NATIONAL STRATEGY AND ACTION PLAN OF THE REPUBLIC OF KOSOVO AGAINST ORGANIZED CRIME

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X. ACTION PLAN
ABBREVIATIONS

KIA   Kosovo Intelligence Agency
TRA   Telecommunication Regulatory Authority
KTA   Kosovo Tax Administration
EU    European Union
KC    Kosovo Customs
DOC   Directorate of Organized Crime
EULEX European Union Rule of Law Mission in Kosovo
ICITAP International Crime Investigation Training and Assistance Programme
ICO   International Civilian Office
KJC   Kosovo Judicial Council
KPC   Kosovo Prosecutorial Council
CCK   Criminal Code of Kosovo
CPCK  Criminal Procedure Code of Kosovo
MEST  Ministry of Education, Science and Technology
MoJ   Ministry of Justice
MEF   Ministry of Economy and Finances
MCYS  Ministry of Culture, Youth and Sports
MIA   Ministry of Internal Affairs
MLSW  Ministry of Labour and Social Welfare
MoH   Ministry of Health
MTI   Ministry of Trade and Industry
MTPT  Ministry of Transport and Post – Telecommunication
OSCE  Organization for Cooperation and Security in Europe
KP    Kosovo Police
FIC   Financial Intelligence Centre
SECI  Southeast Europe Initiative for Cooperation
UNDP  United Nations Development Programme
OPM   Office of the Prime Minister
KACA  Kosovo Anti-Corruption Agency
MFA   Ministry of Foreign Affairs
KOSOVO NATIONAL STRATEGY TO COMBAT ORGANIZED CRIME

I. INTRODUCTION

Organized crime is considered as a threat against national and international security. This threat can take various forms of manifestation in accordance with the evolution of economical and social life, particularly in the circumstances of globalization.

The geostrategic position of the Republic of Kosovo within Balkans and the post-war conditions have enabled various criminal groups to carry out organized crime activities. Moreover, the high rate of unemployment and poverty contribute to create a favourable ground for crime in general and organized crime in particular.

This Strategy is a document that defines the aims, basic principles, establishes objectives, responsible institutions and possible ways to succeed in preventing and combating organized crime.

The National Strategy Against Organized Crime covering the period 2009-2012 is drafted based on the grounds of the Constitution and applicable legislation in the Republic of Kosovo, as well as international legal instruments and best practices.

The structure of this Strategy is such that it clearly identifies objectives to be achieved so that the entire institutional mechanism is placed in the function of the successful prevention and fight against Organized Crime in Kosovo, as well as by being partners with other countries and international organizations in the fight against this phenomenon through international cooperation.

This Strategy facilitates policy making and implementation by strengthening institutional capacities in combating organized crime at all levels of institutional and social organization.

Control and prevention policies on organized crime should be based on an in-depth understanding as to what constitutes organized crime according to international standards, what are the scope, threats, modus operandi and crime trends in a certain country or region.

Kosovo state, institutional and social mechanisms should pay due regard to the issue of organized crime in the Kosovar society, through an active involvement to prevent and detect all forms of organized crime.

Republic of Kosovo is making efforts, by implementing a reliable and realistic policy, to improve its current situation in the rule of law area and to tackle organized crime in an efficient manner in order to progress towards the Euro-Atlantic integrations.
II. DEFINITION OF ORGANIZED CRIME

There was no common definition of organised crime at an international level until 2004, when the first United Nations Convention to Fight against Organized Crime was approved. This convention introduces organized crime definitions and describes the constituent elements of this criminal offence. The Convention in question also comprises additional protocols which specifically address issues related to:

1. Prevention, Suppression and Punishment of Trafficking in Human Beings, especially women and children,
2. Migrant Smuggling, and
3. Illicit Production and Trafficking of weapons, weapon parts and ammunition

Based on the aforementioned convention, the EU has also introduced a definition of organized crime. Nevertheless, efforts to establish a common definition of organized crime within EU were initiated much earlier and date back to 1997, when the European Council ratified a document which is based on a list of eleven characteristics of organized crime.

In the Republic of Kosovo, as provided by the Criminal Code, organized crime is defined as a serious crime committed by a structured group in order to obtain, directly or indirectly, a financial or other material benefit.

At the same time, the Code in question also provides the definitions of organized and structured criminal groups and serious crime, whose existence is a prerequisite to describe this offence.

On this basis, the term criminal organized group means a structured group existing for a period of time and acting in concert with the aim of committing one or more serious crimes in order to obtain, directly or indirectly, a financial or other material benefit, whereas, structured group means a group of three or more persons that is not randomly formed for the immediate commission of a criminal offence and does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

CCK defines serious crime as an offence punishable by imprisonment of at least four years.

Finally, organized crime can manifest in several forms, albeit the most significant forms of this crime that should be underlined are drug trafficking, trafficking in human beings, financial crimes, smuggling and other criminal offences related to organized crime.
III. CURRENT SITUATION

In the field of prevention of and fight against organized crime, law enforcement in Kosovo is currently fragmented and lacks efficient inter-institutional cooperation and coordination as well as regional and international cooperation which are an essential prerequisite to succeed in countering this phenomenon.

Kosovo Police lacks internal coordination in the field of information and intelligence management. Units at the local level are not effectively led by the Directorate of Crime Analysis (DCA) and consequently policing has been dominated by local control and minimal internal cooperation.

Moreover, there is no efficient information exchange between central units dealing with organised crime and the Directorate of Crime Analysis.

Due to the situation outlined above, the Directorate of Crime Analysis does not influence the strategic decision-making process with regard to information exchange and fight against organized crime, and therefore a better organizing of a national model is clearly required to ensure efficient information exchange between police units.

Law enforcement agencies, in particular Kosovo Police and Kosovo Customs, should develop their capacities on information gathering and exchange by building an institutional system.

There is also a lack of cooperation at the international level. This is most clearly reflected in the difficulties in implementing regional programmes due to the reticence of several countries to cooperate with Kosovo institutions.

Within Kosovo Police, there is a lack of suitably trained and specialised personnel in computer forensics, lawful interception, cyber crime, money laundering, terrorism and other specialized fields.

There are not enough prosecutors specialized (with an adequate training) and dedicated to criminal investigations with regard to organized crime.

Institutions responsible for the prevention of and fight against organized crime lack the necessary technical equipment, information technology and workspace.

Poor personnel welfare has also a negative impact in the efficiency of institutions responsible for combating organized crime.

Information/intelligence is the base for any successful investigation. In this regard there is a lack in the implementation of intelligence-led policing, funding for undercover or covert informant-led operations.

Inadequate maintenance, limited access and the lack of an integrated database system is an obstacle to investigation development and documentation.

Witness Protection programme and legislation, and existing institutions, are not sufficient to provide the public with the necessary feeling of safety and confidence for cooperating with the authorities as witnesses. Proper attention should be given to this
issue as getting the collaboration of witnesses is very often critical to the success of an investigation, the final production of evidence and the efficient prosecution in front of the court to reach the verdict.

The commitment of the institutions of the Republic of Kosovo to improve the situation outlined above creates conditions for an effective and successful fight against organized crime.

Kosovo National Strategy to Combat Organized Crime creates realistic possibilities for law enforcement institutions to effectively and efficiently prevent and combat organized crime.

IV. VISION AND MISSION

1. Vision

The vision of this Strategy is to build a safe society by minimizing and deterring organized crime activities throughout the territory of the Republic of Kosovo.

2. Mission

The mission of this strategy is to develop policies for taking responsibility to protect individuals and the society, and the consequent problems of organized crime. This is achieved by establishing strategic objectives, specific objectives and concrete activities for strategy implementation.
V. GENERAL PRINCIPLES IN COMBATING ORGANIZED CRIME

In achieving the objectives foreseen by the National Strategy Against Organized Crime, the institutions of the Republic of Kosovo are guided by the following principles:

1. **Principle of Legality and Constitutionality** - All actions must be based on provisions provided for in the Constitution of the Republic of Kosovo, legislation in force and international agreements.

2. **Principle of Human Rights and Freedoms** - This principle concerns guaranteeing the rights and freedoms of all individuals throughout all stages of the engagement of institutions to prevent and combat organized crime.

3. **Principle of Security** - This principle concerns the guarantee to the right to security and protection for all citizens through the prevention and reduction of all forms of organized crime.

4. **Principle of Priority** – Preventing and combating organised crime is a priority for the institutions of the Republic of Kosovo. An overall commitment to genuinely tackle this problem is crucial.

5. **Principle of Professionalism** – Combating organised crime requires good experts, sharing experiences and developing appropriate instruments/best practices. This implies linking in with training, education and professional development for institutions of the Republic of Kosovo and ensuring that only high-quality specialists are recruited.

6. **Principle of Continuity** – Activities should be seen as part of a continuous strategy. This is especially important because administrative/procedural time limitations will be imposed and since different initiatives/activities will need to be linked with actions that will continue for several years.

7. **Principle of Confidentiality** - Institutions with responsibility to prevent and combat organized crime should seek to establish trust in protecting investigation, data and information integrity from misuse by those with access to them.

8. **Principle of Proportionality** - Concerns the exercise of authority by institutions dealing with the prevention of and fight against organized crime, only when deemed necessary and only to the extent that is required to achieve legitimate objectives, with suitable tools and methods, within as short as possible time.
VI. LEGAL FRAMEWORK

In combating organized crime, the Republic of Kosovo has in effect a wide legislative base, which should be further developed (see Annex 1).

VII. INSTITUTIONAL MECHANISMS

The institutional mechanism comprises all mechanisms with a role and importance in coordinating activities in the fight against organized crime.

The following institutions of the Republic of Kosovo have a duty and responsibility to prevent and combat organized crime:

1. National Coordinator

National Coordinator is an individual body, responsible to coordinate, align, monitor and report on the implementation of policies, activities and actions foreseen within the Strategy against Organized Crime.

2. Secretariat

The main right, duty and responsibility of the Secretariat is to gather information and data from other institutions, analyse and evaluate such information, as well as draft analytical reports for the National Coordinator.

3. Ministry of Internal Affairs

MIA has a functional role in achieving certain objectives defined within this strategy. The Law Enforcement Agency within MIA, respectively Kosovo Police, has full authority in combating all forms of organized crime. Kosovo Police and Kosovo Customs, together with other institutions, are key actors in the prevention of and fight against organized crime not only at the Kosovo border but throughout Kosovo territory.

4. Ministry of Economy and Finances

MEF, through Kosovo Customs, the Financial Intelligence Centre and Kosovo Tax Administration will assist in preventing the cross-border transport of goods and materials, fraud and financial transactions related to all forms of organized crime.

The role of this Ministry is also related to assistance in identifying, reporting and blocking funding for activities related to organized crime.

5. Ministry of Trade and Industry

MTI has a role in identifying and controlling businesses suspected of illegal activities
6. Ministry of Justice

Ministry of Justice is an important part of the Strategy against Organized Crime and its role is to:

- Provide necessary conditions for the Prosecution Offices, especially for the Special Prosecution Office that is considered as a key institution in combating organized crime,
- Strengthen and functionalize the rule of law, which will help in combating organized crime, and
- Complete legislation in the rule of law area in order to enhance efficiency in achieving the strategic goals for combating criminality related to organized crime.

7. Kosovo Judicial Council

Kosovo Judicial Council ensures the independency, professionalism and impartiality of Kosovo courts, so that the judicial system is more efficient in the fight against organized crime and other forms of criminality.

8. Kosovo Prosecutorial Council

Kosovo Prosecutorial Council ensures that the prosecution system in Kosovo is independent, impartial and professional in exercising the pursuit, investigation and detection of criminal offences, and presents indictment before courts on behalf of the state.

9. Prosecution Offices and Courts

Prosecution Offices and Courts are the responsible institutions for prosecuting persons charged with committing criminal offences, their adequate punishment, confiscation of criminal assets and proceeds.

In the institutional context, other local institutions, international institutions and partners within and outside Kosovo have also an important role in preventing and combating organized crime.

10. Ministry of Transport and Post - Telecommunication

MTPT has a role in combating organized crime through cooperation and coordination with other institutions, within its competences and responsibilities, in providing support to institutions that are involved in the prevention of and fight against organized crime.

11. Kosovo Intelligence Agency

Kosovo Intelligence Agency is a body that gathers, assesses and provides information with regard to the threats from organized crime to the Kosovo security.
12. Kosovo Anti-Corruption Agency

Kosovo Anti-Corruption Agency is an independent body engaged in the fight against and prevention of corruption. This Agency gathers, analyses and conducts administrative investigations on cases suspected of corruption and proceeds them to the prosecution office.

13. Ministry of Foreign Affairs

MFA’s role is to facilitate international cooperation in the fight against organized crime


MEST has an important role in preventing organized crime through education, school curriculums, the inter-curricular approach and various extracurricular activities.

15. Ministry of Culture, Youth and Sports

With regard to the fight against organized crime, MCYS has a role in organizing awareness campaigns and activities with youth and informal groups in order to raise the awareness on the danger from organized crime (drugs, trafficking and prostitution).

16. Ministry of Health

Ministry of Health participates in the prevention, medical treatment and rehabilitation of organized crime victims, and implements this via legal acts, strategies, respective plans, clinical protocols, trainings and provision of materials and medicines.

17. Ministry of Labour and Social Welfare

The role of the Ministry of Labour and Social Welfare is to draft plans and programmes for the protection of family and individuals, and in that end to provide social support as well as cooperate with other institutions during the identification, counselling and further treatment of organized crime victims.
Organizational Structure of the Coordinating, Monitoring and Implementing Mechanism

Secretariat

National Coordinator Against Organized Crime

- National Coordinator Against Organized Crime
  - Ministry of Internal Affairs
  - Ministry of Economy and Finances
  - Ministry of Justice
  - Ministry of Health
  - Ministry of Labour and Social Welfare
  - Ministry of Trade and Industry
  - Ministry of Environment and Spatial Planning
  - Ministry of Education, Science and Technology
  - Ministry of Culture, Youth and Sports
  - Prosecution Offices and Courts

To further develop the legal infrastructure:
- MoJ
- MIA
- MEF
- KJC
- KPC
- Prosecution Office
- Court

To build institutional capacities in order to prevent and combat organized crime:
- MoJ
- MIA
- MEF
- KIA
- MoJ
- KJC
- KPC
- Prosecution Office
- Court

To develop institutional cooperation and coordination:
- MoJ
- MIA
- MEF
- KIA
- MoJ
- Prosecution Office
- Court

To develop international cooperation and coordination:
- MoJ
- MIA
- MFA
- Prosecution Office
- Court
- MEF

To prevent and combat forms of organized crime:
- MoJ
- MIA
- MCYS
- MEST
- Prosecution Office
- Court
- MEF
VIII. STRATEGIC OBJECTIVES

This strategy’s strategic objectives intend to provide an adequate responses against organized crime, responses that in the future should be addressed via institutional and legal methods as outlined in the following strategic objectives.

1. To further develop the legal infrastructure,
2. To build institutional capacities in order to prevent and combat organized crime,
3. To develop institutional cooperation and coordination,
4. To develop international cooperation and coordination,
5. To prevent and combat forms of organized crime.

1. To further develop the legal infrastructure

The further development of the legal infrastructure is necessary to successfully prevent and fight against organized crime and will be carried through developing a suitable legal infrastructure which enables responsible institutions to carry out their activities.

Continuous reviews to existing legislation, supplementing the existing legislation by drafting necessary new laws and other sublegal acts are required to complete the legal framework.

Further development of the legal infrastructure includes a series of measures aimed to:

1.1 Review, complete and harmonize existing legal infrastructure.

2. To build institutional capacities in order to prevent and combat organized crime

In order to successfully combat organized crime, it is necessary that responsible institutions have sufficient human capacities, skilled and specialized for efficient fight against organized crime. Due to the complexity of organized crime, it is essential that the structures engaged in the prevention of and fight against organized crime have modern and standardized technical equipment and technology. Additionally, provision of necessary workspace for all responsible institutions and institutional organization is needed.

Institutional capacity building in order to prevent and combat organized crime includes a series of measures aimed to:
2.1 Build and develop human capacities in preventing and combating organized crime.

2.2 Upgrade existing technology and equip with the necessary technical and information technology equipment.

2.3 Create physical and technical infrastructure for the institutions engaged in preventing and combating organized crime.

2.4 Establish other institutions to prevent and combat organized crime.

2.5 Carry-out the functional reorganization of institutions in order to prevent and combat organized crime.

3. Cooperation and Coordination of Institutions

In order to successfully combat organized crime there is a necessity for cooperation and coordination within institutions, between sectors and organizational levels.

Inter-institutional cooperation and coordination is a condition for a more efficient outcome in preventing and combating organized crime, especially on information exchange, sharing experiences, and joint actions or operations.

Institutional cooperation and coordination includes a series of measures aimed to:

3.1 Strengthen intra-institutional cooperation and coordination,

3.2 Strengthen inter-institutional cooperation and coordination,

3.3 Strengthen cooperation and coordination with EULEX.

4. To develop international cooperation and coordination

Relevant institutions of the Republic of Kosovo should intensify efforts for international cooperation on the exchange of information for preventing and combating all forms of organized crime. The institutions of the Republic of Kosovo are committed to intensify international cooperation to obtain membership in relevant international organizations and actively participate within international organizations in the prevention and fight organized crime.
The development of international cooperation and coordination includes a series of measures aimed to:

4.1 Strengthen regional cooperation and coordination,

4.2 Strengthen international cooperation and coordination (membership).

5. To prevent and combat forms of organized crime

In preventing and combating organized crime there is a need to develop and organize various activities in order to raise the awareness of the personnel in responsible institutions and the wider public concerning the consequences of organized crime. The institutions of the Republic of Kosovo are committed to fight all forms of organized crime, including but not limited to: the fight against drugs, trafficking in human beings, smuggling of migrants, weapons, fuel, alcohol, art, cultural heritage etc.

The implementation of intelligence led policing concept is necessary in order to strengthen the prevention of and fight against organized crime.

Prevention of and fight against organized crime encompasses a series of measures aimed to:

5.1. Prevent and combat forms of organized crime related to drugs, trafficking in human beings and terrorism;

5.2. Prevent other forms of organized crime;

5.3. Combat other forms of organized crime;

5.4. Strengthen financial investigations of the police towards the detection, seizure and confiscation of proceeds from crime.

5.5. Enhance supervision and control level at the border of the Republic of Kosovo by implementing IBM (Integrated Border Management)

5.6. Strengthen the use of intelligence information in preventing and combating criminal activities
IX. STRATEGY IMPLEMENTATION, MONITORING AND EVALUATION

1. Role of the monitoring system

Strategy implementation process will encompass the achievement of the strategic objectives, specific objectives and activities. Monitoring and evaluating outcomes of the implementation of objectives and the effectiveness of respective activities is an integral part to the Strategy process and key components to its delivery. Monitoring and evaluation will provide the means to measure progress in relation to the stated objectives, assess needs and establish regulation direction, particularly in relation to activities.

The monitoring process shall be carried out by the responsible institutions, with a wide participation from stakeholders.

The main dimensions of strategy monitoring and evaluation are:
- Institutional capacities;
- Monitoring indicators for the duration and by the completion of the three year timeframe;
- Information sources and measuring instruments;
- Dissemination and utilization of monitoring and evaluation outcomes.

2. Institutional Capacities for Monitoring and Evaluation

The monitoring and evaluation system shall cover all institutions responsible for the implementation of objectives defined within the Strategy and Action Plan
- Ministry of Internal Affairs, as the leading institution for implementation of objectives, shall establish the Strategy Monitoring and Evaluation Unit under the National Coordinator. This unit shall monitor against the most important indicators in relation to combating organized crime. Towards the end of each year, it shall prepare a progress report on the objectives’ implementation level.
- Line Ministries (MIA, MoJ, MEST, MEF, MoH, MLSW, MTI, MFA, MCYS) will be responsible to monitor and evaluate activities that have been allocated to these ministries or their subordinate institutions, and prosecution offices and courts as well. These institutions will submit periodic reports to the National Coordinator, in order to ensure cohesive reporting.
- Non-Governmental Organizations shall take part in monitoring and evaluation, in joint roundtable discussions facilitated by the Coordinator. In these roundtable discussions, civil society will present observation reports with regard to projects and programmes carried out by them.
3. Selection of the Monitoring and Evaluation Indicators

**Final Indicators**

1. Number of respective laws and sublegal acts that have entered into force following the approval of the Strategy.
2. Structures established (Coordinator, Secretariat+ other institutions).
3. Number of bilateral and multilateral agreements signed with other countries and organisations.
5. Percentage of the population that has become aware about organized crime.
6. Number of curriculums and textbooks addressing organized crime issues.
7. Number of cases treated on the medical aspect.
8. Number of cases dealt with by the police, prosecution office and courts in and out of Kosovo.
9. Seized and confiscated propriety such as real estate, arms, tobacco, vehicles, money and other items acquired by committing a criminal offence.
10. Number of arrested, sentenced, and convicted persons, and average number of years of conviction after the latest appeal

**4. Intermediate Indicators**

The intermediate indicators are utilized in monitoring the activities set in the Action Plan against Organized Crime.

**5. Monitoring and Evaluation instruments**

1. Standardized data collection and processing system;
2. Administrative, Statistical Data from MIA (Police), MoJ, MoH, MEF (Customs, KTA), MEST, Prosecution, Courts, MLSW;
3. National and international referral mechanisms;
4. Surveys and observations targeted on the population’s awareness in relation to organized crime issues.

**6. Dissemination and Use of Monitoring and Evaluation Outcomes**

Monitoring and evaluation outcomes shall be disseminated in order to communicate the progress in combating organized crime, namely in achieving strategic objectives and specific objectives. Once progress reports are drafted, based on data and observations, they will be circulated to users, which include:

1. Central and local government institutions,
2. International partners,
3. Civil society,
4. Media
5. Wider public.
The National Coordinator has the main responsibility to circulate the results. In addition, results will be publicized also through the media, or by organizing seminars and roundtable discussions, in order to draw conclusions in relation to progress in strategy implementation.

X. ACTION PLAN

The Action Plan will be drafted within the overall strategic framework defined with the National Strategy against Organized Crime.

The action plan for the execution of the strategy will be comprised of the following:

- Overall objectives;
- Specific objectives;
- Concrete activities in order to achieve objectives;
- It will determine responsible and supporting institutions for achieving each objective and activity;
- It will specify the timeframe for achieving each objective;
- It will determine necessary funding sources in developing the activities;
- It will determine indicators set against each objective and activity.

The Action Plan should be coherent with the Overall Framework of the National Strategy of the Republic of Kosovo against Organized Crime.
ANNEX 1

1. Constitution of the Republic of Kosovo
2. Criminal Code of Kosovo
3. Criminal Procedure Code
4. Law on Police,
5. Law on the Execution of Penal Sanctions,
6. Law on Kosovo Intelligence Agency,
7. Law against Corruption,
8. Law on Preventing Interest of Conflict in Exercising Public Function,
9. Law on Public Prosecution Office,
10. Law on Courts,
11. Juvenile Justice Code,
12. Customs and Excise Code,
13. Law on Narcotic Drugs, Psychotropic Substances and Precursors,
14. Law on Special Prosecution Office of the Republic of Kosovo

Draft-laws in the drafting and approval proceeding that impact the prevention of and fight against organized crime;

1. Draft Law on Countering Money Laundering,
2. Draft Law on the Management of Seized and Confiscated Property,
3. Draft Law on the Declaration and Origin of the Property of Senior Public Officials;
4. Draft Law on Payment Transactions,
5. Draft Law on Amendment and Supplementation of the Law on the Execution of Criminal Sanctions,
6. Draft Law on Amendment and Supplementation of the Criminal Code,
7. Draft Law on Amendment and Supplementation of the Criminal Procedure Code,
8. Draft Law on Classified Information and Verification of Reliability,
9. Draft Law on Personal Data Protection,
10. Draft Law on Courts,

International conventions and acts directly applicable in the Republic of Kosovo with an impact on the fight against organized crime, are:

1. Universal Declaration of Human Rights,
2. European Convention for the Defence of Fundamental Human Rights and Freedoms and the Protocols thereto,
3. Convention against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment.

Other international conventions and instruments on combating organized crime will be ratified and enforced following the membership of the Republic of Kosovo in international organizations.