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# **The Kosovo Security Sector Observer**

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## Table of Content

Introduction.....	4
1. The Monitoring of the Internal Affairs Sector.....	6
2. The Monitoring of the Security Force Sector.....	18
3. The Monitoring of the Intelligence Sector.....	27
4. The (Dys)function of the Kosovo Security Council .....	36
5. An analytical overview of the public opinion research.....	53

## **INTRODUCTION**

The second issue of the first volume of the Kosovo Security Sector Observer (KSSO) discusses analytically the key issues related to the sectors of internal affairs, intelligence, and the Security Force, which have dominated the public debate and the parliamentary oversight of these sectors during the period 1 August until 15 November 2015. In a separate public policy analysis, this first volume of the KSSO discusses also the (dys)function of the Kosovo Security Council, presenting the results of the research regarding the public opinion trust related to the security matters of the respective governmental institutions and their leaders, as well as the respective parliamentary committees.

The section on Internal Affairs analyses briefly the developments related to the release of the fresh tear gas in the Kosovo Assembly, the work of the Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces, also providing a presentation of the findings related to the public opinion research in regard to the citizens' trust for the security related matters regarding the Ministry of Internal Affairs and Kosovo Police, as well as the respective Parliamentary Committee.

The section on the Security Force analyses the misuse of the solemn uniform of the KSF and one of its vehicles for private purposes, as well as the pronouncement of one of the KSF officers regarding "the recognition" of this institution, allegedly as the Kosovo Army, the work of the Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces, also providing a presentation of the findings related to the public opinion research in regard to the citizens' trust for the security related matters regarding the Ministry of KSF, Kosovo Security Forces, as well as the respective parliamentary committees.

The section on Intelligence analyses briefly the developments on declarations regarding the leak of confidential information from KSF, the need for transparency of the Parliamentary Committee for the Oversight of KIA, as well as the findings from the public opinion research in regard to the citizens' trust for the security related matters regarding the Kosovo Intelligence Agency, its Director and the respective Parliamentary Committee.

At the end of this volume of the KSSO it is provided a brief analysis of the key findings of the public opinion survey regarding the citizens' trust on the institutions from Kosovo Security Sector, conducted at the beginning of November 2015. In this part, in addition to the description of the current situation of this trust, the trends related to its changes have been analysed in comparison with the equal measures conducted during the last July.

# **1. THE MONITORING OF THE INTERNAL AFFAIRS SECTOR**

## **Introduction**

During the period August-November 2015, the Internal Affairs Sector is dominated by the usage of the tear gas in the Assembly of the Republic of Kosovo by the opposite parties, namely by Vetvendosje (Self-Determination Party), Aleanca për Ardhmërinë e Kosovës (Alliance for the Future of Kosovo) and Nisma (Initiative), for the purpose of – as indicated by them – to disable the implementation of the Agreement for the Association/Community of Serbian Majority Municipalities, signed in Brussels, dated 25 August 2015, and the Agreement for Border Demarcation signed between Kosovo and Montenegro, dated 26 August 2015 in Vienna, as well as the uncertainties caused by the Kosovo Police whether the act of detaining the Member of the Parliament from Vetvendosje, Albin Kurti, dated 12 October 2015 at the entrance of Pristina, was in fact an arrest or detention. Both of them will be addressed in detail in the following sections of this paper.

During this period, the Parliamentary Committee for Internal Affairs, Security and Oversight of the Kosovo Security Forces held two meetings. In the first meeting held on 14 September 2015 the recent murders in Prizren and the contradictory statements of the Justice and Police institutions, for the threatening of the Bosnian community in this city through wall graphics, as well as for the need of the Committee to visit the Kosovo Police in this country, were subjects of discussion. Whereas, in the second meeting it was discussed about the progress reached in preparing the Report for the application of Law for the Kosovo Police, a proposal was made for the Committee to visit the North of Kosovo, reemphasizing the need to visit Prizren.

As far as the trust of the citizens is concerned, which is measured during November this year, for the Ministry of the Internal Affairs, Kosovo Police and the Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces, it is observed a significant decline compared to the levels measured in July 2015.

## **The use of the tear gas in the Assembly of Kosovo**

During the regular session of the Assembly of Kosovo, held in 8 October 2015, the opposition initially made an effort to prevent the session from being held in different forms, by blocking the floor of the President of the Assembly of Kosovo<sup>1</sup>, and, also, through loud whistles<sup>2</sup> and as a result of it the regular session was prevented from being held.<sup>3</sup> After the session was suspended, the Presidency of the Assembly decided to continue with the session, despite the boycott received from the opposite parties.<sup>4</sup> The continuation of the session of the Assembly of Kosovo was disabled again, but this time by the release of the tear gas from the members of parliament from Vetvendosje, namely Albin Kurti and Albulena Haxhiu<sup>5</sup>. Due to the usage of the tear gas, some members of parliament sought medical assistance.<sup>6</sup>

Pursuant to the Law on Weapons (Law No. 05/L-022), Article 2, paragraph 1.7, the tear gas is classified as weapon, and is included in the first category of weapons, stipulated as in the following: “Weapon - according to this law is considered each object or device manufactured in the way that under pressure of gasses, which are released during the burning of explosive, electricity, materials, compressed gas or other potential energy, expels projectiles, shotgun shells, gas, liquid, arrows or other components, which is designed or used for inflicting bodily harm or physical damage or used to damage, even psychologically, and also any other object which main purpose is carrying out a physical attack towards physical integrity of people or property.”<sup>7</sup> Apart from being classified as a weapon, the use of the tear gas from unauthorised persons carries with itself legal consequences. Based on Article 365, paragraphs 1 and 3 of the Criminal Procedure Code of Kosovo, it is stipulated

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<sup>1</sup>Koha.Net: The opposition blocks the Assembly session again and prohibits the conference of Veseli, 8 October 2015, <http://koha.net/?id=27&l=78417>.

<sup>2</sup>Telegrafi: Veseli to Zafiri: You did not fight to whistle with “whistles” (Video), 8 October 2015, <http://www.telegrafi.com/lajme/veseli-zafirit-nuk-ke-luftuar-p-r-t-fishk-lluar-me-filika-a-video-2-72048.html>.

<sup>3</sup>Klan Kosova: After whistles, Veseli asks for a 30 minute break, 8 October 2015, <http://klankosova.tv/pas-fishkellimave-veseli-kerkon-pauze-gjysme-oreshe/>.

<sup>4</sup>Assembly of Kosovo: Continuation of the parliament session, 8 October 2015, <http://www.kuvendikosoves.org/?cid=1,128,7308>.

<sup>5</sup>Telegrafi: This is today's session: with whistles, water and tear gas (Picture/Video), 8 October 2015, <http://fax.al/read/article/10339379/ja-scanca-e-sotme-me-fishkellima-uje-e-gaz-lotsjelles>.

<sup>6</sup>Koha.net: Blerta Deliu Kodra injured from the tear gas, 8 October 2015, <http://koha.net/?id=27&l=78446>.

<sup>7</sup>Law on Weapons: [http://www.mpb-ks.org/repository/docs/LIGJI\\_NR\\_05\\_L\\_-022\\_PER\\_ARME.pdf](http://www.mpb-ks.org/repository/docs/LIGJI_NR_05_L_-022_PER_ARME.pdf).

that, “whoever, by using poisonous gas causes great danger to human life or considerable damage to property, shall be punished by imprisonment of six (6) months to five (5) years.”<sup>8</sup>

In the other hand, although the deputies of the Assembly of Kosovo in a way have immunity from criminal prosecutions for their actions within the scope of their responsibilities, based on the Law on Rights and Responsibilities of the Deputies,<sup>9</sup> the immunity is dismissed by the Constitutional Court, pursuant to the Decision dated 20 September 2011. According to this decision, no immunity exists as to prevent the criminal prosecution of deputies for their actions within the scope of their responsibilities. For such criminal prosecution, no decision is necessary from the Assembly.<sup>10</sup> According to the decision of the Constitutional Court, the deputies of the Assembly of Kosovo shall not enjoy immunity for criminal offences for which they are suspected, and as a result of it, they may even be arrested. However, the Chief Prosecutor from the Basic Prosecution Office in Prishtina, Mr. Imer Beka, the Police is authorized to undertake all necessary actions for gathering evidences, and only after such evidences have been gathered, it may prove whether the concern at hand is related to the use of weapons, as stipulated by the Law on Weapons<sup>11</sup> and the Criminal Procedure Code of Kosovo.<sup>12</sup> For such reasons, the Chief Prosecutor, Mr Beka, had initially requested from the Police to detain and interview the deputies Kurti and Haxhiu. For the two deputies the summon were issued by the Kosovo Police to report themselves for interviews; however they rejected to comply with the respective summons.<sup>13</sup>

After the deputies Kurti and Haxhiu failed to report for interview, the Kosovo Police undertook its actions to detain/arrest them. On 12 October 2015, the Kosovo Police stopped the vehicle where the deputy Albin Kurti was driving and arrested him<sup>14</sup>, despite the fact that there was only a warrant

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<sup>8</sup> Criminal Procedure Code of Kosovo: Article 365, paragraphs 1 and 3,

<http://www.kuvendikosoves.org/common/docs/ligjet/Kodi%20penal.pdf>.

<sup>9</sup> Law on Rights and Responsibilities of the Deputies: [http://www.kuvendikosoves.org/common/docs/ligjet/03\\_L-111\\_shqip.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/03_L-111_shqip.pdf).

<sup>10</sup> Judgment: Related to the immunity of the deputies of the Assembly of the Republic of Kosovo, 20 September 2011,

[http://www.gjk-ks.org/repository/docs/KO98-11\\_SHQ\\_AKTGJYKIM.pdf](http://www.gjk-ks.org/repository/docs/KO98-11_SHQ_AKTGJYKIM.pdf)

<sup>11</sup> Law on Weapons: [http://www.mpb-ks.org/repository/docs/LIGJI\\_NR\\_05\\_L\\_-022\\_PER\\_ARME.pdf](http://www.mpb-ks.org/repository/docs/LIGJI_NR_05_L_-022_PER_ARME.pdf).

<sup>12</sup> Criminal Procedure Code of Kosovo: Article 365 paragraphs 1 and 3,

<http://www.kuvendikosoves.org/common/docs/ligjet/Kodi%20penal.pdf>.

<sup>13</sup> Betimi për Drejtësi: investigation on events in the Assembly, 28 October 2015,

<http://betimiperdrejtesi.com/emisionet/hetimet-per-ngjarjet-ne-kuvend/>.

<sup>14</sup> Telegraf: This is the moment of Albin Kurti's arrest (Video), 12 October 2015, <http://www.telegrafi.com/lajme/ky-sht-momenti-i-arrestimit-t-albin-kurti-video-2-72338.html>, it is clearly heard when the police address Mr. Kurti with the words: “the order is to arrest you and you shall come down there and see the arrest warrant”.

for his detention<sup>15</sup>. The fact that there was no warrant for arrest for Mr. Kurti was confirmed also by the Chief Prosecutor from the Basic Prosecution Office in Prishtina, Mr. Imer Beka, who emphasised that “there was no arrest warrant, but only a summon for interview.”<sup>16</sup> Consequently, it may be concluded that Mr. Kurti’s arrest, instead of detention, presents a violation of the legal procedures by the Kosovo Police, respectively Article 72 of the Criminal Procedure Code, which stipulates that “the police shall treat the person being briefly detained with dignity and shall not briefly detain the person in a detention centre or with handcuffs.”<sup>17</sup>

However, according to the summon<sup>18</sup> presented by the Kosovo Police, Mr. Kurti was summoned in the capacity of the suspect, and in this summon he was warned that in case he failed to comply with it, or in case of refusal to comply with it, he was going to be taken by force.<sup>19</sup> Nevertheless, it remains unclear the fact whether the Police had the right to use handcuffs when taking the suspects by force.

Yet, the Police had legal competences to arrest Mr. Kurti after the release of the tear gas, as according to Article 162 of the Criminal Procedure Code “if a person is caught in the act of committing a criminal offence prosecuted ex officio or is being pursued, the police or any other person shall be authorized to arrest him or her provisionally even without a court order.” Still, the Police failed to apply, at first hand, this legal competence, and instead it applied the measure of the provisional detention.

Furthermore, with the case of Mr. Kurti’s detention, the Kosovo Police failed to manage at a good level its public relations. First of all, no press release or even a statement was issued, through which it would be clarified to the public that Mr. Kurti was not arrested, but only detained. If such statement was duly released, probably it would have been possible to avoid – or decrease – the consequences of violent protests from the opposition organized in that very night in front of the Central Station of the Kosovo Police in Prishtina.

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<sup>15</sup> Kallxo.com: The Police provided the summons for the interview of the Albin Kurti and Albulena Haxhiu, 1 October 2015, <http://live.kallxo.com/sq/MTL/Policia-Publikon-Ftesat-per-Intervistim-te-Albin-Kurtit-dhe-Albulena-Haxhiut-FOTO-8662>.

<sup>16</sup> Betimi për Drejtësi: investigation on events in the Assembly, 28 October 2015, <http://betimiperdrejtesi.com/emisionet/hetimet-per-ngjarjet-ne-kuvend/>.

<sup>17</sup> The police right for brief detention, Article 72 of the Criminal Procedure Code of Kosovo, <http://www.slideshare.net/madopol/kodi-i-procedurs-penale-i-kosoves>.

<sup>18</sup> Kallxo.com: The Police provided the summons for the interview of the Albin Kurti and Albulena Haxhiu, 1 October 2015, <http://live.kallxo.com/sq/MTL/Policia-Publikon-Ftesat-per-Intervistim-te-Albin-Kurtit-dhe-Albulena-Haxhiut-FOTO-8662>.

<sup>19</sup> Ibid.

This action of the Kosovo Police was considered by the opposition as “arrest and kidnapping.”<sup>20</sup> The protest of the opposite parties to release Mr. Kurti caused an escalation of the situation between the protesters and the Police,<sup>21</sup> where as a result of it, citizens and police officers ended up injured, and there were considerable material damages caused to the Police Station and the building of the State Prosecution Office. In this case the Police arrested nine persons,<sup>22</sup> whereas Mr. Kurti was released after being detained for a few hours, as it is foreseen by the legal procedures.

Mr. Kurti has already deposited an indictment against the police officers of the Kosovo Police in the Basic Prosecution Office of Prishtina, with allegations that there were violations of the provisions of the Criminal Procedure Code, with the reasoning that grounded suspicion exist, in relation to that during his arrest the police officers committed a criminal offense of unlawful deprivation of liberty, pursuant to Article 196, paragraph 1 as read in conjunction with paragraph 3, as well as the criminal offense of abusing with the official position or authority, in compliance with Article 422, paragraph 1 as read in conjunction with sub-paragraph 2.2 and 2.5 of the Criminal Procedure Code of Kosovo, or any other criminal offense, which is officially prosecuted by the State Prosecutor.<sup>23</sup>

The fact that the deputy Kurti has deposited this indictment with the Basic Prosecution Office in Prishtina is ironical because he himself has failed to respond to the suspicions raised by this Prosecution Office against him in relation to the use of weapons, the tear gas, respectively, in the Assembly of the Republic of Kosovo.

### **The recurrence of the tear gas in the Assembly of Kosovo**

As from the first use of the tear gas in the regular session of the Assembly of Kosovo, dated 8 October 2015, this gas got used also in the two following sessions, dated 15 October 2015<sup>24</sup> and 23

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<sup>20</sup> Koha.Net: Ymeri considers the arrest of Kurti as kidnapping, 12 October 2015, <http://koha.net/?id=27&l=79166>.

<sup>21</sup> Telegraf: The situation escalates: the police is attacked with stones, the windows of the police station are broken (Video), 12 October 2015, <http://www.telegrafi.com/lajme/eskalon-situata-sulmohen-polic-t-me-gur-thyhen-xhamat-e-stacionit-policor-video-2-72339.html>.

<sup>22</sup> Kallxo.com: Police: We were too tolerant last night (VIDEO), 13 October 2015, <http://live.kallxo.com/sq/MTL/Policia-Kemi-Duruar-Shume-Mbreme-VIDEO-8657>.

<sup>23</sup> Telegraf: Albin Kurti in the Prosecution Office, 21 October 2015, <http://www.telegrafi.com/lajme/albin-kurti-n-prokurori-2-73059.html>.

<sup>24</sup> Telegraf: The session is eventually suspended (Picture/Video), 15 October 2015, <http://www.telegrafi.com/lajme/nd-rpritet-p-rfundimisht-seanca-foto-video-2-72602.html>.

October 2015, respectively. In these sessions, the tear gas was released by Mr. Faton Topalli<sup>25</sup> and the deputy Mrs. Donika Kada Bujupi, who publicly admitted that they committed these actions.<sup>26</sup> Despite the fact that it is already known that such actions are sentenced by law, the deputies without even a single concern have continued to release the tear gas in the Assembly of Kosovo. Furthermore, despite rigorous inspections from the security of the Assembly of Kosovo, it has not been possible to prevent the entry of the tear gas inside the assembly premises<sup>27</sup>. In such situation it is clear to raise the question about the failure of the Security of the Assembly in preventing the entry of the gas in the Assembly? Doesn't such failure imply that in the near future other persons shall be in the capacity to enter in the premises of the Assembly other dangerous objects, and in such hypothetical situation, the consequences might be even harder?!

After the session of the Assembly of Kosovo dated 15 October 2015 was suspended due to the use of the tear gas from the opposite deputies<sup>28</sup>, the deputy of the Movement Vetëvendosje and the chief of its parliamentary group Mr. Glauk Konjufca, stated that the tear gas was provided from the Kosovo Police, emphasising that it was the police themselves who provided them with the tear gas and that this is way these deputies managed to enter it in the Assembly.<sup>29</sup>

The statement of Mr. Konjufca was contested immediately by the Kosovo Police, by stating that such a statement does not stand, as it is not true that the tear gas has been provided by the members of the Kosovo Police.<sup>30</sup> In the very same statement of the Kosovo Police it was emphasised that the tear gas could have been taken from previous protests of LVV, whereat the police had used tear gas, and allegedly since some of the gasbags could have remained unexploded, they might have been taken by the protesters.<sup>31</sup>

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<sup>25</sup> Kallxo.com: Faton Topalli admits to have released the tear gas, 15 October 2015, <http://live.kallxo.com/sq/MTL/Faton-Topalli-Pranon-se-Ka-Pas-Detyre-Hedhjen-e-Gazit-8708>.

<sup>26</sup> Telegraf: Kadaj-Bujupi: "Yes, I have released the tear gas", 15 October 2015, <http://www.telegrafi.com/lajme/kadaj-bujupi-po-un-e-kam-gjuajtur-gaz-lotsjell-sin-2-72624.html>.

<sup>27</sup> Kallxo.com: Through physical controls of deputies in the Assembly, 14 October 2015, <http://live.kallxo.com/sq/MTL/Kontrolle-te-Imta-Fizike-per-Deputetet-ne-Kuvend-8676>.

<sup>28</sup> Assembly of Kosovo: The meeting the Assembly did not begin, 15 October 2015, <http://www.kuvendikosoves.org/?cid=1,128,7324>.

<sup>29</sup> Koha.net: Konjufca: The tear gas was given to us by the police, it was entered inside today, 15 October 2015, <http://koha.net/?id=27&l=79562>.

<sup>30</sup> Kosovo Police: Clarifying information from the Kosovo Police regarding the police actions at the Assembly of the republic of Kosovo, 15 October 2015, <http://www.kosovopolice.com/sq/informacione/informacion-sqarues-i-policise-se-kosoves-lidhur-me-veprimet-policore-te-kuvendi-i-republikes-se-kosoves>.

<sup>31</sup> Kosovo Police: Clarifying information of the Kosovo Police in regard to the police actions at the Assembly of the Republic of Kosovo, 15 October 2015, <http://www.kosovopolice.com/sq/informacione/informacion-sqarues-i-policise-se-kosoves-lidhur-me-veprimet-policore-te-kuvendi-i-republikes-se-kosoves>.

The use of the tear gas reoccurred also in the next regular session of the Kosovo Assembly, dated 23 October 2015, and during this session the tear gas was released a few times consecutively during many efforts made to hold a regular preliminary session of the Assembly.<sup>32</sup> Although, even during this session, at the entrance of the Assembly premises there was a high security control of the deputies, the opposite parties managed to insert the tear gas inside and use it within the Assembly.<sup>33</sup> Despite severe controls from the Security of the Assembly and the Police, the entry of the tear gas in the Assembly of Kosovo seems to have been very easy. At this point doubts are raised that the tear gas might have been entered in the Assembly through its security and police, since they are the only persons who are not controlled when coming inside. For this matter, investigations should certainly be developed by the Kosovo Police, and if it is necessary more sophisticated instruments for detection should be purchased in order to be used at the entrance of the Assembly, which simultaneously is also the entrance for the Kosovo Presidency.

The recent events that happened in our country, with the usage of the tear gas in the Assembly of Kosovo, which according to the Law on Weapons is considered a weapon and its use is sentenced with the Criminal Procedure Code of Kosovo, raise in themselves questions in regard to the security bodies of Kosovo. First of all, what steps has the Kosovo Police undertaken in order to find out the source where a certain number of the opposite parties member were being supplied with the tear gas? In case it is not the Police, the question is who is furnishing them? Is the tear gas that they are using same as the tear gas being used by the Kosovo Police?

According to the internal resources of KIPRED, the tear gas of the Police is rather stronger in reaction, and if the tear gas used by the Police, was indeed going to be used in closed environments, such as in the Assembly, it would have been impossible for the deputies to remain inside the hall for a very long period of time. Here, we should have in mind the fact that the Police is not the sole source of the possession of the tear-gas, given that it can be bought quite easily by online suppliers<sup>34</sup>. Other questions that lie before us are whether any expertise has ever been performed in regard to the use of the tear gas in the Assembly, whether other security institutions, such as KIA, have been

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<sup>32</sup>Koha.net: Tear gas in the Assembly, 23 October 2015, <http://koha.net/?id=27&l=80910>.

<sup>33</sup>Koha.net: Topalli shows how they managed to insert the tear gas inside, 23 October 2015, <http://koha.net/?id=27&l=80936>.

<sup>34</sup> Shih p.sh. Soldier Story 1/6 12" Figure FBI HRT (Hostage Rescue Team) - Tear Gas, Mace Set, <http://www.ebay.com/itm/281892204551>

involved in efforts to detect the origin of the gas, or, maybe they should even accept their failure to shed light regarding the supply of opposition parties with tear gas.

The commencement of investigations regarding the use of the tear gas was confirmed even by the Chief Prosecutor of the Basic Prosecution Office in Pristina, Mr. Imer Beka<sup>35</sup>. However, up to now, it remains unclear to the public opinion, the source of the opposition parties' supply with tear gas, and for this matter, up to now, neither the Prosecution Office nor the Police have made any statement.

However, these investigations are not sufficient to increase the security within the building of the Assembly. The mere entry of the tear gas in the premises of the Assembly has witnessed the deep fragility in applying the security measures within the building of this institution. This fact has questioned the capacity of the security services of the Assembly in case it is encountered with even more complicated situations, taking also into account the fact that Kosovo is threatened by terrorism and violent radicalization. Therefore, in cooperation with the local security institutions, the Assembly and the Presidency, there should be a thorough assessment of the security of their premises, their security routines, but also of their detecting devices, and if it is deemed necessary they should also be supplied with even more sophisticated technologies.

## **Parliamentary Oversight**

During the period August – October 2015, the Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces held two meetings and that on 14 September 2015 and the other on 4 November 2015.

During the meeting held on 14 September, as far as the Ministry of Internal Affairs and Police, the deputy Zafir Berisha requested to supplement the autumn session, by requesting a statement from the Ministry of Justice and the Ministry of Internal Affairs for the murders that occurred in Prizren recently, and also he raised the issue whether there were clashes between high justice officers and the police. Also in this meeting, the deputy Rexhep Selimi raised the issue of the applicability of the Law on Kosovo Police, which had been subject of discussion in the last session, requesting also

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<sup>35</sup> Betimi për Drejtësi: Investigations for the events in the Assembly, 28 October 2015, <http://betimiperdrejtesi.com/emisionet/hetimet-per-ngjarjet-ne-kuvend/>.

from the committee to pay a visit to the city of Prizren in regard to the murders that happened in this city. The idea of paying this visit to Prizren was also supported by Bosnian deputy, Qerim Bajrami, who also raise another concern regarding to the graphics that were drawn throughout Prizren, such as “death for the community living here”, maintaining that no response has been received from the Kosovo Police in regard to this matter.

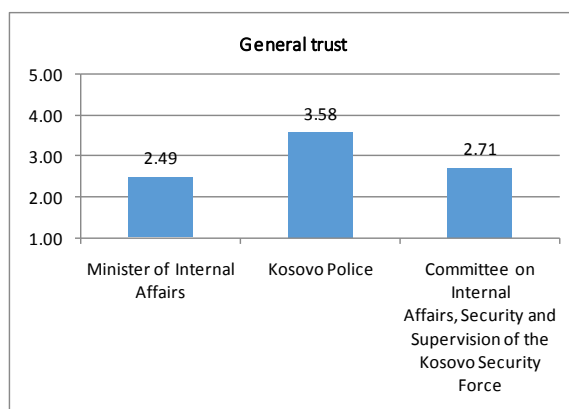
Meanwhile, at the meeting held on 4 November 2015, the dominant theme was the overseeing of the implementation of the Law on Kosovo Police. The working group led by the deputy Nuredin Ibishi made a brief reporting, and announced that MIA has been addressed with a questionnaire, and that there was a public hearing with its representatives and the civil society regarding the questions that were submitted, and that everything is going to be included in the report. Also, Mr. Ibishi, reported that they visited several different institutions of security, including the MIA, the Police, the Police Inspectorate, the Courts, the Prosecution Offices, etc., and that during these visits they submitted a questionnaire about the situation in these institutions that has not yet been completed and, therefore, it has not been yet submitted to the Committee. At this meeting it was once again requested from Mr. Qerim Bajrami to pay a visit to the Kosovo Police in Prizren, while Mr. Bojan Mitiq proposed also a visit to the North of Kosovo.

Members of the Parliamentary Commission for Internal Affairs, Security and the Oversight of the KSF, responded the request of the deputy Bajrami, and visited the Regional Directorate of the Kosovo Police in Prizren on November 11<sup>th</sup>, 2015. Among others, the members of the Commission were informed by the Regional Directorate on the results of the investigations related to the graffitis threatening the Bosniak community in Prizren.

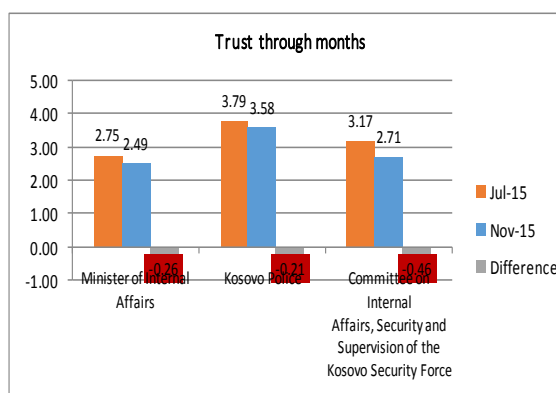
## The trust of the Kosovo citizens in the Ministry of Internal Affairs, the Kosovo Police, and Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces

The citizens questioned through a survey in the beginning of November 2015 had the chance to express in numbers their level of trust for the institutions or the leaders of the institutions, and that from 1 to 5, where 1 stood for the lowest level of trust and 5 the highest level of trust. The outcome from this survey is presented as below:

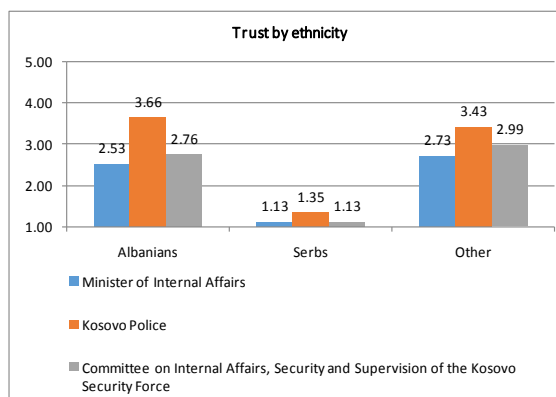
As far as the general trust of the citizens of the Republic of Kosovo is concerned, the Kosovo Police enjoys the highest trust, approximately with 3.58, and the second in the row is the Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces with 2.71. The last, in regard to the approximate trust of citizens is the Ministry of Internal Affairs with 2.49.



If we compare the results of the survey from the month of July with that of November 2015 in regard to the general trust regarding the Ministry of Internal Affairs we shall notice a decline in trust from -0.26, whereas the trust for the Kosovo Police had declined up to -0.21. However, the largest decline in trust was suffered by the Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces, with -0.46.

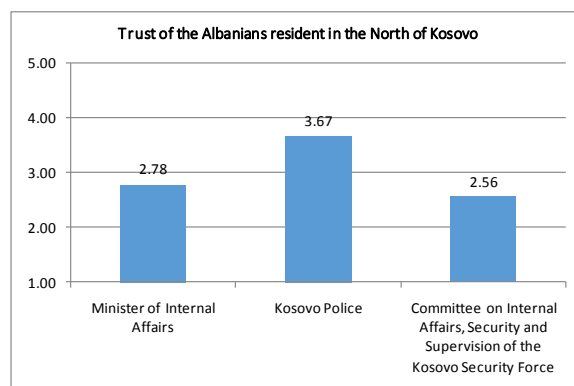


As far as the trust from different ethnic groups is concerned, it is estimated that the Albanians trust the Police more and that with 3.66, to be followed from other communities with 3.43. In the other hand, other

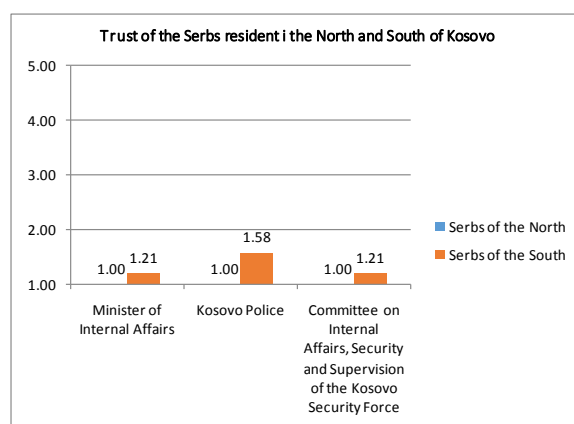


communities trust more the Ministry of Internal Affairs and the Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces, with 2.73 and 2.99. The lowest trust in these three security institutions is observed to be from the members of the Serbian ethnic community.

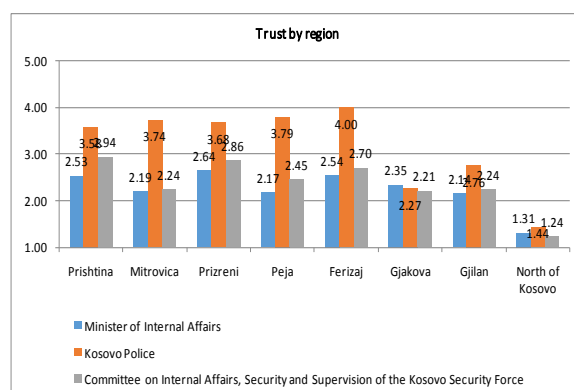
The Albanian residents living in the North of Kosovo have the highest trust in the Kosovo Police with 3.67, to be followed with the Ministry of Internal Affairs with 2.78. The lowest trust from this group is in the Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces with 2.56.

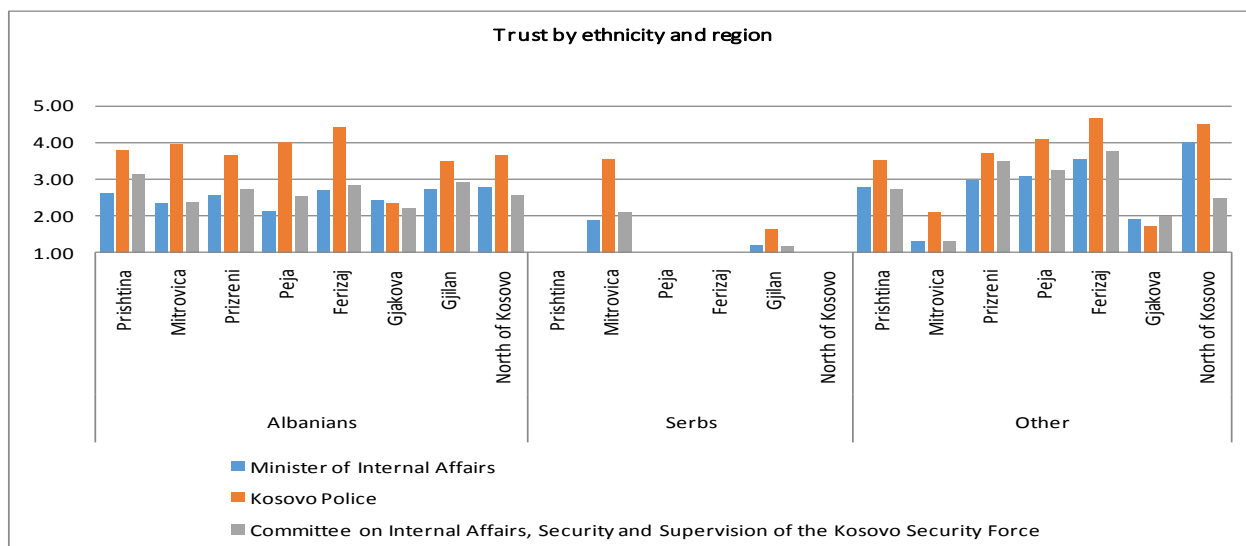


During this survey with the public opinion also the trust of Serbian residents living in the South and North of Kosovo was measured. The Serbs living in the South trust more the Kosovo Police with an approximate trust of 1.58, and with even lower trust to the Ministry of Internal Affairs and the Parliamentary Committee on Security, with 1.21. And with the Serbs from the North the trust for these three institutions is minimal.



The trust as per region is as in the following Kosovo Police has the highest trust in Ferizaj with 4, whereas the Ministry of Internal Affairs has the highest trust in Prizren with 2.64. The Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces in the other hand has the highest trust in Prishtina. The minimal trust for these three security institutions is in the North of Kosovo.





As far as the trust per region and ethnicities is concerned, Kosovo Police enjoys the highest trust among other communities, to be followed by the Albanian community living in the region of Ferizaj. The Kosovo Police enjoys the highest trust among the Serbian community in the region of the South Mitrovica and Gjilan, whereas in other regions this community has minimal trust in this particular institution.

## **2. THE MONITORING OF THE SECURITY FORCE SECTOR**

### **Introduction**

During the period August – November 2015 the Security Force Sector was dominated by two main public issues, i.e. the unauthorised use of the uniforms and the misuse of the official vehicles, as well as the inaccurate statement given by one of the officers from KSF, who stated that the acknowledgment of the proofs issued by this institution from the five states (USA, Canada, Germany, Turkey and New Zealand) to complete the documentation to apply for resident or employment visas in these respective countries, is estimated as a step to recognise as an army the Kosovo Security Forces of Kosovo.

During this period, the Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces held two meetings. In the meeting held on 14 September 2015 it was discussed regarding the transformation of the KSF into the Armed Forces; however no final decision is rendered in regard to this matter.

As far as the trust of the citizen in the Ministry on Security Forces, the Kosovo Security Forces and the Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces, a significant decrease is noticed as compared to the level measured in July 2015.

### **The unauthorised use of the uniforms of the Kosovo Security Forces (KSF)**

The unauthorised use of the solemn uniform of KSF on 18 September 2015 in the private wedding ceremony of the singer Korab Shaqiri,<sup>36</sup> scandalised the public opinion by questioning the application of the legality and the internal discipline of the KSF. In this case, following pressures from media and the internal investigations in the KSF, it was concluded that a reserve member of

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<sup>36</sup>With whose order if the KSF Guard participating in wedding ceremonies? 19.09.2015, <http://botasot.info/lajme/455576/lepaja-me-urdher-te-kujt-garda-e-fsk-se-po-merr-pjese-ne-dasma/>.

the musical troop of the Kosovo Security Force (KSF), had in an unauthorised manner borrowed the solemn uniform to a citizen, by violating in this way the laws and regulations of KSF.<sup>37</sup>

Such an action presents first of all a breach of the Criminal Procedure Code of the Republic of Kosovo, Article 417 - paragraph 1: "Whoever falsely claims to be an official or military person or wears the insignia of an official or military person without authorization shall be punished by a fine or by imprisonment of up to one (1) year."<sup>38</sup> Also, on the basis of the regulation of the Ministry on Kosovo Security Forces (MKSF) regarding the uniforms and personal appearance of the Kosovo Security Forces, "the ceremonial uniform of KSF is worn only on ceremonial occasions as foreseen by the KSF Commander."<sup>39</sup> In regard to this case it was Mr. Daut Haradinaj, as Chief of the Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces, who reacted, seeking responsibility from the senior officers of KSF, underlining the need to preserve the image of the KSF when efforts are being made to transform it into an army.<sup>40</sup>

In the other hand, Mr. Korab Shaqiri denied the misuse of the uniform, by giving a false statement, that the uniform used for his wedding was allegedly tailored exactly for that particular ceremony, *"The uniform does not belong to the Guard. It resembles to the uniform of the musical band, the uniform was ordered particularly for this day as I wanted the symbols of Kosovo and the national flag to be evident as we went through the streets of Macedonia."*<sup>41</sup>

In the meantime, his own father, Mr. Ilir Shaqiri, in his response was in contradiction with his son, *"I wonder how people forget so quickly. You have to be sure that I have sung more to my homeland, than many other people have ever spoken about it, especially the ones who reacted against the participation of the KSF Guard in the wedding of my son Korab. Most of the soldiers of the Guard became soldiers listening and being inspired by my songs. Therefore, do not talk nonsense for things you are not aware of"*<sup>42</sup>. It is a tragic fact that Mr. Ilir Shaqiri himself, who also holds also a public post, being the editor in the Radio Television of Kosovo for

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<sup>37</sup>The misuse of the uniform, MKSF should initiate a criminal procedure, 21 September 2015, <http://www.kosovapress.com/sq/siguri/keqperdorimi-i-uniformes-mfsk-do-te-inicioj-procedure-penale-51516/>.

<sup>38</sup>Criminal Code of the Republic of Kosovo <http://www.kuvendikosoves.org/common/docs/ligjet/Kodi%20penal.pdf>.

<sup>39</sup>Regulation No.06/2010, amending the Regulation 07/2008 on uniforms and the personal appearance of the Security Forces of Kosovo, <http://www.mksfks.org/repository/docs/Amendment%20062010%20to%20the%20Regulation%20on%20Uniforms.pdf>.

<sup>40</sup>Daut Haradinaj reacts by seeking responsibility for the misuse of the guard of KSF, 20 September 2015, <http://www.indeksonline.net/?FaqeID=2&LajmID=184330>.

<sup>41</sup>Korab Shaqiri reacts – this is the truth about the participation of the guard in the wedding ceremony, 21 September 2015, <http://lajmi.net/reagon-korabshaqiri-kjo-eshte-e-verteta-per-pjesemarrjen-e-grades-ne-dasem/>.

<sup>42</sup>Ilir Shaqiri reacts: At the wedding of my son, even KFOR was supposed to be present there, 20 September 2015, <http://www.pampress.com/reagon-ilir-shaqiri-ne-dasmen-e-djalit-tim-do-te-duhej-te-ishte-prezent-edhe-kfor-i/>.

the entertaining, music and sports program,<sup>43</sup> gives himself the right to justify the breach of the law, in the name of singing allegedly for his “homeland”.

The Ministry of Kosovo Security Force (MKSF) acted responsibly by undertaking disciplinary and legal measures, first by suspending the member of KSF who landed his uniform, and also by filing a criminal charge against the citizen who used the KSF solemn uniform without authorization<sup>44</sup>.

### **The misuse of the official vehicles of the Kosovo Security Forces (KSF)**

On 8 October 2015 the media reported that in the streets of Gjakova a KSF vehicle was seen being misused for private purposes (overloaded with peppers).<sup>45</sup> The misuse of official vehicles is banned with regulation No. 12/2009 on Management, Control and Use of the Vehicles assigned to the Ministry of the Kosovo Security Force and the Kosovo Security Force. According to the first paragraph of Article 3 of this Regulation, “All MKSF and KSF vehicles are authorised for official use only. Official use is defined as activities essential for the execution of assigned duties in support of MKSF/KSF mission. All KSF vehicles will bear KSF license plates. Under no circumstances shall vehicles be used for private purposes.”<sup>46</sup>

For the above mentioned case MKSF made no public reaction. However, MKSF confirmed with KIPRED that the disciplinary board of KSF dated on 01.11.2015 issued a disciplinary measure against the person who misused the official vehicle, a “Written Warning” in accordance with the provisions of the Disciplinary Code of KSF.<sup>47</sup> According to the Disciplinary Code of KSF<sup>48</sup>,

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<sup>43</sup>Link of the Radio Television of Kosovo, on the post of the editor <http://www.rtklive.com/new/rtk/?cid=1,1&p=pfialared>.

<sup>44</sup>MKFS files a criminal charge against the misuse of the uniform of the KSF, 5 October 2015, <http://www.mksf-ks.org/?page=1,24,1465#.VmBGW1irTIU>.

<sup>45</sup>KFS action in Gjakova: Transportation of the pickled peppers (Picture), 5 October 2015, <http://lajmi.net/fsk-aksion-ne-gjakove-per-bartjen-e-specave-turshi-foto/>.

<sup>46</sup>Regulation No. 12/2009 Management, Control and Use of the Vehicles assigned to the Ministry of the Kosovo Security Force and the Kosovo Security Force, <http://www.mksf-ks.org/?page=1,76>.

<sup>47</sup>Response from MKSF: the disciplinary board of KSF dated on 03.11.2015 issued a disciplinary measure against the person who misused the official vehicle, a “Written Warning” in accordance with the provisions of the Disciplinary Code of KSF, 25 November 2015.

<sup>48</sup>Article 13, Classification of the disciplinary violations, Disciplinary Code of the Kosovo Security Force, [http://mksf-ks.org/repository/docs/KODI\\_DISIPLINOR\\_25\\_prill\\_2013.pdf](http://mksf-ks.org/repository/docs/KODI_DISIPLINOR_25_prill_2013.pdf).

violations are divided into: minor disciplinary violations and major disciplinary violations, and consequently these disciplinary measures shall be sentenced in accordance with this classification.

If the provisions of the Disciplinary Code are observed thoroughly we shall see that the concerned member of KSF has been charged with a minor disciplinary measure, respectively with a “written warning”<sup>49</sup>, based on Article 14, point 2.6, which in this act is specified as “misuse or mismanagement of the objects and equipment of KSF, which does not constitute a major disciplinary violation.”

KSF was not supposed to keep in silence the disciplinary sanction for this particular case for the citizens of Kosovo as this has a direct impact in the authority and trust that it enjoys, and it creates a public perception of domination of the lack of responsibilities within this institution.

### **Official misinterpretation of certificates issued by KSF**

The media in Kosovo reported wrongly on 12 October 2015 that some states including USA, Canada, Germany, Turkey and New Zealand, had already recognised the Kosovo Security Force as the Kosovo Army, as they acknowledge documents issued by the KSF, proving that the citizens of Kosovo are not obliged to undergo the military services, a document which is issued by the regular armies of other states.<sup>50</sup> For this matter even the Legal Department Director of KSF Ms. Krenare Sogojeva Dermaku, made a statement, declaring among others that “this is something that we like to think about, it is simply a step towards the recognition of our army.”

Such a statement represents a misinterpretation, since KSF does not issue any document that is related to the military services, but it issues a certificate for services in KSF, as well as a letter confirming that a particular person never served within this institution.

In order to illustrate this fact we shall refer to the section “The Diversity Visa Process” found in the web page of the USA State Department, under “Military Records”<sup>51</sup>. Therein it is emphasised that

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<sup>49</sup>Ibid, point 1.2., Article 16.

<sup>50</sup> USA and four other countries recognise KSF as Kosovo Army, 12.10.2015, <http://koha.net/?id=27&l=79129>.

<sup>51</sup> The Diversity Visa Process: Military records, <http://travel.state.gov/content/visas/en/immigrate/diversity-visa/if-you-are-selected/prepare-supporting-documents.html>.

“Persons who have served in the military forces of any country must obtain a copy of their military record...” and that such military records from certain countries are unavailable.

As far as Kosovo is concerned, the State Department emphasizes that it has restriction in regard to the military data and that as following:<sup>52</sup> “The division of the Kosovo Protection Corps (KPC) within the Ministry of Labour and Social Welfare issues data for the personnel who served during the period 1999-2008”. “The Personnel Department in the Ministry of the Kosovo Security Force, serving the citizens of Kosovo, by issuing data for the service within KSF or letters that a particular person has never served in KSF”, and that “the citizens of Kosovo who served in the Yugoslav Army and Serbian Army are not able to provide any data for their military service.”

As it is seen from this instruction, although this is part of the section for military data, KPC and KSF are treated equally and none of them is mentioned in particular as an army, and this fact cannot be considered otherwise. Such interpretations are inaccurate and they only damage the seriousness of KSF and its ambitions to be transformed into an army.

## **Parliamentary Oversight**

During this monitoring period the Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces held two meetings. As far as KSF is concerned it should be stressed the meeting held on 14 September 2015, where among others it was discussed also the transformation of KSF into AFK (Armed Forces of Kosovo).<sup>53</sup>

The members of the Committee from the opposite parties considered the effort of the Government to transform KSF into AFK as rhetoric. The deputy Zafir Berisha maintained that no compromises should be made with the Serbian List in regard to this matter; whereas Qerim Bajrami from the Parliamentary Group 6 Plus emphasized that other minor communities are in favour of any change as far as the transformation of KSF into AFK is concerned. Whereas, the members of the

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<sup>52</sup> Kosovo Country Reciprocity: Military Records: <http://travel.state.gov/content/visas/en/fees/reciprocity-by-country/KV.html>.

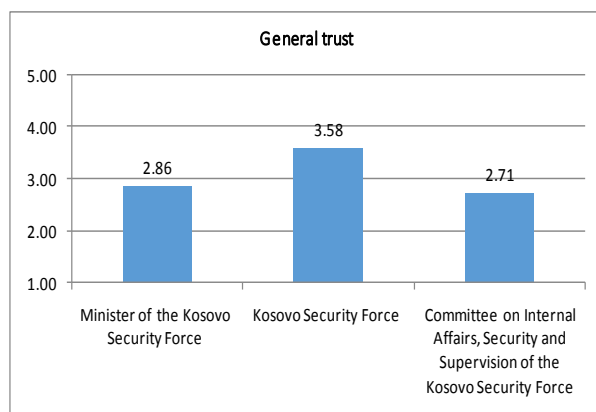
<sup>53</sup> See the minutes of record from the meeting of the Committee held on 14.09.2015  
[http://www.kuvendikosoves.org/common/docs/proc/proc\\_2015\\_09\\_14\\_11\\_6100\\_al.pdf](http://www.kuvendikosoves.org/common/docs/proc/proc_2015_09_14_11_6100_al.pdf).

opposition stated that the Government is determined in regard to this issue, yet this is a sensitive matter and it requires unity from all parties.

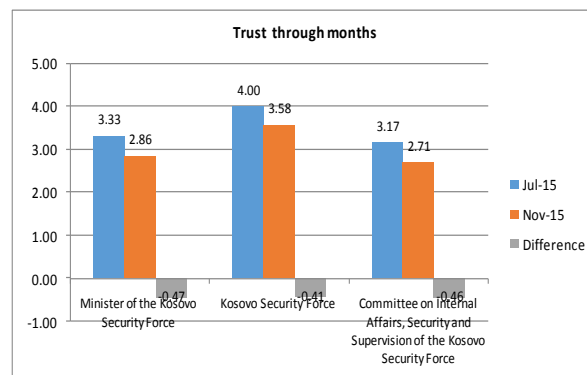
During this meeting it was discussed also in regard to the possibilities of changing the mandate of KSF with laws, however, the chief of this Committee, Mr. Daut Haradinaj disagreed with this proposal, since, according to him, the change of the mission of KSF does not make any difference if those changes are included also in the Constitution. Nevertheless, in this meeting it was emphasized the fact that the deputies are not sufficiently informed about the transformation process of KSF. Therefore, it is necessary for the Minister of the Security Force, Mr. Haki Demolli, to be summoned for a preliminary session from the Committee and provide information about the progress and obstacles in regard to the transformation of KSF.

## The trust of the Kosovo citizens in the Ministry of the Security Force, the Kosovo Security Force and Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces

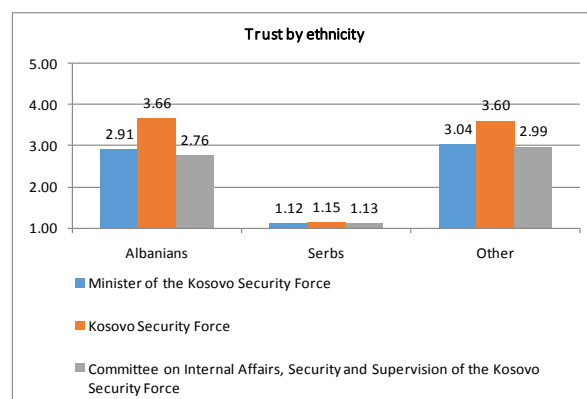
During the survey contracted by KIPRED, which was conducted with the citizens of Kosovo at the beginning of November 2015, it is noticed that the highest trust is enjoyed by the Kosovo Security Force, with an approximate estimation of 3.58. The Ministry of the Security Force enjoys a trust with 2.86, whereas the Parliamentary Committee on Internal Affairs, Security and Oversight of the Kosovo Security Forces, with 2.71.



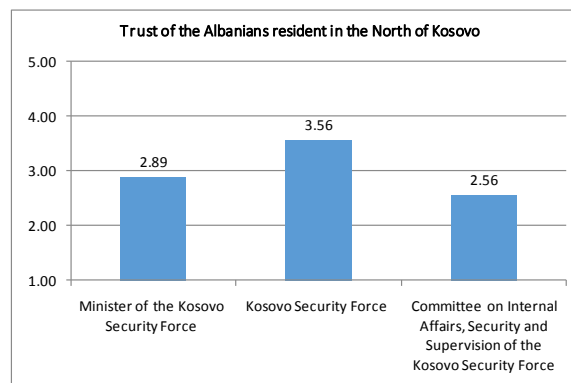
If we compare the citizens' trust with numbers from July and November, we shall notice a significant decline of trust for all these three institutions. The trust in the Ministry of the Security Force has declined for -0.47, whereas the Kosovo Security Force has had a decline from -0.42.



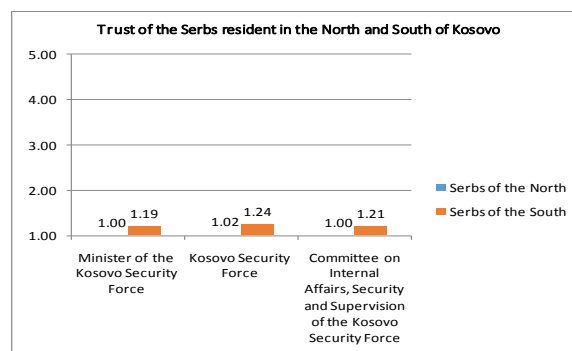
Other ethnic community members responded to the same question in regard to the trust for all these three security institutions, Ministry of the Security Force, the Security Force and the respective parliamentary committee. The Albanians and other non-Serbian communities have an approximate higher trust in the Kosovo Security Force, with 3.66 and 3.60, in the Ministry of the KSF with 2.91 and 3.04, whereas in the Parliamentary Committee with 2.76 and 2.99, respectively. The Serbian community has a minimum trust in these three institutions, and that with 1.15 in KSF, 1.12 in the Ministry of the KSF and 1.13 in the Parliamentary Committee.



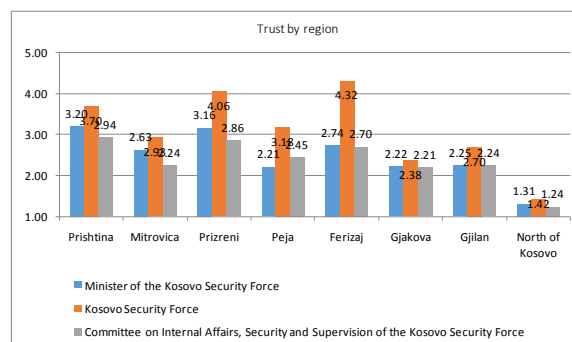
The Albanian residents living in the North of Kosovo have the highest approximate trust in the Kosovo Security Force, and that with 3.56 - the approximate trust is in the Ministry of KSF with 3.89, whereas the lowest trust is found with the Parliamentary Committee and that with 2.56.



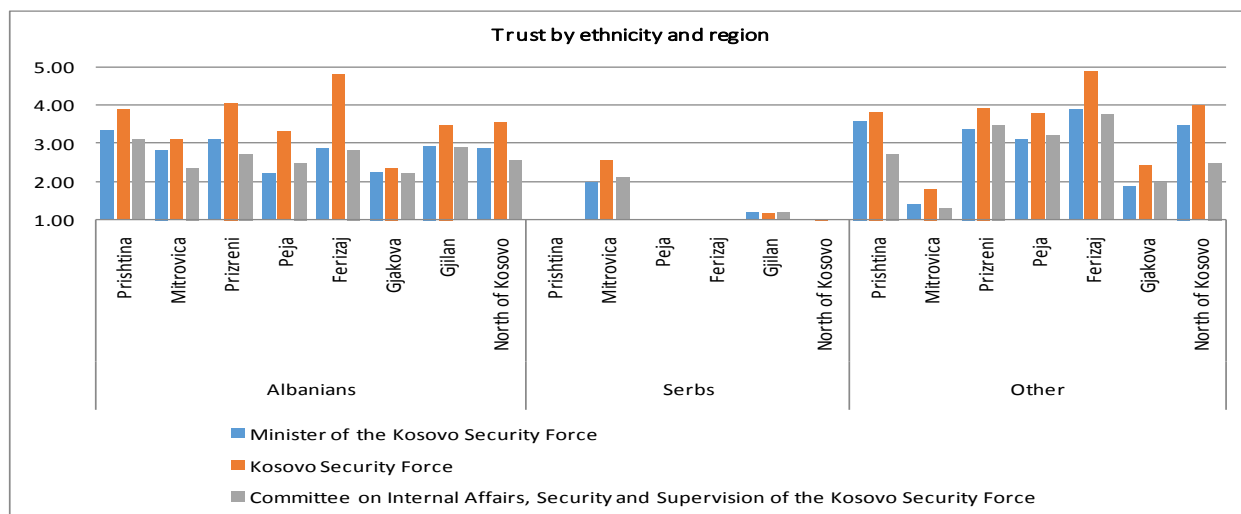
The trust of the Serbian community is very low towards these three institutions, almost inexistent, with a slight higher trust of Serbians living in the South of the country.



The trust according to region in the Kosovo Security Force, Ministry of KSF and the Parliamentary Committee is seen to be the highest in the region of Ferizaj, to be followed by Prizren, whereas the minimal trust towards these three institutions is prominent in the North of Kosovo.



As far as the trust per region and ethnicities is concerned, it is noticed that the highest trust of Albanians in KSF is in the region of Ferizaj, the Ministry of KSF has the highest trust in Prishtina and Prizren, whereas the Parliamentary Committee has the highest trust in Prishtina and Gjilan. The trust of Serbs in these three institutions remains at a minimal level regardless of region, apart for the Serbs living in the South of Mitrovica, which is the highest compared to the rest of the resident Serbs living in other regions. Other ethnic communities reach an approximate highest trust in these institutions in the region of Ferizaj.



### **3. THE MONITORING OF THE INTELLIGENCE SECTOR**

#### **Introduction**

The problem that dominated the intelligence sector during the period August-November 2015 has been the possible leak of information, which allegedly has been taken from the Ministry of KSF and handed to Serbia. Due to the close inter-institutional relation in the security sector, this sector involves matters related to Intelligence Sector in relation to the Kosovo Security Force.

The leak of information, according to media reports, happened in 2011, yet this matter became actual only two years later, thus in 2013, through the Parliamentary Committee for the Oversight of the KIA and the opposite parties who brought this matter to the parliamentary session. Since this case was closed without any detailed explanation, despite the categorical denial done by the senior officers of the Ministry of KSF, the topic regarding the possible leak of classified state information was actualized again in 2015, and again from media reports and later from the assertive declaration of the Chief of the Parliamentary Committee for the Oversight of KIA, Mr. Haxhi Shala.

The Parliamentary Committee for the Oversight of KIA, within this period of time held three meetings, which were closed to the public. However, it is encouraging the will of the Chief of the Committee Mr. Haxhi Shala to hold meetings with a rather open format.

The survey to measure the trust of the Kosovo citizens for KIA, its Director and for the Parliamentary Committee for the Oversight of KIA was conducted in November through a research of the public opinion contracted by KIPRED, and it showed a significant decrease of trust compared to measures conducted four months ago, and that on July this year.

## **The allegation for possible leak of state classified information**

According to media reports it is doubted that the personal files of every member of the Kosovo Security Force (KSF), its candidates, as well as the civil staff members in the Ministry of KSF are delivered in the hands of the Intelligence Services of the Serbian Military.<sup>54</sup> The authorities of Kosovo commenced their investigations regarding the disclosure of this information from the former Vice Minister of KSF Mr. Sllavisha Filipoviq to a Serbian Politian. This transfer of information is doubted to have happened in 2011<sup>55</sup>, but this matter was actualized only in 2013,<sup>56</sup> and re-actualized again in 2015. In this case, the Chief of the Parliamentary Committee for the Oversight of the Kosovo Intelligence Agency (KIA), Haxhi Shala, had maintained that “information might have slipped from the vice minister of the KSF who belonged to the Serbian community, because he is a vice minister and vice ministers have the right to be informed in regard to every institution. You should know that in the Ministry of KSF we have always had vice ministers from the Serbian community. The Government should seriously consider when appointing any vice minister from other communities in this ministry.”<sup>57</sup>

In the request for additional clarifications in regard to the leak of possible documents, the General Inspector of KIA, Shkelzen Sopjani, neither denied nor asserted such a thing, with the reasoning that this matter does not fall under the responsibilities of the General Inspector of KIA, and with this in fact he recommended addressing this question to KSF.<sup>58</sup> In the interview given for KIPRED the spokesperson of the MKSF Ibrahim Shala denied categorically the leak of information,<sup>59</sup> although this was confirmed even by the former Minister of KSF Agim Çeku, who in the parliament session held in 2013 is recorded saying, quotation: “[...] it is true that our competent and responsible structures have [also] noticed a correspondence, exchange of emails of the vice Minister with an officer from a political party in Belgrade and that it is estimated that from this e-mail there is disclosure of confidentiality. So this proves that we are informed about the situation and that we

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<sup>54</sup>“Documents and confidential files of KSF in the hands of the Serbian Intelligence Services?!” <http://tesheshi.com/dokumente-dhe-dosje-sekrete-te-fsk-se-ne-duar-te-sherbimeve-inteligjente-serbe/>.

<sup>55</sup> “The state covered the correspondence of the vice minister”, <http://gazetajnk.com/?cid=1,3,5538>.

<sup>56</sup>Agim, who is Sllavisha Filipovic, <http://www.gazetaexpress.com/arkiva/agim-kush-eshte-sllavisha-filipovic-112522/>.

<sup>57</sup>“The files of the members of KSF in the hands of the Serbian Intelligence Services”, <http://koha.net/?id=27&l=77029>.

<sup>58</sup> Interview with the General Inspector of KIA, Shkelzen Sopjani, dated 26 December 2015.

<sup>59</sup>Interview with the Spokesperson of the MKSF Ibrahim Shala, dated 22 October 2015.

have discovered ourselves. We talked with the vice minister and we consider that there is no disclosure of confidentiality of KSF.”<sup>60</sup>

The case was confirmed even by the deputy from the Democratic Party of Kosovo as well as the former member of the Committee for Oversight of the Intelligence Agency, Fadil Demaku, who said that "this case occurred in late 2011 and I have been aware of that a long time ago, same as the institutions that had to deal with that were aware of it, such as KIA and other institutions KSF has protocols with".<sup>61</sup> Also, according to the pronouncement of the Office for Media of the Ministry of KSF, the information found in the computer of Slavisa Filipovic, stating that "there are some e-mails, related to party matter and among them, there was an e-mail for KSF, specifically related to the location of KSF units", but the Ministry in question had estimated that there was no violation of confidentiality.”<sup>62</sup>

It is clear that the transfer of information beyond the public institutions of Kosovo has actually happened, however, this information was considered as not classified information, and therefore the case was closed in 2013, without undertaking any additional institutional step.

### **The legal aspect of classification, access and transfer of state information**

According to the Law on Classification of Information and Security Clearances<sup>63</sup>, Article 6, Information may be classified at one of the following levels: “top secret”, “secret”, “confidential” and “restricted”. According to the first paragraph of Article 7 of the same law, classification authority shall be vested solely in the originator of the information. Classification authority may change in accordance with the levels of classification. According to the second paragraph of Article 7, the “top secret” original classification authority may be exercised only by: the President of Kosovo, the President of the Assembly of Kosovo, the Prime Minister, the Chair of the Kosovo Security Council; the Director of the Kosovo Intelligence Agency; the Director General of the Kosovo Police and the Commander of the Kosovo Security Force. According to the third paragraph of this article, these persons may also delegate their classification authority to their direct subordinate officials. Furthermore, according to fourth paragraph of this Article, for “secret”,

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<sup>60</sup>“Transcript from the preliminary session of the Assembly of the Republic of Kosovo”, 2 May 2013, fq.25., [http://www.kuvendikosoves.org/common/docs/proc/trans\\_s\\_2013\\_05\\_02\\_10\\_4908\\_al.pdf](http://www.kuvendikosoves.org/common/docs/proc/trans_s_2013_05_02_10_4908_al.pdf).

<sup>61</sup> “The State covered the correspondence of the vice minister”, <http://gazetajnk.com/?cid=1,3,5538>.

<sup>62</sup> Government – Filipović discovered the Units of KSF, <http://gazetajnk.com/?cid=1,1018,5597>.

<sup>63</sup> Law on Classification of Information and Security Clearances, <http://aki-rks.org/RKS/2010-178-alb.pdf>

“confidential” and “restricted” original classification, authority may be exercised only by the Permanent Secretaries, Chief Executive Officers or Executive Directors of public authorities and other equivalent senior positions, unless they delegate such classification authority to subordinate senior officials.

Also based on the level of classified information, this information may be transferred only to the public institutions<sup>64</sup>, a person may have access to information classified as “confidential”, “secret” or “top secret” provided that that person has a valid security certificate, has a need-to-know for carrying out his/her official mission or duty and has signed an approved nondisclosure statement.<sup>65</sup> Thus, the case which is subject of our study, although the post of the vice minister Filipović is a political post, he may be delegated access to information classified as “confidential”, given that he has been granted with necessary security clearance and adequate professional qualifications and experience to exercise the delegated responsibility.<sup>66</sup>

Whereas, as far as the vetting competences are concerned, according to the Law on Classification of Information and Security Clearances, Article 24 provides that the Vetting Authority responsible for conducting security clearance procedures as set out in this Law for all public authorities of the Republic of Kosovo and their contractors is the Kosovo Intelligence Agency (KIA), which shall establish a special Vetting Department exclusively responsible for conducting security clearance procedures. The Vetting Authority, after having conducted a security clearance procedure, shall issue a security certificate to a person.<sup>67</sup>

According to the Spokesperson of the MKSF, Ibrahim Shala, MKSF has formed the list of classified information, dated 8 June 2012<sup>68</sup>, thus one year prior to the case of Filipović. However, since the case of Filipović is closed from the former minister of KSF Agim Çeku,<sup>69</sup> as the information was considered as non-confidential, it is no question whether there will be any further investigation or

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<sup>64</sup> Article 17, paragraph 1, Law on Classification of Information and Security Clearances

<sup>65</sup> Article 22, paragraph 1, Law on Classification of Information and Security Clearances

<sup>66</sup> Law on Classification of Information and Security Clearances, Article 23, paragraph 4, stipulates that: *“the head of a public authority, while retaining residual responsibility, may delegate the responsibility to decide on access to classified information and to administer classified information within the public authority pursuant to this Law to a senior official of the public authority who has the necessary security clearance and adequate professional qualifications and experience to exercise the delegated responsibility”*.

<sup>67</sup> Article 25.1, Law on Classification of Information and Security Clearances.

<sup>68</sup> Interview with the Spokesperson of the Ministry of the KSF, Ibrahim Shala, 25 November 2015

<sup>69</sup> Transcript from the preliminary session of the Assembly of the Republic of Kosovo, 2 May 2013, p.25, [http://www.kuvendikosoves.org/common/docs/proc/trans\\_s\\_2013\\_05\\_02\\_10\\_4908\\_al.pdf](http://www.kuvendikosoves.org/common/docs/proc/trans_s_2013_05_02_10_4908_al.pdf).

even further possible criminal sanctions, as foreseen with Article 50 of the Law on Classification of Information and Security Clearances.<sup>70</sup>

### **(Non) closure of the case**

It is unclear what happened with the former vice-minister of KSF, Filipović, who got replaced by Mrs. Jasmina Vasić, with the decision taken from the former Prime Minister of the Republic of Kosovo, Hashim Thaçi.<sup>71</sup> This replacement is done without any official clarification, in September 2013, four months after actualizing the issue at hand.

As it can be understood, despite the requirements of the media and the opposite parties for providing detailed clarifications in regard to the possible leak of the classified information, based on the statements given by the high leaders of the responsible institutions, this matter was closed in 2013. If the situation is this, it should be seen why this matter was re-actualized only two years later. This topic was never discussed with the Committee for the Oversight of the KIA, but by the statements given in the media by the Chief of the Committee, this news was launched as if it was an actual event, and it has a political connotation for a problem that occurred way earlier.

Taking into consideration the sensibility of the sector, which is related directly and in detail with the functioning of the state itself, the public statements of every high political officer – and in particular of the members of the Parliamentary Committee for the Oversight of KIA – have a significant importance to the public opinion, given that the statements for topics which are recycled from the past and presented as actual topics, may create a confusion and a wrong political perception, as well as a loss of trust and credibility of the parliamentary oversight of the sector of intelligence.

### **The Parliamentary Oversight**

Since August, the Parliamentary Committee for the Oversight of KIA has met three times.<sup>72</sup> The agenda of the meeting of the Commission which was held in August covered the oversight of the implementation of the Law No.03/178 on Classified Information and Security Clearances; the

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<sup>70</sup> According to the Law on Classification of Information and Security Clearances, Article 50, “A person who discloses without authorization information classified as “confidential” shall commit a criminal offence and shall be punished by imprisonment of one to five years, a person who discloses without authorization information classified as “secret” shall commit a criminal offence and shall be punished by imprisonment of three to ten years, whereas a person who discloses without authorization information classified as “top secret” shall commit a criminal offence and shall be punished by imprisonment of five to twelve years.”

<sup>71</sup> “Jasmina Vasić is appointed as vice minister of KSF”, <http://koha.net/?id=8&arkiva=1&l=158181>.

<sup>72</sup> See: Meetings of KPMKI, Assembly of the Republic of Kosovo <http://www.kuvendikosoves.org/?cid=1,110,131>.

agenda of the meeting held in October covered the Report of the General Inspector of the Kosovo Intelligence Agency, Shkelzen Spojani, whereas, the agenda of the meeting held in November, covered the review of the KIA draft budget for 2016.

The meetings of concerned committee, held in the past, but also the actual ones, have been held completely closed to media, and again, no information was given in regard to the not necessarily classified matters. The topics that might be qualified as necessarily qualified are the subject of the committee tasks, or the supervision of the application of the Law No.03/178 on Classified Information and Security Clearances.<sup>73</sup> In regard to this work routine, dominated with the secrecy, concerns were raised also by the Chief of the Committee Mr. Haxhi Shala, who among others stated that it is incomprehensible the persistence of the members of the committee, deputies from the governing coalition parties, for the meetings of this committee to be held with closed doors.<sup>74</sup>

Otherwise, the committee meetings shall, in principle, be open to the public, except where a Committee is discussing confidential matters of security in Kosovo, the details of a commercial contract involving the institutions of the Republic of Kosovo and a third party in which confidential commercial matters are discussed or preparing draft or final recommendations, including the writing of any important report to the Assembly, or if it considered otherwise.<sup>75</sup>

More specifically, in the meetings of the Parliamentary Committee for Oversight of KIA, if the agenda in principle does not involve confidentiality that affects the security of the country, it is unreasonable to hold these meetings closed to the media, that is, to the public. Opening the committee in question - of course, in accordance with relevant laws - is of crucial importance, and in this case the civil society will be able to designate its contribution, which it is supported by the President of the Committee, Mr. Haxhi Shala. Therefore, it is the final time that the Parliamentary Committee for Oversight of the KIA to become more transparent, and hold its meetings in an open format, whenever circumstances permit to do so.

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<sup>73</sup>See: Agenda of the meeting of KPMAKI, dated 22.07.2015, <http://www.kuvendikosoves.org/?cid=1,110,131>.

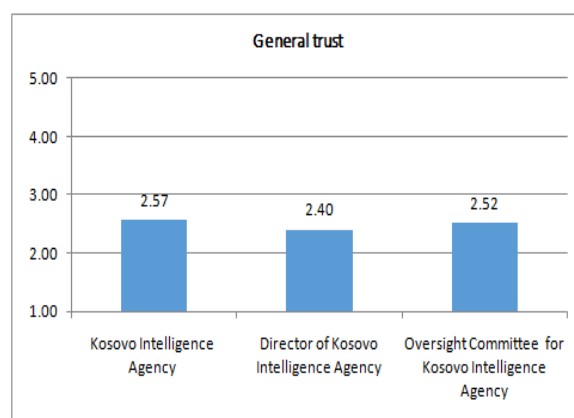
<sup>74</sup>Interview with the Chief of the Parliamentary Committee for the Oversight of KIA, dated 30.10.2015.

<sup>75</sup>Rules of Procedure of the Assembly of the republic of Kosovo, 29 April 2010, Prishtinë, [http://www.kuvendikosoves.org/common/docs/Rr\\_K\\_RK\\_29\\_04\\_2010\\_1.pdf](http://www.kuvendikosoves.org/common/docs/Rr_K_RK_29_04_2010_1.pdf).

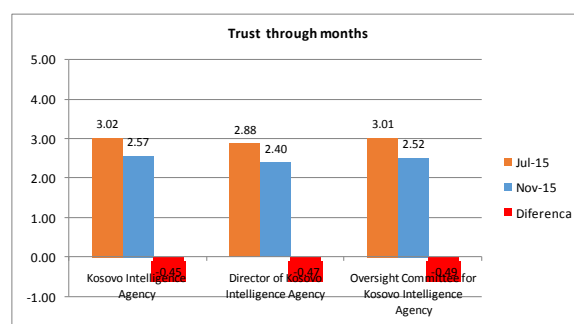
## The trust of the citizens in the Kosovo Intelligence Agency, the Director of the Kosovo Intelligence Agency and the Parliamentary Committee for Oversight of Kosovo Intelligence Agency

The citizens were questioned through a survey in the beginning of November 2015 and they had the chance to express in numbers their level of trust for the institutions or the leaders of the institutions, and that in a scale from 1 to 5, where 1 stood for the lowest level of trust and 5 the highest level of trust.

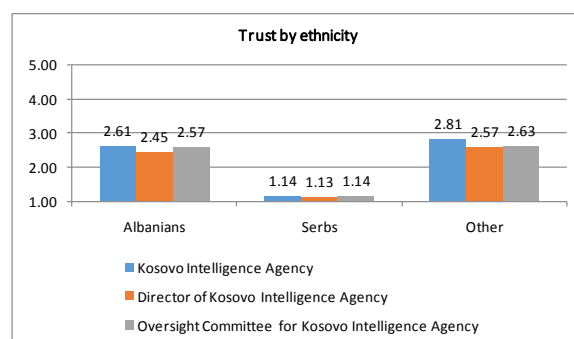
As far as the general trust of the Kosovo citizens is concerned, the Kosovo Intelligence Agency enjoys a high level of trust with a slight difference compared to the Parliamentary Committee for KIA. In the end, the Director of the Kosovo Intelligence Agency enjoys the lowest trust of the citizens.



If we compare the surveys from the month of July and notice a considerable decrease of trust. The trust for the month of November regarding the three institutions of the intelligence sector has suffered an approximate decrease from -0.45 compared to the trust expresses during the month of July.

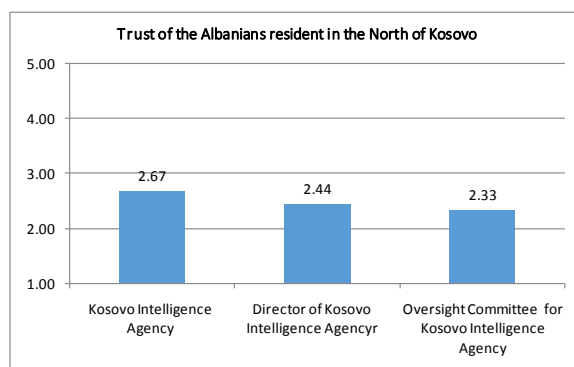


The same question in regard to the trust of the three intelligence institutions of Kosovo, the Kosovo Intelligence Agency, the Director of the Kosovo Intelligence Agency and the Parliamentary Committee for Oversight of KIA, was addressed to the members of the ethnic communities of Kosovo, and the highest trust was expressed by the non-Albanian and non-Serbian

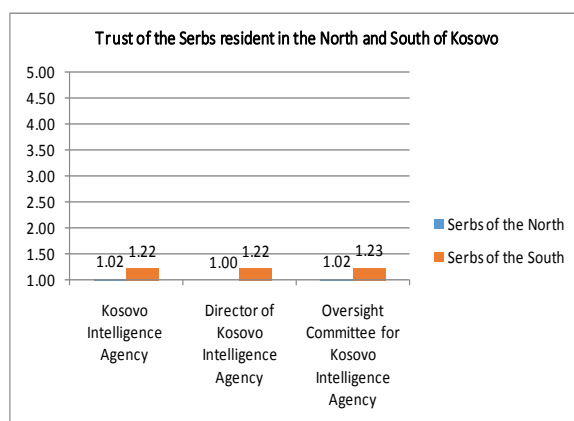


communities, and that for the KIA. Furthermore, the Albanian community has an approximate trust in the institutions presented in the chart, for which the Serbian community has a minimal trust.

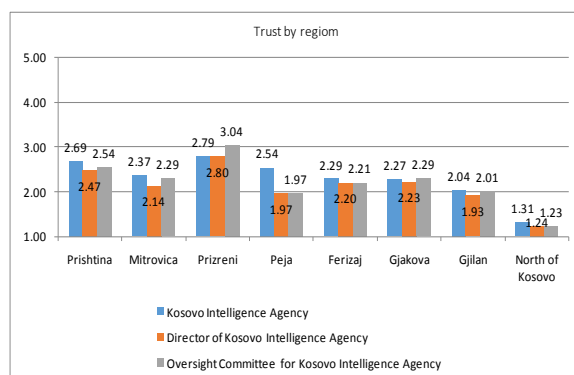
As far as the Albanian residents in the North of Kosovo are concerned, the higher trust is expressed for KIA, however, the trust in the Director of KIA and Parliamentary Committee for KIA is below average

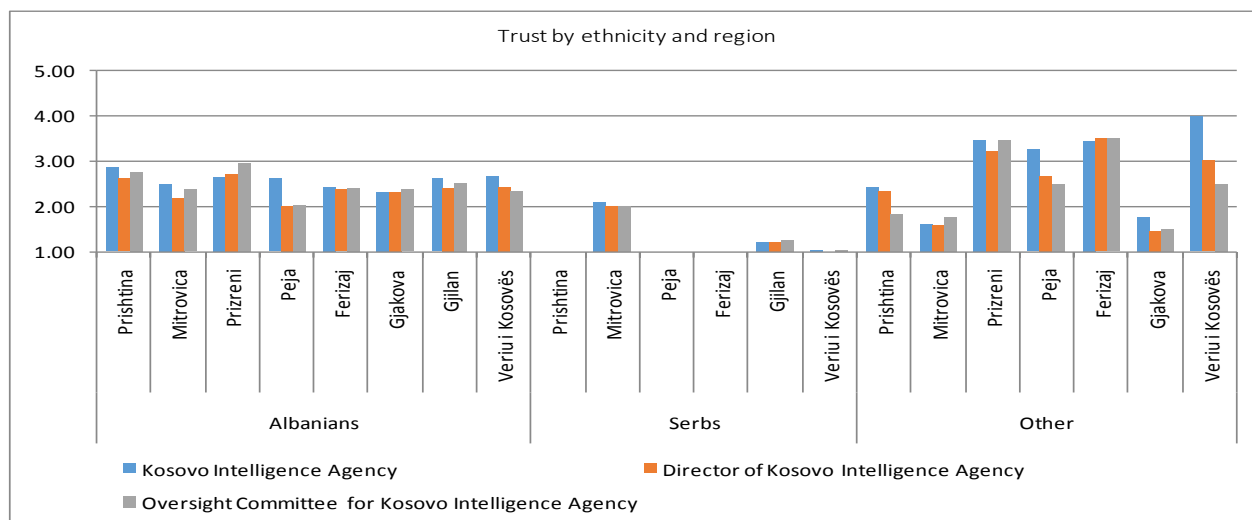


Among the classifications of this measure of the public opinion, the measure of trust of the resident Serbians living in the South and North was conducted. Their trust toward KIA, Director of KIA and KIA Parliamentary Committee is at a very low level. So for the three questions, the evaluation of trust of the Serbian community is minimal, with no significant difference regardless of the territory of Kosovo they live.



As far as the trust by Kosovo regions, Prizren has given relatively higher estimations. Also, compared to other regions of Kosovo, it is noticed an approximate level of trust in Peja and Gjiilan, with an approximate estimation of 2.0%, and almost a minimal level of trust in the north of Kosovo.





As far as the trust in the KIA, Director of KIA, and the Parliamentary Committee for KIA, is concerned, based on regions and ethnic groups, the Kosovo Serbian community in Kosovo, regardless of location, they have minimal trust in these three institutions, provided in the survey (except for Mitrovica). Meanwhile, non-majority communities in Kosovo, in general, have higher trust in these institutions, along with the majority Albanian community, in almost all regions (except for Gjakova and Mitrovica).

## **4. THE (DYS) FUNCTION OF THE KOSOVO SECURITY COUNCIL**

### **Introduction**

The ways how countries develop their security policies and how the institutions and government agencies coordinate them during their implantation play a fundamental role in the success or failure to encounter with the risks and threats against security. Such a role for the Republic of Kosovo is vested to the Kosovo Security Council (hereinafter: the Security Council), which under the Constitution of the country has an advisory role<sup>76</sup> and for common situations is chaired by the Prime Minister, however, in case of an emergency situation in the country, this council is chaired by the President of the country who shall exercise the executive functions in matters dealing with this condition.<sup>77</sup>

The Kosovo Security Council shall be composed of the following permanent members with executive authority,<sup>78</sup> and one of the permanent members with executive authority belongs to the Kosovo Serb Community,<sup>79</sup> as well as from permanent members in an advisory capacity,<sup>80</sup> whereas in the capacity of observers may also participate the Chair of the Assembly Committee for Security and the Chair of the Assembly Committee on Rights and Interests of Communities.<sup>81</sup> The Kosovo Security Council shall have its own Secretariat, Situation Centre and Coordinating Commission, meaning the Intelligence Commission and other committees which may be established as deemed necessary<sup>82</sup>. The Security Council, according to the law on its establishment, shall be supervised by the “relevant parliamentary committee”<sup>83</sup> of the Kosovo Assembly.

The Security Council was established in June 2008, following the entry into force of law to establish it. During the seven years period of its existence, the Security Council, in one hand stuck in strengthening itself in regard to its organization and in the other hand it has been disregarded by the

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<sup>76</sup> Article 127, point 1, Constitution of the Republic of Kosovo (2008), <http://www.kryeministri-ks.net/repository/docs/Kushtetuta.e.Republikes.se.Kosoves.pdf>.

<sup>77</sup> Ibid. Article, 131, point 8.

<sup>78</sup> Article 3, point .3.1, Law on Establishing the Security Council of Kosovo (03/L-050), 2 June 2008, [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L050\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L050_al.pdf).

<sup>79</sup> Ibid. point 3.2.

<sup>80</sup> Ibid, point 3.4.

<sup>81</sup> Ibid, point 3.6.

<sup>82</sup> Ibid. Chapter III: Supporting Bodies

<sup>83</sup> Ibid. Article 9.

Prime Ministers of the country, as an advisory and executive institution regarding security related matters.

The purpose of this study paper is to make a brief analysis of the current work practices, as well as of the institutional and organizational capacities of the Security Council, the Secretariat, and parliamentary oversight, showing key deficiencies and identifying alternatives for strengthening and reforming it.

### **The Security Council of Kosovo: Dysfunction as a result of overlooking complicated situations and incomplete functioning turned into normality**

During the research process and collection of the relevant facts for the Security Council work related practices, KIPRED has noticed two special forms of the (dys)functioning of this institution, and that, the dysfunction as a result of overlooking complicated situations and the incomplete function towards common situations. Below we shall provide a brief analysis of these forms of (dys) functioning of the Security Council as well as the possible implications in managing the security sector in Kosovo.

- **Dysfunction as a result of overlooking complicated situations**

In order to analyse the features of dysfunction as a result of overlooking, we shall consider how the Kosovo Prime Ministers ignored the Security Council in more complicated situations that Kosovo encountered during the last seven years as from the day of establishment of the Security Council. These situations are the intervention of the Kosovo Police Special Unit (ROSU) in the North of the country in 2011, the events that occurred in Kumanovo in April 2015 as well as the threat from terrorist attacks during the last summer.

The ROSU operation in the North of Kosovo, whose execution began in the early morning hours of 25 July 2011, was kept in complete confidentiality from the former Prime Minister Mr. Hashim Thaçi, who all together ordered this operation. In this case, the Security Council is not only overlooked during the entire process of advisory and decision making for sending the ROSU in the North, but even the President of Kosovo, Mrs. Jahjaga got informed about this operation only 18 hours after this operation had actually begun, despite the requests sent by its Cabinet to the former

Prime Minister for a joint meeting and information. Within these 18 hours, the former Prime Minister Thaçi refused to answer the phone calls of the President,<sup>84</sup> who has the constitutional mandate for declaring an emergency situation as well for leading the Security Council during such a situation.

Furthermore, the overlooking and ignoring of the Security Council by the former Prime Minister Thaçi does not end with this. Two weeks following the operation in the North, in a situation of an emergency state to manage the consequences in relation with the international actors, a consulting and coordinating group was established composed of the former Prime Minister Thaçi, the Minister of Justice Mr. Hajredin Kuçi, former Vice Prime Minister Ms. Edita Tahiri, former Vice Prime Minister and Minister of Trade and Industry, Mrs. Mimoza Kusari, former Minister of Internal Affairs Mr. Bajram Rexhepi, former Minister of Foreign Affairs, Mr. Enver Hoxhaj, former Minister of for European Integrations Mrs. Vlora Çitaku, initially Mr. Arbër Vllahiu, and later Mr. Ilir Deda from the Presidency, and the Chief of Staff from the Prime Minister Office, Mr. Bekim Çollaku. This group had the character of political formation and decision making and it functioned up to September 2011, and within this period it held 12 meetings – and during this entire period not even a single meeting of the Security Council was held.

However, if we look more carefully, we shall see that this group had a narrow composition of the permanent members of the Security Council. In its composition there were former Vice Prime Ministers, Mr. Behgjet Pacolli and Mr. Bujar Bukoshi, the former Minister of KSF, Mr. Agim Çeku and the former Minister for Communities and Returns, Mr. Sasha Rashic, whereas, the former Minister Çitaku was the only member of this group who was not a member of the Council. Such an overlook of the Security Council highlights the fact how the former Prime Minister treated it in a frivolous manner - just when this institution had to fulfil its function, mandated by the Constitution and by law, it became dysfunctional.

Similar overlooking of the Security Council, but not to the extreme level of the lack of coordination with the President of Kosovo, were practiced even during the armed conflict in Kumanovo, on 9 May, as well as during the period June – August 2015 when the country was threatened by terrorist attacks from the radical exponents and Islamic extremism. The Security Council again did not hold even a single meeting during this period, and the management of the security situation was done through informal meetings of the President, Prime Minister, Minister of Internal Affairs, the

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<sup>84</sup>Ibid.

Director of the Police and the Director of KIA. One of the reasons in overlooking the Security Council was not sharing the information with the permanent member of the Serbian community, the Minister of Returns and Communities, Mr. Delibor Jevtic, from the fear of leak of information.<sup>85</sup>

The recent overlooking of the Security Council from the Prime Ministers of the country through ad-hoc groups formed during the complicated situations, unveil the institutional fragility of managing the security sector in Kosovo, which suffers from the personal lack of trust among the security institutional leaders of the country, as well as from the ethnic lack of trust among the members of the governing coalition, despite the fact that this trend has started to be improved by the Prime Minister of the country during the last month, when the country was encountered with the threat of terrorism following the terrorist attacks in Paris in 13 November 2015.

If the prime ministers of Kosovo continue such management practices in regard to the security sector, by overlooking the Security Council, in case of emergencies the country could face an institutional collapse, since President of the country, as leader and chief of the Security Council, with executive powers, will be encountered with a dysfunctional institution and without developed and established work routines. The security that Kosovo enjoys due to the presence of KFOR should not grant the prime ministers the luxury of overlooking and therefore making the Security Council dysfunctional.

- **Incomplete functioning turned into normality**

The handling of the incomplete function of the Security Council in common situations shall initially be conveyed through an analysis of the application of its legal competences.<sup>86</sup> The Security Council is competent to provide written comments for all draft laws prior to the approval from the Government of Kosovo regarding the security sector and its institutions, reviewing the annual platform of intelligence and the strategic priorities for the Kosovo Intelligence Agency (KIA), reviewing the policies and strategic plans presented by the Minister of Internal Affairs, related to the Kosovo Police, as well as reviewing the policies and strategic plans presented by the Minister of Internal Affairs, related to the Kosovo Customs. From all of its competences, the Security Council has exercised only the approval of the annual platform for the intelligence and priorities of KIA,

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<sup>85</sup>Interview of KIPRED with the high officer from the Government of Kosovo, 25 July 2015

<sup>86</sup> Ibid. Article 2

while all other relevant laws and documents were handled directly from the Government of Kosovo<sup>87</sup>, without any prior review from this Council.

Also, the Security Council, but also the Government, failed to handle the ten-year-plan for the Kosovo Security Force, as the latter remained captive of its own transformation into Armed Forces. Moreover, it is interesting to note that although it is required by law,<sup>88</sup> the President of Kosovo, Mrs. Atifete Jahjaga, at least during this mandate of the Mustafa Government, the Security Council has never asked for advice on any particular matter.<sup>89</sup>

However, the most obvious incomplete function of the Security Council in common situations during the last the mandate of the government was its overlooking by the Government of Kosovo when drafting the recommendations Security Sector Strategic Review (SSSR), as its most fundamental, constitutional and legal competence. SSSR began its work on 21 March 2012 and its recommendations were approved by the Kosovo Government on 4 March 2014, and the mandate of the Security Council was taken over by the Leading Committee of SSSR under the leadership of the former Minister of the KSF.<sup>90</sup> While it is mandatory for a Minister from the Serbs Community to be part of the Security Council<sup>91</sup>, in the composition of the Leading Committee of SSSR there was no member from this community.

Moreover, the Chairman of the Security Council, namely the Prime Minister, has the legal power to the formation of the Intelligence Coordinating Committee, which should be chaired by him and his subordinates, namely the Secretary of the Security Council of Kosovo and senior representatives of Kosovo Police, Kosovo Intelligence Agency, Kosovo Security Force, the Customs Service and any agency or organization authorized by law mandated to conduct intelligence activities<sup>92</sup> and this committee should report to the Security Council. This commission is not established yet, and instead of its functioning, the Prime Minister practices ad-hoc meetings with the relevant agencies.<sup>93</sup>

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<sup>87</sup>Interview with Mr. Edon Myftari, Advisor for Security related matters of the Prime Minister Mustafa, 4 November 2015.

<sup>88</sup>Article 2.9 of the Law on establishing the Kosovo Security Council (03/L-050), 2 June 2008, [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L050\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L050_al.pdf).

<sup>89</sup>Interview with Mr. Edon Myftari, Advisor for Security related matters of the Prime Minister Mustafa, 4 November 2015.

<sup>90</sup>The Government of the Republic of Kosovo, Decision for the initiative related to the Security Sector Strategic Review, Prishtina, 21 March 2012.

<sup>91</sup>Article 3.2 of the Law on establishing the Kosovo Security Council (03/L-050), 2 June 2008, [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L050\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L050_al.pdf).

<sup>92</sup>Article 18, of the Law on establishing the Kosovo Security Council (03/L-050), 2 June 2008, [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L050\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L050_al.pdf).

<sup>93</sup>Interview with Mr. Edon Myftari, Advisor for Security related matters of the Prime Minister Mustafa, 4 November 2015.

The failure to establish the Commission on Intelligence highlights a major deficiency in the management of the security sector in Kosovo, that the lack of institutional coordination of relevant agencies/organizations mandated to conduct intelligence activities, which may have serious consequences in case of confrontation with security threats, but also in strategic assessment of the security situation in the country, and which may in turn express a general trend of the prevalence of informality rather than the institutionalisation through overlooking this substantial function of the Security Council.

As far as the meetings of the Security Council are concerned for common situation, as a general trend, they were held in the dynamic determined by law<sup>94</sup>, thus no less than one meeting every three months,<sup>95</sup> however these meetings have been more formal rather than substantial, and the security situation in the country is discussed very little, in the other hand there was almost no analytic information and strategic reviews for the security situation of Kosovo.<sup>96</sup> Yet, during the last three months it is noticed an improvement in the functioning practices of the Security Council in regard to the handling of the security strategic documents, and also in regard to the communication with the public in regard to the security threats.

Thus, in the meeting held on 7 September 2015, the Security Council reviewed and approved the National Draft Strategy for the Prevention of Violent Extremism and Radicalization that lead to Terrorism,<sup>97</sup> which afterwards, as it is prescribed by the law, must be approved by the Government Kosovo.

Also in the meeting held on 16 November 2015 it was reviewed the security situation following the terrorist attacks in Paris, where it became known that security measures were increased and the vigilance in public places, public institutions, diplomatic, cultural and religious facilities, such as in ethnically mixed areas was increased too,<sup>98</sup> whereas in the meeting held on 23 November 2015 it became known that the security measures were further increased and that the operational readiness was high in order to prevent threats from terrorism, and also for the first time it was requested the

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<sup>94</sup>Ibid, Article 5.

<sup>95</sup> Interview with Mr. Afrim Haxhiu, Secretary of the Secretariat of the Security Council of Kosovo, 22 October 2015.

<sup>96</sup> Interview with Mr. Ilir Deda, former senior advisor of the President Jahjaga, 7 November 2015.

<sup>97</sup> Press Release, the Government of the Republic of Kosovo, 7 September 2015, <http://www.kryeministri-ks.net/?page=1,9,5202>.

<sup>98</sup> Press Release, the Government of the Republic of Kosovo, 16 November 2015, <http://www.kryeministri-ks.net/?page=1,9,5379>.

cooperation with citizens, including a demand to not attend certain areas which may be the target of possible attacks, as well as providing with phone numbers, available in case of any disturbance.<sup>99</sup>

However, if the press release from the meetings of the Security Council dated 16 and 23 November 2015 are considered more carefully, we may notice that while they are speaking about increasing security measures, it is failed to communicate the level of threat that our country is being encountered with. Despite these measures being undertaken from the Security Council, as stated also in the last publication of this Observer, Kosovo has neither a legal act through which it would determine the level of threats and the security risks, nor an authority to determine such a level, apart from declaring an emergency situation<sup>100</sup>, and also it did not determine who should legally protect the critical infrastructure in case of threats and security risks.

Increased security measures and operational readiness of the relevant institutions of the country should be proportional to the level of security risks, and this should be made known to the citizens in order to avoid panic, and also in order to avoid the possibility of different interpretations and political manipulations. For this reason, it is imperative to amend the Law on the Establishment of the Security Council so that this institution is granted with the power to determine the level of security risk, defining the critical infrastructure, which competences should then be specified in other subsidiary legislation.

From the above facts and analysis it is concluded that the Security Council even in common situations is an institution that exists just for the sake of existing and not to serve the country in conducting its constitutional and legal liabilities. The Prime Ministers of Kosovo have systematically ignored the powers of the Security Council. These competences, in the best situations, are exercised by the Government or by the "Steering Committees", promptly decreed by this Government, however, in the worst cases, with ad-hoc meetings of Prime Ministers with the heads of the security institutions. Consequently, it is clear that that function of the Security Council and the fulfilment of the competences and its constitutional and legal liabilities lay in the hands of the Prime Minister of the country, and that the success or failure of this key security institution is exclusively depended from him. Yet, if it is continued with the current prevailing practices of (dys)function of the Security

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<sup>99</sup> Press Release, the Government of the Republic of Kosovo, 23 November 2015, <http://www.kryeministri-ks.net/?page=1,9,5393>.

<sup>100</sup> Chapter VII, Emergency State, on establishing the Kosovo Security Council (03/L-050), 2 June 2008 [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L050\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L050_al.pdf).

Council, its reasonable existence shall be questioned together with the Kosovo state capacity for a democratic and efficient governing and managing of its security sector.

- **The lack of the parliamentary oversight**

The Security Council is the only security institution, whose parliamentary oversight has remained suspended and up to now it has not been applied at all, despite the legal obligation<sup>101</sup> that the Chairman (Prime Minister) has to “submit an Annual Report of Activities for the debate and approval of the relevant Parliamentary Committee of the Assembly, no later than March of the last year” as well as the competence of this “relevant Parliamentary Committee to request reports on specific activities of the Kosovo Security Council whenever it is deemed necessary.”<sup>102</sup>

Lack of definition of the “relevant committee” has resulted with the lack of preparation of even a single Annual Report of Activities by the Security Council,<sup>103</sup> by questioning in this way also the institutional memoir, in one hand, and the democratic governing of the security sector in the other hand. Furthermore, the Chair of the Assembly Committee for Security<sup>104</sup> and the Chair of the Assembly Committee on Rights and Interests of Communities have never been summoned by the Prime Minister to participate in the capacity of observers in any of the meetings of the Security Council, despite the fact that the law on its establishment enables it.<sup>105</sup>

Nevertheless, also this problem could have been solved in case there was an initiative from the Assembly of Kosovo; however it has failed to do so as from the time of establishing the Security Council. The Security Council could be supervised by the Parliamentary Committee for Security, Internal Affairs and Oversight of the KSF, or together with the Intelligence Committee, and in order to do so, no legal obstacles are foreseen. Taking into consideration the fact that the Security Council covers the Internal Affairs, the Security Force, the Intelligence and other security related matters, the most appropriate format may be the mandatory oversight by the Parliamentary Committee for Security, Internal Affairs and Oversight of KSF in an extended composition, whereat the President and Vice Presidents of the Parliamentary Committee on Intelligence would participate too.

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<sup>101</sup> Ibid. Article 9.

<sup>102</sup> Ibid. Article 9, Point 1.

<sup>103</sup> Interview me Mr. Edon Myftari Advisor for Security related matters of the Prime Minister Mustafa, 4 November 2015.

<sup>104</sup> This Committee is reappointed in the Parliamentary Commission for Security, Internal Affairs and Oversight of KSF.

<sup>105</sup> Point.3.6, of the Law on establishing the Kosovo Security Council (03/L-050), 2 June 2008, [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L050\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L050_al.pdf).

Since the lack of a decisive definition of the "relevant Assembly Committee" has become problematic for the parliamentary oversight of the Security Council, the need to tackle this issue is immediate. The best way to move forward is the amendment of the Law on the Establishment of the Security Council of Kosovo, through which we could determine exactly the "relevant committee", the way of supervising the Security Council, including the format of open and closed meetings, so that the institution would systematically respond to the parliamentary oversight. Regulation of parliamentary oversight of the Security Council will certainly have the effect of functioning and strengthening it, as well as increasing the accountability of Prime Ministers in order to improve the governance of the security sector of Kosovo.

### **Secretariat: The impaired hand of the Kosovo Security Council**

The Secretariat of the Security Council (hereinafter: the Secretariat), as a supporting body shall be responsible for preparing periodic reports and analysis on political-security related issues for the Government of the Republic of Kosovo and the Kosovo Security Council, coordinating the development of Kosovo's security strategy and policies, including also capacity building, policy and research instruments and providing administrative and functional support for the Kosovo Security Council.<sup>106</sup>

The organizational structure of the Secretariat is composed of the Secretary, Secretary Office, Director of Analysis and Security Policies, which in itself covers the Sector of Analysis and Security Policies and Strategic Plans as well as the Administration Directorate.<sup>107</sup> In the other hand, although the Situation Centre is a special supporting body of the Security Council,<sup>108</sup> its Director shall report to the Secretary of the Secretariat, which in essence represents an organization anomaly.

In order to create a clear overview of the institutional capacity of the Secretariat, the analysis shall further focus on its products, provided by two key legal documents, the Law on the Establishment of the Kosovo Security Council and the Regulation on internal organization and systematization of

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<sup>106</sup> Article 16, point 4, of the Law on establishing the Kosovo Security Council (03/L-050), 2 June 2008, [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L050\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L050_al.pdf).

<sup>107</sup> Regulation (QRK) No. 12/2015, amending and supplementing Regulation No. 42/2013 on internal organization and systematization of work places in the Secretariat and the Situation Centre of the Kosovo Security Council, 14 August 2015, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=11050>.

<sup>108</sup> Article 17, of the Law on establishing the Kosovo Security Council (03/L-050), 2 June 2008,, [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L050\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L050_al.pdf).

work positions in the Secretariat and the Situation Centre of the Security Council, which its define responsibilities, powers and organization.

One of the main responsibilities of the Secretariat is the preparation of the periodical reports and analysis for the Government and for the Kosovo Security Council, related to the security political matters. The secretary shall prepare two types of reports, the daily reports drafted by the Situation Centre, and the periodical reports, 3-6 months and 12 months, and in special cases also monthly reports, which are drafted by the Directory for Analysis and Security Policies .<sup>109</sup> However, according to statements the Prime Minister Cabinet, the reports of the Directorate for Analysis and Security Policies, do not fulfil their function, since they are mainly descriptive, not analytical, and also do not contain recommendations for possible actions, necessary to be undertaken by the Government.<sup>110</sup>

Nonetheless, the qualitative drafting of these reports and providing with respective recommendations is a result of not sharing information with the Secretariat, first of all by the Kosovo Intelligence Agency as well as from the Ministry of Internal Affairs and the Ministry of Foreign Affairs, as well as due to the lack of personnel, since the Sector of Analysis has employed only two officers, despite the fact of being with very high qualifications.<sup>111</sup>

Thus, the lack of sufficient staff members, on the one hand, and the lack of sufficient information on the other hand, have collapsed the Secretariat in fulfilling the key responsibilities bestowed onto him, the creation of the periodic reports to assess the security situation, which, in reality are of no use to the Government. This situation in which the Secretariat is, is an illustration of the difference between its mandate, on the one hand, and the capacity of non-sharing of necessary information with the other relevant Kosovo institutions, in the other hand.

On the other hand, the substantial work of the Secretariat, to essence, is limited to the coordination and management of the preparation of the Work Programme and the Annual Work Plan of the

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<sup>109</sup>Interview with Mr. Afrim Haxhiu, Secretary of the Secretariat of the Kosovo Security Council, 22 October 2015.

<sup>110</sup>Interview me Mr. Edon Myftari Advisor for Security related matters of the Prime Minister Mustafa, 4 November 2015.

<sup>111</sup>Interview with Mr. Afrim Haxhiu, Secretary of the Secretariat of the Kosovo Security Council, 22 October 2015.

Security Council, which is done based on the inputs and priorities of ministries and relevant security agencies, which are subject to the approval of the Security Council<sup>112</sup>.

A similar work is also the support of the development, the review and application of all relevant policies and documents related to the security, and this is done by the representative of the Secretariat, respectively, the Section of Policies and Strategic Plans (which has only two officers), who participate, with the right to give recommendations in working groups discussing about the drafts of security policies. However, as far as advisory in reviewing the strategies, the action lines, the draft laws and international agreements are concerned, the contribution is given by monitoring, respectively, through the leadership of technical groups of the involved ministries and the preparation of progress reports and challenges in implementation of these policies. Due to the lack of personnel, in meetings of this nature, the officials from analysis sector have to attend, hindering frequently even more the situation within the Secretariat.<sup>113</sup>

However, the very structuring of the Secretariat is dominated by the administration, instead of having the focus in the Directory of Analysis and Security Policies - where the key products of the Secretariat are created, namely, the analysis and reports on security related matters - as exactly it is the use and usefulness of these analysis and reports what justifies the establishment of the institution itself. It is paradoxical that, while the Directory of Administration has 8 employees, the Directory of Analysis and Security Policies has only 5 employees, and that the Director, Chief of Sector of Analysis, Senior Officer of Analysis, Chief of Sector for Policies and Strategic Planning and the Senior Officer for Policies and Strategic Planning.<sup>114</sup> For an optimal functioning of the Directorate for Analysis and Security Policies, according to the Secretary, Mr. Afrim Haxhiu, the latter should employee 12 officers, and that apart from Director, at least 6 employees in the Sector of Analysis and 5 in the Sector of Policies and Strategic Planning. Such restructuring no doubt should enable a more efficient performance of the Secretariat, of course, if the relevant institutions and agencies are starting to share with it information, representing the raw material for its products - namely, the analytical reports of the security situation of Kosovo.

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<sup>112</sup> Ibid.

<sup>113</sup> Ibid.

<sup>114</sup> Regulation (QRK) No. 12/2015, amending and supplementing Regulation No. 42/2013 on internal organization and systematization of work places in the Secretariat and the Situation Centre of the Kosovo Security Council, 14 August 2015, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=11050>.

Furthermore, despite the fact that the Kosovo Security Council is a special constitutional institution,<sup>115</sup> its Secretariat functions as part of the Office of the Prime Minister, even though this is not foreseen with the respective legal framework.<sup>116</sup> Although the Council of the Security is mandated for communication with the public,<sup>117</sup> such a communication is done through the Prime Minister Information Office.<sup>118</sup> Also, the Security Council, as a special constitutional institution has no web page of its own where to launch its information, which consequently turns it into one of the least transparent institutions of Kosovo.

That the Kosovo Government has left the Secretariat behind is confirmed with the decision taken to allocate its offices in the basement of the building of the Government of Kosovo, which do not meet even the elementary work criteria. The Offices of the Secretariat lack the natural light and have a poor ventilation system, which naturally in the long term will have negative effects in the health of the entire personnel, and which, by no doubt, regardless of all facts mentioned above, it will affect also the performance and the substantive efficiency of its work. In this way it is concluded that the Secretariat exists in order to perform a legal obligation so that to conclude the institutional framework of the Kosovo rather than to conclude its legal and constitutional function.

In these circumstances, the Government of Kosovo should make a strategic solution in regard to this matter. It should, either transform the Secretariat into a subsidiary body of the Security Council with technical-administrative character, or strengthen it by transforming it into an institution with capacities, infrastructure and mandate, having access in information of other institutions and state agencies, in order for it to fulfil successfully its mandate foreseen by law.

### **What next? Formalization of current practices or strengthening of the Security Council**

The current work practices of the Security Council, which in one hand are characterised with a systematic overlooking by the prime ministers of Kosovo, and that particularly in decisive situations

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<sup>115</sup> Article 127, Constitution of the Republic of Kosovo (2008), <http://www.kryeministri-ks.net/repository/docs/Kushtetuta.e.Republikes.se.Kosoves.pdf>.

<sup>116</sup> Law on Establishment of the Kosovo Security Council (03/L-050), 2 June 2008, [http://www.kuvendikosoves.org/common/docs/ligjet/2008\\_03-L050\\_al.pdf](http://www.kuvendikosoves.org/common/docs/ligjet/2008_03-L050_al.pdf).

<sup>117</sup> Point 1.3.9. Regulation (QRK) No. 12/2015, amending and supplementing Regulation No. 42/2013 on internal organization and systematization of work places in the Secretariat and the Situation Centre of the Kosovo Security Council, 14 August 2015, <https://gzk.rks-gov.net/ActDetail.aspx?ActID=11050>.

<sup>118</sup> Interview with Mr. Afrim Haxhiu, Secretary of the Secretariat of the Kosovo Security Council, 22 October 2015.

when it was required by it to fulfil its functions, and in the other hand, being characterised with a practical transformation of the Secretariat into a technical administrative institution, which works under severe working conditions, is a reason to question the very justified existence of this vital institution for the security of Kosovo.

Furthermore, this creates a situation in which, in case of declaring a state of emergency, the President of the country, as the Chair of the Security Council, will have to rely on a dysfunctional institution that has no developed and established working and action routines, which in return shall cause the country serious consequences because of the impossibility to effectively and comprehensively manage the security sector. Therefore, the Government is in front of a strategic dilemma – it should either turn the Security Council into an exclusively coordinating body during complex security situations and states of emergency, or to strengthen it and its Secretariat.

The option of transforming the Security Council into a coordinating body in complex security situations and emergency situations is the legal formalization of the current practice of being treated by the prime ministers of Kosovo. This option, although at a first glance seems irrational, it is the best if it is to continue with the current practice of the Security Council (dys) functioning. In order to implement this option, the Secretariat should be terminated, preserving only the Situation Centre as a supporting body, whose implementation does not require the change of the Constitution, but only an amendment of the Law on the Establishment of the National Security Council. In this case, the role of the Secretariat to provide technical and administrative support in the meetings of the Security Council can be taken from the Cabinet of the Prime Minister, and no expenditures would therefore be made for an institution which indeed is useless to the Security Council as well as to the Government and the President of the country.

KIPRED has identified two options for strengthening the Security Council, and that the option of implementation of the mandate and the actual legal competences as well as the option of reformation through the amendment of the Constitution and the Law on the Establishment of the Kosovo Security Council.

The prerequisite for the implementation of the first option is to terminate the current practices of the prime ministers of Kosovo and that of the overlooking of the Security Council in complicated

situation of security, as well as of handling the policies, strategies and plans drafted by the Kosovo institutions and security agencies of Kosovo.

This option requires undertaking the following steps: a) the immediate formation and functioning of the Coordinating Committee on Intelligence, b) legal mandating of the Security Council for defining and communicating the levels of security risks, as well as for defining objects of vital importance and ways to protect them, c) Determination of the Parliamentary Committee for Security, Internal Affairs and Oversight of the KSF as parliamentary oversight committee of the Security Council, which can hold meetings in an expanded format, together with the Parliamentary Committee on Intelligence.

A critical element to implement this option is to increase the capacity of the Secretariat of the Security Council through the following measures: a) Substantial increase of the personnel of the Department for Analysis and Security Policy, up to at least 12 people; b) Regulation of the share information and their kind, and especially from the Kosovo Intelligence Agency, Kosovo Police, the Ministry on Foreign Affairs and the Kosovo Customs Service, so that the Secretariat would be able to provide the "raw material" for the production of usable reports for the Government of Kosovo; c) Reports of the Secretariat shall be submitted to the President of Kosovo; d) Providing a convenient work location for the offices of the Secretariat; e) Functional Division of the Secretariat of the Office of the Prime Minister, and; f) Design and functionality of a website of the Security Council in order to increase its public transparency.

In order to implement this option it is not necessary to amend the current legal framework, but only the amendment of the Law on the Establishment of the Kosovo Security Council, and its entire financial implications, due to the increase of the staff members in the Department for Analysis and Security Policy of the Secretariat of the Security Council, shall only be minor.

The second option, the strengthening option is related to the reformation of the Security Council. In the current format, the composition of the permanent members with executive and decision making powers of the Security Council, it represents a narrow composition of the Government of Kosovo, where the President of the Assembly is not represented, whereas the Presidency is represented by

one representative of the President, with advising capacities, which in itself represents an institutional absurdity.

The Security Council should pass under the leadership of President - who also bears the constitutional right to declare a state of emergency - and also be composed of permanent members with executive powers, alongside with the current members it should be also the president of the Assembly, due to the constitutional responsibility of this institution to confirm the state of emergency, as well as during such state of emergency, and also in case the President lacks the capacity to exercise his/her constitutional responsibilities.

The Secretariat may continue to keep the current competences and be strengthened as foreseen with the first option, or it may even be transformed into a special agency – the National Security Agency, which would be led by the National Security Advisor (who would be elected by the same procedure as the Director of the Kosovo Intelligence Agency). In this case, besides the current functions of the Secretariat, the Agency would assume the role of coordination of institutions and organizations that have the mandate of intelligence operations and the preparation of the country's security strategy assessments and projections. This option would be more effective for the management of the security sector, and this would enable the balancing of the management and leadership of the security sector between the Prime Minister and the President of the country, which until now has been entirely dominated by the chief of government.

Implementing this option requires the amendment of the Constitution and promulgating a new law on the Security Council. However, feasibility study should be prepared in advance, which would determine the structure of the Security Council, the Secretariat or the National Security Agency, and the financial implications of its implementation.

## **Conclusions and Recommendations**

The Kosovo Security Council has a vital role to the in the success or failure to encounter with the risks and threats against security in our country. However, the current practices of its functioning and its systematic overlooking by the prime minister of the country, in both complicated situations and common ones, and the wrong structuring of the Secretariat, as well as the difficult working

conditions it operates in, have transformed it into a dysfunctional institution, which does fulfil its purposes for which it was initially established. The dysfunction of the Security Council may have sullen consequences in managing situations of the security threats and in protection of the citizens of Kosovo, so that its full functionalization and strengthening becomes one of the highest priorities of the Prime Minister and the President of Kosovo.

In the short term aspect, and that until the institutional framework of Kosovo security is not completed, including also the transformation of the Security Forces into Armed Forces of Kosovo, and until they achieve the full capacity of the Armed Forces of Kosovo, the most efficient way to move forward is the strengthening of the Security Council in its current format, to fully implement the current legal framework, increasing the capacities and improving the working conditions of its Secretariat.

Whereas in the long term aspect, it is necessary to reform the Security Council, by passing it under the leadership of President of the country, who also leads the foreign policy of the country and is the Commander-in-Chief of the Kosovo Security Force and Armed Forces of Kosovo in the future. This option would enable the balance of management and leadership of the security sector between the Prime Minister and the President of Kosovo, as well as the inclusion of the President of the Assembly in its composition. Also based on a preliminary study of the feasibility, in order to implement this option, a decision should be taken in regard to the future of the Secretariat of the Security Council, meaning, preserving the current format or transforming it into an Agency for the National Security, which would be led by the National Security Advisor.

Also it is essential to regulate the immediate determination of the Parliamentary Committee that will supervise the Security Council, in order to increase the responsibility and accountability of this institution, which so far has not been supervised, consequently improving the democratic governance of the security sector of Kosovo. The initiative to regulate this problem can be undertaken by the Government or the Assembly of Kosovo.

## **5. A BRIEF ANALYTICAL OVERVIEW OF THE PUBLIC OPINION SURVEY**

One of the most important purposes of this Observer is to determine the level of trust of the Kosovo citizens in regard to the security institutions of Kosovo, as well as to follow and analyse the changing trends of this trust in a four months period of time.

For this purpose KIPRED has engaged the organization UBO Consulting to measure periodically the level of this trust of citizens. Within this operation UBO Consulting has made a research survey of the public opinion, where 1.000 respondents participated in the survey, and they answered the question: “Could you, please, tell us, how much do you trust these institutions on the issues of security?” Again the given institutions were the following: 1) the President; 2) the Prime Minister; 3) the Minister of Internal Affairs; 4) the Kosovo Police; 5) the Parliamentary Committee for Security, Internal Affairs and the Kosovo Security Force; 6) the Minister of the Security Force; 7) the Kosovo Security Force; 8) the Kosovo Intelligence Agency; 9) the Director of the Kosovo Intelligence Agency; and, 10) the Parliamentary Committee for Intelligence. The expression of trust was made from the lowest grade, 1, up to the highest one, 5, and the margin of error was  $\pm 3\%$ .

Compared to the first survey, whose outcome was summarised in July 2015, in the current survey it is noticed a decline of the level of trust in all of the above stated institutions and this decrease is provided in the first chart (Table 1). From this table we can draw some significant conclusions. First of all, all institutions have suffered a decrease in trust, however these decrease vary among each other. The highest decline is marked by the Parliamentary Committee on Intelligence (-0.49%), the Director of the Intelligence Agency and the Ministry of Security Force (-0.47%), and the Parliamentary Committee for Security, Internal Affairs and the Kosovo Security Force (-0.46%). In the other hand the Parliamentary Committee for Security, Internal Affairs and the Kosovo Security Force. In the other hand, the Prime Minister (-0.17%) and the Kosovo Police (-0.21%) marked the lowest decline. These different declines affected also the listing of the analysed institutions as far as their trust is concerned.

Thus, in July, regarding trust the only one ranked in the first grade was the Security Force of Kosovo (4.00); the Security Force still holds the first grade, however, this due to the high decline that it suffered, it shares now this place with the Kosovo Police (3.58). In the other hand, in July, the

lowest grades were given to the Prime Minister (2.67) as far as the trust of citizens related to the security matters is concerned; however, despite the decline of trust during this period, the Prime Minister is not in the lowest grade any longer (2.50) – now the lowest grades are given to the Minister of Internal Affairs (2.49) and the Director of Intelligence Agency (2.40), which is one of the institutions who has suffered the highest decline of the citizens' trust.

Other important and interesting issues that came from the November survey (compared with that of July) are provided as below:

- Among the Albanians who live in the North of Kosovo, two highest grades were given for the Kosovo Police and KSF (3.67 and 3.56) – in July these two institutions held the highest estimation, but in the opposite order. Meanwhile, the two lowest grades were for the Prime Minister and Parliamentary Committee of Intelligence (2.33 for both institutions).
- Among the Serbs living in the North, the KSF, KIA and the Parliamentary Committee are estimated with 1.02, whereas all other institutions have been estimated with 1.00. Here it is very important to be emphasised that despite the application of the provisions given for the Police in the North of Kosovo, in the Brussels Agreement for the normalization of the relations between Kosovo and Serbia, dated 17 April 2013, the trust of the Serbs living in the North for the Kosovo Police is declining (from 1.54 in July, to 1.00 in November 2015). Surprisingly enough, the Serbs living in the South of Mitrovica mark an increase of trust in the Kosovo Police (from 2.00 in July, to 3.56 in November). Furthermore, it is encouraging the fact that the Serbs living in the South have in general shown a considerable tendency of increased trust in the institutions subject of the analysis in comparison to that of July (from 1.07 to 1.23 for the President, from 1.02 to 1.22 for the Prime Minister, from 1.09 to 1.21 for the Minister of Internal Affairs, whereas the Parliamentary Committee for Security, the Minister of KSF, KSF, KIA, its Director and the Parliamentary Committee for Intelligence, which in July were estimated with 1.00, in November are estimated with the following numbers: 1.21, 1.19, 1.24, 1.22, 1.22 and 1.23, respectively; whereas the Kosovo Police is the only institution, whose trust has suffered a decline (from 1.99 to 1.58), but who nevertheless continues to have the highest trust among this community.

- Again there is a trend of higher estimation of the concerned institutions by the urban population compared to the rural population. An exception to this trend makes only the estimation for KSF, which among the rural population is estimated to be higher (3.64) compared to the urban population (3.52). On the other hand, the estimation of the institutions based on the gender is quite scattered, and here no particular trend is noticed. Also, quite scattered is the evaluation of the trust expressed by age groups, and even here, we have no trends, which could be considered as significant and interesting phenomenon affecting the entire research.
- Among the educated respondents, there is a very soft trend (with some exceptions) of trust, which is slightly lower among people with higher education compared to those with primary education or lower education. The employment category of respondents repeats the trend emphasised in the survey conducted in July, the highest trust being expressed by the housewives, and the lowest trust being expressed by the employees from the public sector. However, in November the highest trust of housewives was joined with a higher trust (at some point even higher than that of housewives) expressed by retirees and those with occasional employments.
- Among the respondents, with different ethnicities (the categories include: Albanians, Serbs and Others). The Albanians have expressed the highest trust for the concerned institutions, compared to Serbs, nevertheless, the category under “Others” in general expresses a higher trust compared to that of Albanians (exceptions are made towards the President, the Kosovo Police and the Kosovo Security Force, for which the Albanians have slightly more trust than the others).
- Among the respondents, from different regions, there is a trend to give the highest estimations in regard to the trust are found in Prizren and Ferizaj, whereas the trend to give the lowest estimations of trust are found in Gjakova and Gjilan. Whereas, in the category of ethnicity by region, the category of Albanians and Others, in general, express their trust in accordance with the trend of their regional belonging, however, the Serbs, show again a very

interesting trend of trust, as they express the highest trust in the region of the South Mitrovica.

Could you, please , tell us how much do you trust to the below-mentioned security institutions?					
Alternatives	N	Minimum	Maximum	Mean	Std. Deviation
The President	994	1	5	2.69	1.245
The Primeminister	987	1	5	2.50	1.190
Minister of internal Affairs	969	1	5	2.49	1.091
The Kosovo Police	987	1	5	3.58	1.290
Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	860	1	5	2.71	1.070
The Minister of the Security Force	947	1	5	2.86	1.162
The Kosovo Security Force	961	1	5	3.58	1.314
The Kosovar Agency of Intelligence	889	1	5	2.57	1.092
The Director of the Kosovar Agency of Intelligence	848	1	5	2.40	1.091
Oversight Committee for Kosovo Intelligence Agency	822	1	5	2.52	1.112

Table 1 General Trust on Institutions

Could you, please , tell us how much do you trust to the below-mentioned security institutions?			
Alternatives	Jul-15	Nov-15	Difference
	Mean	Mean	
The President	2.95	2.69	-0.27
The Primeminister	2.67	2.50	-0.17
Minister of internal Affairs	2.75	2.49	-0.26
The Kosovo Police	3.79	3.58	-0.21
Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	3.17	2.71	-0.46
The Minister of the Security Force	3.33	2.86	-0.47
The Kosovo Security Force	4.00	3.58	-0.41
The Kosovar Agency of Intelligence	3.02	2.57	-0.45
The Director of the Kosovar Agency of Intelligence	2.88	2.40	-0.47
The Parliamentary Committee on intelligence	3.01	2.52	-0.49

Table 2 Trust through months

Could you, please , tell us how much do you trust to the below-mentioned security institutions?											
D7 Ethnicity		The President	The Primeminister	Minister of internal Affairs	The Kosovo Police	Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	The Minister of the Security Force	The Kosovo Security Force	The Kosovar Agency of Intelligence	The Director of the Kosovar Agency of Intelligence	Oversight Committee for Kosovo Intelligence Agency
Albanian	Mean	2.67	2.33	2.78	3.67	2.56	2.89	3.56	2.67	2.44	2.33
	N	9	9	9	9	9	9	9	9	9	9

Table 3 Albanians in the North

Could you, please , tell us how much do you trust to the below-mentioned security institutions?											
Serbs: North,South		The President	The Primeminister	Minister of internal Affairs	The Kosovo Police	Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	The Minister of the Security Force	The Kosovo Security Force	The Kosovar Agency of Intelligence	The Director of the Kosovar Agency of Intelligence	Oversight Committee for Kosovo Intelligence Agency
Serbs, North	Mean	1.00	1.00	1.00	1.00	1.00	1.00	1.02	1.02	1.00	1.02
	N	60	60	60	60	60	60	60	60	60	60
Serbs, South	Mean	1.23	1.22	1.21	1.58	1.21	1.19	1.24	1.22	1.22	1.23
	N	93	93	92	93	92	93	93	93	93	93
Total	Mean	1.14	1.13	1.13	1.35	1.13	1.12	1.15	1.14	1.13	1.14
	N	153	153	152	153	152	153	153	153	153	153

Table 4 Serbs, North-South

Type of resident		The President	The Primeminister	Minister of internal Affairs	The Kosovo Police	Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	The Minister of the Security Force	The Kosovo Security Force	The Kosovar Agency of Intelligence	The Director of the Kosovar Agency of Intelligence	Oversight Committee for Kosovo Intelligence Agency
Urban	Mean	2.81	2.56	2.49	3.64	2.73	2.89	3.52	2.65	2.49	2.61
	N	489	486	482	487	422	462	468	434	418	408
Rural	Mean	2.56	2.45	2.49	3.52	2.70	2.82	3.64	2.49	2.32	2.43
	N	505	501	487	500	439	485	493	456	430	414
Total	Mean	2.69	2.50	2.49	3.58	2.71	2.86	3.58	2.57	2.40	2.52
	N	994	987	969	987	860	947	961	889	848	822

Table 5 Type of resident

Could you, please , tell us how much do you trust to the below-mentioned security institutions?										
Gender		The President	The Primeminister	Minister of internal Affairs	The Kosovo Police	Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	The Minister of the Security Force	The Kosovo Security Force	The Kosovar Agency of Intelligence	The Director of the Kosovar Agency of Intelligence
Male	Mean	2.60	2.43	2.43	3.60	2.70	2.88	3.64	2.54	2.42
	N	497	490	486	492	430	473	483	462	436
Femal	Mean	2.77	2.57	2.55	3.57	2.73	2.83	3.53	2.60	2.39
	N	497	497	483	495	430	474	478	428	412
Total	Mean	2.69	2.50	2.49	3.58	2.71	2.86	3.58	2.57	2.40
	N	994	987	969	987	860	947	961	889	848

Table 6 Gender

Age		The President	The Primeminister	Minister of internal Affairs	The Kosovo Police	Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	The Minister of the Security Force	The Kosovo Security Force	The Kosovar Agency of Intelligence	The Director of the Kosovar Agency of Intelligence	Oversight Committee for Kosovo Intelligence Agency
18-25	Mean	2.63	2.39	2.40	3.67	2.63	2.88	3.50	2.61	2.32	2.54
	N	288	289	280	288	251	274	283	253	244	240
26-35	Mean	2.63	2.46	2.45	3.44	2.76	2.86	3.55	2.59	2.38	2.34
	N	235	232	232	231	210	227	226	213	204	197
36-45	Mean	2.78	2.62	2.54	3.68	2.81	2.85	3.63	2.61	2.57	2.71
	N	174	170	169	172	148	163	168	154	142	139
46-55	Mean	2.73	2.61	2.55	3.53	2.66	2.84	3.63	2.50	2.40	2.51
	N	154	154	151	153	134	145	148	140	131	124
56-65	Mean	2.72	2.49	2.62	3.52	2.69	2.77	3.66	2.40	2.39	2.56
	N	100	100	95	100	83	94	95	93	94	89
66+	Mean	2.74	2.60	2.60	3.73	2.82	2.96	3.79	2.65	2.51	2.60
	N	43	42	42	43	35	43	42	37	33	33
Total	Mean	2.69	2.50	2.49	3.58	2.71	2.86	3.58	2.57	2.40	2.52
	N	994	987	969	987	860	947	961	889	848	822

Table 7 Age

Could you, please , tell us how much do you trust to the below-mentioned security institutions?									
Education		The President	The Primeminister	Minister of Internal Affairs	The Kosovo Police	Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	The Minister of the Security Force	The Kosovo Security Force	The Kosovar Agency of Intelligence
Elementary schole or less	Mean	2.89	2.55	2.52	3.75	2.66	2.86	3.77	2.55
	N	135	134	131	135	120	128	131	118
Secondary school	Mean	2.56	2.49	2.50	3.56	2.70	2.77	3.59	2.50
	N	500	495	484	494	419	478	485	451
Some years at the faculty	Mean	2.76	2.45	2.49	3.64	2.61	3.10	3.53	2.67
	N	106	106	106	108	90	103	105	95
College	Mean	2.53	2.31	2.22	2.85	2.44	2.65	3.01	2.41
	N	49	49	48	49	43	47	48	49
Undergraduate	Mean	2.84	2.58	2.53	3.72	2.90	2.98	3.62	2.77
	N	188	188	184	186	172	175	177	161
Master or doctoral	Mean	3.10	2.33	2.33	3.24	2.73	2.97	3.54	2.57
	N	15	15	15	15	15	15	14	15
Total	Mean	2.69	2.50	2.49	3.58	2.71	2.86	3.58	2.57
	N	994	987	969	987	860	947	961	889

Table 8 Education

Could you, please , tell us how much do you trust to the below-mentioned security institutions?									
Actual Profession		The President	The Primeminister	Minister of internal Affairs	The Kosovo Police	Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	The Minister of the Security Force	The Kosovo Security Force	The Kosovar Agency of Intelligence
Unemployed; searching for job	Mean	2.58	2.43	2.47	3.65	2.69	2.84	3.77	2.54
	N	192	190	184	187	170	181	179	171
Unemployed; not searching for job	Mean	2.36	2.28	2.51	3.40	2.48	2.82	3.83	2.43
	N	19	19	20	20	19	20	20	20
Employed in the public sector	Mean	2.40	2.33	2.24	2.98	2.49	2.70	3.13	2.49
	N	68	68	68	68	60	65	66	61
Employed in the private sector	Mean	2.64	2.54	2.42	3.50	2.75	2.88	3.55	2.57
	N	296	292	287	291	244	278	283	270
Employed, periodically	Mean	2.77	2.59	2.65	3.85	2.73	2.86	3.65	2.43
	N	71	71	71	73	67	71	69	64
Retiree	Mean	2.75	2.61	2.73	3.83	2.92	3.02	3.76	2.72
	N	54	52	52	54	42	52	52	46
Hous-wife	Mean	3.06	2.60	2.74	3.72	2.83	2.92	3.73	2.62
	N	139	139	137	138	125	135	138	124
Student/pupil	Mean	2.68	2.39	2.32	3.57	2.58	2.74	3.30	2.62
	N	144	144	140	145	122	132	141	122
Other,specify	Mean	2.67	3.22	2.89	4.00	3.11	3.33	4.22	2.78
	N	11	11	11	11	11	11	11	11
Total	Mean	2.69	2.50	2.49	3.58	2.71	2.86	3.58	2.57
	N	994	987	969	987	860	947	961	889

Table 9 Actual Profession

Could you, please , tell us how much do you trust to the below-mentioned security institutions?									
Ethnicity		The President	The Primeminister	Minister of internal Affairs	The Kosovo Police	Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	The Minister of the Security Force	The Kosovo Security Force	The Kosovar Agency of Intelligence
Albanian	Mean	2.74	2.54	2.53	3.66	2.76	2.91	3.66	2.61
	N	749	744	732	744	648	714	724	670
Serbs	Mean	1.14	1.13	1.13	1.35	1.13	1.12	1.15	1.14
	N	153	153	152	153	152	153	153	153
Other	Mean	2.68	2.74	2.73	3.43	2.99	3.04	3.60	2.81
	N	93	92	84	91	70	83	88	75
Total	Mean	2.48	2.34	2.32	3.28	2.49	2.63	3.26	2.38
	N	995	989	968	988	870	950	965	898

Table 10 Ethnicity

Could you, please , tell us how much do you trust to the below-mentioned security institutions?									
Region		The President	The Primeminister	Minister of internal Affairs	The Kosovo Police	Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	The Minister of the Security Force	The Kosovo Security Force	The Kosovar Agency of Intelligence
Prishtina	Mean	2.83	2.56	2.53	3.58	2.94	3.20	3.70	2.69
	N	234	232	221	227	196	211	219	191
Mitrovica	Mean	2.30	2.14	2.19	3.74	2.24	2.63	2.93	2.37
	N	104	104	104	103	104	104	104	102
Prizreni	Mean	2.61	2.59	2.64	3.68	2.86	3.16	4.06	2.79
	N	163	162	158	161	156	158	160	154
Peja	Mean	2.87	2.59	2.17	3.79	2.45	2.21	3.18	2.54
	N	92	90	86	96	73	76	87	78
Ferizaj	Mean	3.13	2.58	2.54	4.00	2.70	2.74	4.32	2.29
	N	102	101	101	102	97	102	99	77
Gjakova	Mean	2.02	2.27	2.35	2.27	2.21	2.22	2.38	2.27
	N	104	104	102	104	48	103	101	103
Gjilan	Mean	2.08	2.10	2.14	2.76	2.24	2.25	2.70	2.04
	N	125	125	125	124	125	125	124	122
North of Kosovo	Mean	1.28	1.21	1.31	1.44	1.24	1.31	1.42	1.31
	N	71	71	71	71	71	71	71	71
Total	Mean	2.48	2.34	2.32	3.28	2.49	2.63	3.26	2.38
	N	995	989	968	988	870	950	965	898

Table 11 Region

Could you, please , tell us how much do you trust to the below-mentioned security institutions?												
Ethnicity/Region			The President	The Primeminister	Minister of internal Affairs	The Kosovo Police	Committee on Internal Affairs, Security and Supervision of the Kosovo Security Force	The Minister of the Security Force	The Kosovo Security Force	The Kosovar Agency of Intelligence	The Director of the Kosovar Agency of Intelligence	Oversight Committee for Kosovo Intelligence Agency
Albanian	Prishtina	Mean	3.04	2.65	2.63	3.79	3.12	3.35	3.90	2.87	2.63	2.76
		N	199	198	193	194	170	181	185	162	149	146
	Mitrovica	Mean	2.38	2.20	2.33	3.95	2.36	2.85	3.11	2.49	2.21	2.36
		N	85	85	85	84	85	85	85	83	78	72
	Prizreni	Mean	2.55	2.53	2.56	3.67	2.73	3.12	4.08	2.66	2.72	2.96
		N	132	131	130	131	129	129	131	129	129	127
	Peja	Mean	2.97	2.63	2.15	4.00	2.51	2.23	3.31	2.62	2.02	2.04
		N	74	72	68	77	57	61	70	63	54	51
	Ferizaj	Mean	3.33	2.71	2.68	4.41	2.84	2.89	4.82	2.44	2.39	2.39
		N	80	79	79	80	76	80	77	57	57	56
	Gjakova	Mean	2.07	2.30	2.40	2.33	2.22	2.26	2.37	2.32	2.30	2.37
		N	94	94	92	94	46	93	92	94	92	87
	Gjilan	Mean	2.66	2.70	2.74	3.49	2.92	2.93	3.71	2.60	2.40	2.53
		N	76	76	76	75	76	76	75	73	72	72
	North of Kosovo	Mean	3	2	3	4	3	3	4	3	2	2
		N	9	9	9	9	9	9	9	9	9	9
	Total	Mean	2.74	2.54	2.53	3.66	2.76	2.91	3.66	2.61	2.45	2.57
		N	749	744	732	744	648	714	724	670	640	620
Serbs	Prishtina	Mean	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
		N	15	15	14	15	15	15	15	15	15	15
	Mitrovica	Mean	2.33	2.33	1.89	3.56	2.11	2.00	2.56	2.11	2.00	2.00
		N	9	9	9	9	9	9	9	9	9	9
	Peja	Mean	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
		N	7	7	7	7	7	7	7	7	7	7
	Ferizaj	Mean	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
		N	13	13	13	13	12	13	13	13	13	13
	Gjilan	Mean	1.18	1.16	1.22	1.63	1.18	1.18	1.16	1.20	1.22	1.24
		N	49	49	49	49	49	49	49	49	49	49
	North of Kosovo	Mean	1.00	1.00	1.00	1.00	1.00	1.00	1.02	1.02	1.00	1.02
		N	60	60	60	60	60	60	60	60	60	60
	Total	Mean	1.14	1.13	1.13	1.35	1.13	1.12	1.15	1.14	1.13	1.14
		N	153	153	152	153	152	153	153	153	153	153
Other	Prishtina	Mean	2.20	2.79	2.79	3.50	2.73	3.60	3.84	2.43	2.33	1.83
		N	20	19	14	18	11	15	19	14	12	12
	Mitrovica	Mean	1.60	1.50	1.30	2.10	1.30	1.40	1.80	1.60	1.57	1.75
		N	10	10	10	10	10	10	10	10	7	4
	Prizreni	Mean	2.90	2.84	3.00	3.70	3.48	3.38	3.93	3.48	3.22	3.48
		N	31	31	28	30	27	29	29	25	23	23
	Peja	Mean	3.36	3.36	3.09	4.08	3.22	3.13	3.80	3.25	2.67	2.50
		N	11	11	11	12	9	8	10	8	6	6
	Ferizaj	Mean	4.44	3.78	3.56	4.67	3.78	3.89	4.89	3.43	3.50	3.50
		N	9	9	9	9	9	9	9	7	4	4
	Gjakova	Mean	1.50	2.00	1.90	1.70	2.00	1.90	2.44	1.78	1.44	1.50
		N	10	10	10	10	2	10	9	9	9	8
	North of Kosovo	Mean	4	3	4	5	3	4	4	4	3	3
		N	2	2	2	2	2	2	2	2	2	2
	Total	Mean	2.68	2.74	2.73	3.43	2.99	3.04	3.60	2.81	2.57	2.63
		N	93	92	84	91	70	83	88	75	63	59

Table 12 Region-Ethnicity



Schweizerische Eidgenossenschaft  
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