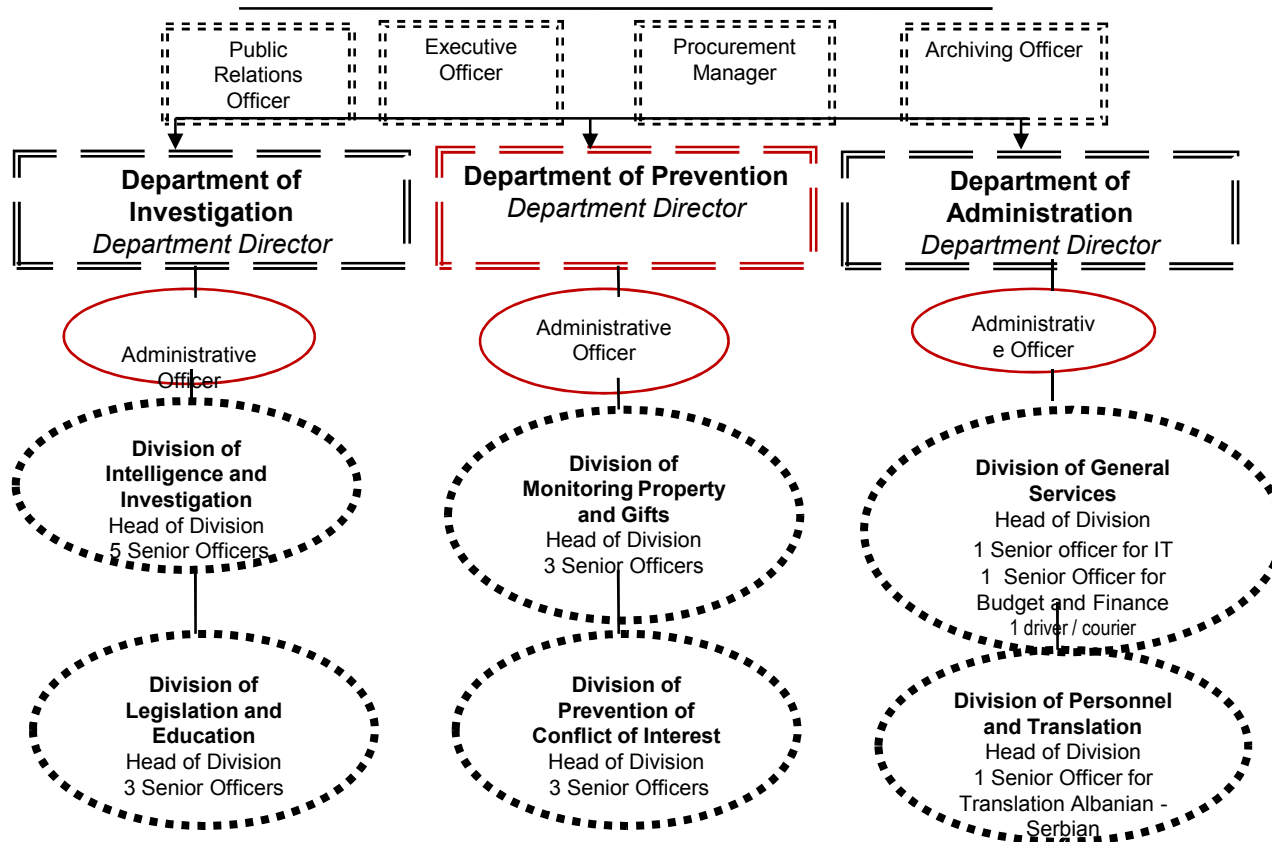
Legal basis that determine the mandate of ACA



- Law nr. 03-L-159 on Anti Corruption Agency;
- Law nr. 02/L-133 on Prevention of Conflict of Interest in Exercising Public Function, amended by Law nr. 03/L-155;
- Law nr. 03/L-151 on Declaration and Origin of the Property and Gifts of Senior Public Officials.



AGENCY DIRECTOR





Mission of ACA



Suppression of Corruption

- Through investigation of suspected cases of corruption and proceeding the criminal charges to competent prosecutors, completion of legislation in the area of corruption, preparation and implementation of Strategy and Action Plan against Corruption.

Prevention of Corruption

- Through prevention of Conflict of Interest, monitoring and checking the property of Senior Officials, monitoring of gifts received.

Education

- Through increased awareness of public officials and citizens against corruption on the legal framework and actual anti corruption mechanisms.



Legal Responsibilities of ACA



- Initiates and conducts detection and preliminary investigation procedure and proceeds criminal charges for cases suspected of corruption to competent public prosecutors, if for the same case is not being conducted a criminal procedure;
- Cooperates with local, foreign and international institutions which share the mission in prevention and Suppression of corruption;
- In cooperation with the Committee, Government, other institutions and non-governmental organizations, prepares the strategy against corruption and action plan;
- Monitors and supervises the implementation of Strategy against Corruption and Action Plan;



Legal Responsibilities of ACA



- Monitors and prevents cases of conflict of interest and undertakes measures foreseen by special law;
- Monitors the property of senior public officials and other people, as foreseen by special law;
- Monitors the gifts received related to exercise of public office and undertakes measures foreseen by law;
- Cooperates with competent public authorities on preparation, harmonization and implementation of legislation on prevention and Suppression of corruption;



Legal Responsibilities of ACA



- It is represented in international meetings that deal with prevention and suppression the corruption as well as participates in the process of negotiations in entering bilateral and multilateral agreements or approval of international legal instruments against corruption;
- Cooperates with competent institutions of Republic of Kosovo to fulfill the obligations deriving from international legislation against corruption and offers recommendations for fulfillment of such obligations;
- Participates and offers advice in preparation of code of ethics in public and private sector;



Prevention Measures Against Corruption

- Monitoring of the property of Senior Public Officials;
- Monitoring of Gifts received, and
- Prevention of Conflict of Interest.



Prevention of Conflict of Interest

Definition of Conflict of Interest

The conflict of interest is the situation of non-compliance between the official duty and the private interest of an official, where while exercising its function the official or related person has private wealth interest or personal non-wealth interest, direct or indirect interests, that influences or may influence in correctly accomplishing the public function, when in situations of possible violations of principles, limitations, or obligations under the provisions of the present Law.



Procedure for Prevention of Conflict of Interest



- The procedure from the Agency begins officially by the Agency itself, with the initiative of supervisory leader, supervisory body of the official, or with the request of the official himself.
- The Agency may initiate the procedure based on anonymous information or by information of another person.
- The Agency for initiating the procedure shall inform the official and shall request the confrontation with the denouncement.



Procedure for Prevention of Conflict of Interest



- The procedure from the Agency is closed for the public.
- The Agency shall give information only about final results of the procedure.
- The Agency, in case of doubting on existence of the violation shall inform the official for whom there is a doubt that he/she has violated rules of conduct determined by the present law.
- The Agency independently shall verify the facts, whereas other institutions in scope of their competencies are obliged without delays, according to the Agency's request to present the requested facts and arguments.



Procedure for Prevention of Conflict of Interest



- If the official does not waive the right of exercise of function after being notified by Agency, the Agency requests from institution where the official works initiation of termination procedure.
- If the violation has caused damage to public interest, then the Agency reports the case to prosecutors.
- If after election, appointment or confirmation of the mandate the public official continues to exercise the activities or function that present law determines to be incompliant to the new function, the Agency notifies the official and determines a period (15 days to 3 months) according to which the person will be asked to terminate the activity or resign the function.



Procedure for Prevention of Conflict of Interest



- In case if the official continues to exercise incompliant activities or functions, regardless of notification by Agency, then the Agency proposes to the institution where this official exercises the function to initiate procedures for his termination.
- Competent authority where the official continues to exercise his activity or function incompliant to law, initiates the procedure for termination from function according to Agency proposal.
- In cases when a member of Assembly exercise activities incompliant to Law, the Agency notifies the Assembly Speaker on actions of the MP in order to terminate incompliant activity.
- Related to actions undertaken according to Agency proposal, competent institutions have to notify the Agency.



Table of cases treated for Conflict of Interest



January – December 2008

Institutions	Cases suspected of Conflict of Interest	Avoided Cases	Cases in Review	Cases closed due to lack of evidence
Assembly	12	0	2	10
Government	29	16	4	9
Presidency	1	1	0	0
Courts	1	0	1	0
Local Government	1	1	0	0
Other Institutions	1	1	0	0
Total:	45	19	7	19



Table of cases treated for Conflict of Interest



January – December 2009

Nr	Institution	Cases suspected of Conflict of Interest	Cases Avoided Conflict of Interest	Cases when opinions were given	Cases closed without Conflict of Interest	Cases in Procedure
1.	Kosovo Assembly	17	3	/	9	5
2.	Kosovo Government	25	3	/	18	4
3.	Other Institutions	5	/	5	/	/
	Total:	47	6	5	27	9



Cases treated for Conflict of Interest, 2010



Nr.	Institutions	Cases suspected of Conflict of Interest	Avoided Cases	Cases treated without Conflict of interest	Cases in proceedings
1.	Government	21	11	5	5
2.	Asamble of Kosova	6	4	2	/
3.	Cuorts / Prosecutions	1	/	1	/
4.	Agency	11	4	/	7
5.	Publik enterprises	19	7	4	8
6.	Lokal Government	4	1	2	1
7.	Other Institutions	3	1	2	/
	Total :	65	28	16	21



Contact with ACA

- Through reporting visits to ACA offices.
- Through toll-free and confidential phone line – **044 082 82**.
- Through web site – www.akk-ks.org



**Thank You for Your
Attention !
Questions ?**

19-20 April 2011

Tiranë - Albania