

THE RULE OF LAW IN INDEPENDENT KOSOVO

EXECUTIVE SUMMARY AND RECOMMENDATIONS

More than two years after declaring independence, Kosovo struggles with uneven rule of law and a weak justice system that is failing its citizens. The police, public prosecutors and courts are erratic performers, prone to political interference and abuse of office. Organised crime and corruption are widespread and growing. Realising that prosperity, relations with the European Union (EU) and affirmation as an independent state depend on the rule of law, the government has taken important steps, replacing key officials and passing long-delayed reforms. But critical weaknesses remain, notably in the courts, and the government, supported by the international community, must act swiftly to curtail them.

Kosovo suffers from the widespread impression that it is run by a lawless political elite in control of every aspect of society. The EU rule of law mission, EULEX, is investigating widespread corruption at the highest levels, and its efforts to date have shown gaping holes in regulation and enforcement. This reputation keeps investment out and the country mired in poverty. A two-pronged approach is needed, tightening institutions and regulation to close off opportunities for corruption while investigating the worst of past abuses.

In some respects, Kosovo's reputation for lawlessness is exaggerated. The country has a low rate of violent crime, inter-ethnic crime is rare, and Serbs in most of Kosovo live securely. But the judicial system is weak. Few crimes end with their perpetrators in prison. Court procedures suffer from widespread distrust, fearful or unwilling witnesses and shoddy work by prosecutors. On the civil law side, it is all but impossible for citizens and domestic and international corporations to enforce their rights in court. Property disputes are widespread, and since they cannot be reliably resolved in court, occasionally degenerate into violence. The dysfunctional civil law system, choked with a backlog of cases stretching back to 2000-2001, scares off investment. Demoralised and exhausted judges both struggle under the case backlog and are dogged by a reputation for corruption and favouritism. Plaintiffs endure baffling rounds of appeals, remands and delays, often featuring deliberate errors. Bribery and even violence have become attractive means of extrajudicial dispute resolution.

The police are one of Kosovo's genuinely multi-ethnic institutions, with Serbs and others integrated in all regions and at all levels. They have strong public support and a willing manpower pool but are poorly managed and lack vital skills as their leadership increasingly neglects training. The force can deal effectively with routine, low-level crime but has a limited ability to fight organised crime, financial crime and fraud, drugs and human trafficking and other specialised challenges. It has a hostile relationship with the public prosecutors, who are charged with leading all police investigations of serious crime. The consequence is that the police do as they please, and the prosecutors are under-served and overwhelmed.

The institutions that monitor the justice system – the Kosovo Judicial Council (KJC), which oversees judges, the Police Inspectorate of Kosovo (PIK), and the justice ministry, which supervises prosecutors – are not working properly. The Council is paralysed by lengthy vacancies in key positions. Its components, notably the Office of Disciplinary Counsel and the Judicial Audit, responsible for investigating corruption and other problems in the courts, work well; still, their findings remain without effect because the full body cannot act. The ministry suffers from weak leadership and a lack of political support, though a new minister appointed in April 2010 is expected to improve performance.

The justice system's weakness is visible above all in Kosovo north of the Ibar River, the small Serb-held zone that Serbia in effect controls. There is no real criminal justice in the North, as its Serbia-run courts cannot cooperate with the UN-mandated Kosovo Police (KP). Nevertheless, the North's crime levels are similar to those of Kosovo as a whole, and the small local population thrives on handouts from Belgrade. The border between Kosovo and Serbia has become much better controlled recently, and arrests, mainly in Serbia, have cut down drastically on smuggling. But the North remains a stumbling block in relations between Kosovo and Serbia and between both of these and EULEX. Out of excessive caution, the EU has not based its police in the North, leaving the area free for organised criminal gangs. Its efforts to replenish the Mitrovica court with local judges have failed, while offending both Pristina and Belgrade.

This report surveys the domestic legal system; a subsequent report will cover international aspects of the rule of law issue.

RECOMMENDATIONS

To the President, Government and Assembly of the Republic of Kosovo:

1. Support fully efforts to investigate high-level corruption and prevent its recurrence.
2. Adopt urgently the key framework laws for the judicial system, including:
 - a) the laws on courts, prosecutors and the judicial and prosecutorial councils; and
 - b) the amended criminal code, code of criminal procedure and code of contested procedure.
3. Appoint urgently the remaining members of the Kosovo Judicial Council.
4. Establish a high-level committee bringing together donors and international representatives with their counterparts in the Kosovo government, to:
 - a) put the government back in control of important legislative and organisational decisions related to the rule of law; and
 - b) compel the police, prosecutors and internal affairs and justice ministries to cooperate in the fight on crime.
5. Double, at a minimum, the number of judges and prosecutors and bring their salaries and benefits in line with those of other branches of government service, before the full implementation of judicial sector reform and no later than 31 December 2010.

To EULEX:

6. Provide technical help and political support to the PIK and the internal investigations unit of the KP.
7. Increase the capacity of the Mitrovica district court by:
 - a) facilitating the appointment of Albanian and Serb judges without violating the integrity of Kosovo's jurisdiction; and
 - b) transferring appropriate tasks to qualified local and international legal staff.

To the Kosovo Police, the State Prosecutor and the Internal Affairs and Justice Ministries:

8. Improve prosecutor-police cooperation by establishing joint teams for serious cases, including specialised ones for financial and other complex crimes.

9. Mandate training for police and prosecutors in specialised work on organised crime, drugs and human trafficking, financial crimes and counter-terrorism.
10. Establish urgently a database of crimes and cases, so that police and prosecutors can work together and formulate an effective anti-crime strategy.

To the Government of the Republic of Serbia:

11. Take steps to support strengthened rule of law in Kosovo, including
 - a) return all official documents, including cadastral and property records and court files taken in 1999;
 - b) support appointment of Serb judges under Kosovo law; and
 - c) cooperate with EULEX and Kosovo on developing cross-border strategies to impede human trafficking and drug smuggling.

To the International Community in Kosovo:

12. Support EULEX in investigating and prosecuting high-level corruption and acting in the North of Kosovo.
13. Maintain strong pressure on the government to implement the rule of law and ensure that international advice and assistance are coordinated and consistent.

Pristina/Brussels, 19 May 2010

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I. INTRODUCTION

Kosovo lags far behind other former Yugoslav states in the rule of law. Serbian misrule and oppression in the 1990s, benevolent but poorly managed and feckless UN administration until 2008, a cacophony of advice from well-meaning foreign advisers and donors pushing incompatible agendas, deep poverty, entrenched suspicion of formal institutions and procedures and a leadership with very little experience of government have all played a role.

Rule of law has clearly improved since the period of UN interim administration (UNMIK, 1999-2008) and even more so since the years of Serbian rule.¹ The great achievement of the government of Prime Minister Hashim Thaçi has been to manage the transition to independence peacefully, largely preserving the administrative legacy of UNMIK and in some areas repairing inherited weaknesses.

But virtually none of Crisis Group's interlocutors in the judiciary, police and associated institutions and among EULEX and other international officials believe the government fully supports the rule of law.² Many expressed the opposite belief, that the government prefers a weak judiciary. An unregulated society and economy is an ideal environment for corruption: businessmen with connections thrive, while other investment is choked off. In this view, the extremely poor salaries paid to judges and prosecutors denote the judicial profession's low status in the government and society, keep more ambitious lawyers from entering public service and leave the judiciary open to pressure and bribery. Delays in passing critically important legislation and filling key vacancies likewise keep the system functioning poorly. Some observers also believe that the Kosovo elite is hostile to foreign investment,

because it endangers their local monopolies, and that foreign companies cannot rely on the justice system.³

The November 2009 progress report of the European Commission (EC) assessed the justice system as "weak, vulnerable to political interference and inefficient" and noted that "an incomplete legal framework, corruption, weak rule of law, high level of informal activities... continued to impair the efficiency of market mechanisms". It added that government performance had actually become worse in some areas, notably the extremely lucrative one of public procurement.⁴ The government was clearly stung by this criticism and has begun to take steps, including a shake-up in the justice and internal affairs ministries and the police. But it must do much more.

The international community has driven much of the progress on police and judicial reform, but with mixed results and at the cost of marginalising the government at times. As described below, its involvement has caused long delays in passing important laws. EU and U.S. advisers often squabble over the merits of their respective legal systems;⁵ consequently Kosovo is implementing two incompatible border control systems, one favoured by Washington, the other funded by Brussels. EC officials say the U.S. model does not adequately protect the privacy of individuals' data,⁶ while U.S. experts argue that some EU member states, such as Malta, use it in conjunction with other tools.⁷

¹ Kosovo has gradually improved on the World Bank's Rule of Law index, from a low of 13th (out of 100) in 2003 to 24th in 2007, rising to 30th in 2008, its first independent year (and the most recent available). Serbia is, after Kosovo, the worst performer in former Yugoslavia, though it too has improved, from 19th in 2003 to 40th in 2008. Worldwide Governance Indicators project, World Bank, 2009.

² Crisis Group interviews, senior officials in justice ministry, Kosovo Judicial Council, Office of Disciplinary Counsel, Anti-Corruption Agency and EULEX, and prosecutors, judges, and diplomats, Pristina, Brussels and Washington DC, December 2009 to April 2010.

³ Crisis Group interview, Western ambassador to Kosovo, Pristina, 21 December 2009.

⁴ "Kosovo under UNSCR 1244/99 2009 Progress Report", European Commission SEC (2009) 1340, 14 October 2009, pp. 11, 31.

⁵ Crisis Group interview, official, European Council Secretariat, Brussels, March 2010.

⁶ Arguing it allows the state (and, through data-sharing, the U.S.) access to too much information. Crisis Group interview, EU official, 24 March 2010. The EULEX Program Report noted that the system "does not fulfil Schengen requirements", p. 80. The system, PISCES (Personal Identification Secure Comparison and Evaluation System), is described by its originator, the U.S. firm Booz Allen Hamilton, as a "critical tool in the war on terror"; www.boozallen.com/consulting/industries_article/659016.

⁷ Crisis Group interview, U.S. justice department official, Pristina, 22 March 2010.

Though Kosovo's border police are enthusiastic about the American system,⁸ Europeans tend to resent what they see as excessive American influence. They claim that the U.S. Agency for International Development (USAID) drafts new legislation about which the Kosovo government only later consults with the EC on its compatibility with the *acquis communautaire*.⁹ EU leverage is growing, especially as Kosovo begins working on the requirements for gaining visa-free travel to the Schengen zone. Such squabbles will continue to slow reform until the government seizes control of the legislative agenda and takes the lead on coordinating international input and assistance.

A. BACKGROUND

The rule of law rests on three main institutions: the police, the public prosecutors and the courts. The police force is much larger than the other two: over 7,000 strong, compared to fewer than 300 judges and 100 prosecutors. Many feel the police are the most effective of the three institutions and that their ability to fight crime is compromised by ineffective prosecutors and courts.

The three institutions grew out of what UNMIK established early in its tenure, when it faced enormous challenges.¹¹ Retreating Serb authorities took all Kosovo's court files, records and equipment with them in 1999 and have not returned them. A decade of discrimination and abuse under Serbian president Slobodan Milošević had forced out most Albanian lawyers and discredited the ones who stayed. The legal framework itself was tarred by association with Milošević. The breakdown of state authority in the summer of 1999 left a huge backlog of civil and criminal cases, ranging from property disputes to multiple homicides. UNMIK had to build a justice system from the ground up, while simultaneously protecting public order and negotiating co-existence with Albanian ad hoc institutions.¹¹

UNMIK preserved a strict separation between the competencies it transferred to the Provisional Institutions of Self-Government (PISG), as it called Kosovo's government, and those it reserved for itself, including competencies related to sovereignty, such as foreign affairs and customs,

and those related to the rule of law, such as police, security and justice. The Kosovo Police Service (KPS), staffed by Kosovars, gradually took over from the UNMIK police but remained answerable to UNMIK, not the PISG.¹² Most police stations and many departments did not pass to KPS control until 2006, which is also when UNMIK established internal affairs and justice ministries.¹³

Having long sought to take over policing and justice, the Kosovo government proved unprepared when the time came. It was several months late in launching the internal affairs and justice ministries and initially gave them few resources and limited capacity, while UNMIK slowed transfer of the remaining competencies in politically sensitive areas. Power-sharing led many to view the nascent Kosovo police and courts as foreign-dominated, not genuinely Kosovar, and sapped their effectiveness.

UNMIK did too little to build up Kosovo's own capacity during the decade it ran the territory. It created a Kosovar-staffed police force but did not train independent senior managers or foster strong leaders, thus producing a managerial weakness that still handicaps the KP.¹⁴ It failed to renew the ageing and dwindling supply of jurists and allowed the backlog of civil and criminal cases to grow out of control. Many of these problems remain. The number of uncompleted cases was over 200,000 at the end of 2009 and growing steadily.¹⁵ There are presently fewer judges than there were early in UNMIK's mandate, and virtually no new ones have been appointed.¹⁶

Meanwhile the transfer from the UN to the EU did not go smoothly. The UN-mandated final status process was meant to produce consensus that would allow Kosovo to become independent with the blessing of the Security Council and with a transitional EU rule of law mission to strengthen its institutions and monitor their performance. This did not happen. With Security Council action blocked

⁸ Crisis Group interview, senior police border pillar official, Pristina, 10 February 2010.

⁹ Crisis Group interview, EU official, Pristina, 24 March 2010. The *acquis communautaire* is the body of EU laws and regulations that each member state must adopt and apply.

¹⁰ See Crisis Group Europe Reports N°125, *Kosovo Roadmap (II): Internal Benchmarks*, 1 March 2002, pp. 9-15; and N°134, *Finding the Balance: The Scales of Justice in Kosovo*, 12 September 2002, for background on the origins of Kosovo's judiciary and police.

¹¹ Crisis Group Report, *Finding the Balance*, op. cit., p. 1.

¹² "Report on the Situation in Kosovo", UN Security Council (UNSC) S/2004/932, 30 November 2004, p. 17. After independence, the police were renamed the Kosovo Police (KP); Serb officers in the North retain the old, UNMIK KPS insignia.

¹³ "Report of the Secretary-General on the United Nations Interim Administrative Mission in Kosovo", UNSC S/2006/707, 1 September 2006, p. 4.

¹⁴ Crisis Group interviews, Kosovo Police senior official, April 2010; EU official, 24 March 2010.

¹⁵ There were 185,762 uncompleted cases left at the end of 2008 and 213,967 by the end of 2009. "Report for 2009: Statistics on Regular Courts", Kosovo Judicial Council, p. 2.

¹⁶ In September 2002, there were 295 judges and 46 prosecutors in Kosovo; Crisis Group Report, *Finding the Balance*, op. cit., p. 11. By March 2010, only 176 judges were still at work; "Report for 2009", op. cit., p. 2. There were also 79 prosecutors who in 2004 took over many of the duties previously done by investigating judges; Crisis Group interview, Ismet Kabashi, chief prosecutor of Kosovo, Pristina, 31 March 2010.

by Russia, Kosovo declared independence unilaterally, invited the EU to deploy and transferred some of its sovereign powers to EULEX. Kosovars understood this to be an exchange: they would accept temporary limits on their state's sovereignty in return for recognition of its independence. But because the UN and the EU failed to reach consensus, EULEX could not deliver its side of the bargain and instead deployed as a status-neutral organisation under the "overall authority of the UN".¹⁷ This has left Kosovo feeling cheated and EULEX hobbled by confusion. A subsequent report will elaborate on the difficult relationship between EULEX and the Kosovo government.

B. THE CRIME PROBLEM

Kosovo in 2010 is far safer and more peaceful than it was a decade ago. The homicide rate has dropped precipitously from 11.8 per 100,000 inhabitants in 2000 to 2.9 in 2005 and between 2.6 and 3.2 in 2009.¹⁸ This is still higher than the regional average and much higher than the EU average (though it is below the U.S. rate). Other forms of violent crime, such as robbery, burglary and motor vehicle theft are, according to the KP, well below the EU average.¹⁹ But crimes are under-reported by a population that still largely and reflexively fears the police and so prefers not to involve them if possible.²⁰ No one has made an effort "to research the probable level of unreported crime in Kosovo".²¹

Observers concur that daily, small-scale crime is not a big problem; the challenge is instead large-scale organised crime, trafficking and corruption.²² The regional drug trade, which tends to be "highly organised, reliant on high-level corruption and close to the destination markets", contributes little to local violent crime.²³ Drug use is low, though some synthetic drugs have been imported from Serbia, and the KP has seized a shipment of cocaine from Belgium. Western experts consider Kosovo "primarily a tran-

sit country for Afghan drugs destined for Europe".²⁴ Reliable statistics are hard to come by, though the street price of heroin is markedly lower than in neighbouring countries, suggesting lax enforcement and interdiction efforts.²⁵

Yet, none of the institutions involved in investigating and prosecuting crime – the police, prosecutors, courts, internal affairs and justice ministries and EULEX – know even approximately how many crimes have been committed, successfully investigated and prosecuted and what has happened to their perpetrators.²⁶ No one Crisis Group interviewed in the KP could say, for example, how many murders had been solved in 2009. There is disagreement about the number of murders, with the police reporting 52 and prosecutors 58. Thus KP claims to have reduced the overall crime rate by 5 per cent in 2009 may not be reliable.²⁷

The same confusion exists for inter-ethnic crime. In 2009, according to a police report made available to Crisis Group, only 25 such crimes were committed. However, prosecutors had 320 such crimes on their books prior to January 2009, some going back to the March 2004 riots or earlier, and another 280 crimes (involving 340 suspects) in 2009 – and noted that the majority of these cases were given to them by the KP. Courts sentenced more than 350 people for inter-ethnic crimes in 2009 (most for earlier conduct).²⁸ A senior Serb police official told Crisis Group that inter-ethnic crime was probably only slightly higher than officially reported and often had a non-ethnic motive, such as to drive down the market price of Serb-owned property.²⁹ Likewise, information about sexual crimes varies enormously. Police reported 174 in 2009, while prosecutors claimed to have received only nine cases from the police.³⁰

¹⁷ "Summary of the Intervention of Javier Solana, EU High Representative before the Meeting of International Organizations Active on the Ground of Kosovo", EU Council S257/08, 18 July 2008.

¹⁸ "Crime and its Impact on the Balkans and affected countries", UN Office on Drugs and Crime, March 2008, p. 39; EULEX Program Report, p. 23. Kosovo's population is estimated between 1.8 and 2.2 million; per-capita figures for Kosovo in this report will be given using these two numbers.

¹⁹ EULEX Program Report, p. 23.

²⁰ Crisis Group interview, KP officer, Pristina, 12 March 2010.

²¹ EULEX Program Report, p. 37.

²² Crisis Group interviews, Kosovo and international officials, Pristina, January-April 2010.

²³ "World Drug Report 2009", UN Office on Drugs and Crime, pp. 176-177.

²⁴ "2010 International Narcotics Control Strategy Report", U.S. Department of State, 1 March 2010.

²⁵ Heroin costs €10 to €15 a gram in Kosovo, compared to €15 to €25 in Bosnia and Herzegovina and over €25 in Albania, Macedonia and Serbia; Kosovo's marijuana and cocaine prices are close to the regional average. "Europe: Kosovo has lowest illicit drug prices in region", *Drug War Chronicle*, 26 September 2008.

²⁶ Crisis Group made repeated oral and email requests for this information to the KP, justice ministry and EULEX.

²⁷ Crisis Group interview, KP officials, Pristina, 5 March 2010.

²⁸ Crisis Group interview, senior official, statistics office, justice ministry, 16 April 2010, and statistics made available by latter to Crisis Group. Inter-ethnic crimes are all crimes committed by Kosovo Albanians against non-Kosovo Albanians (Serbs, Turks, Bosniaks, Roma, Egyptians, Ashkali), and against Albanians where they are locally a non-majority community (e.g. North Kosovo). Serbs, Roma and Egyptians are the most vulnerable communities.

²⁹ Crisis Group interview, Pristina, 17 March 2010.

³⁰ Kosovo police crime report for 2009 and prosecution reports from statistics department, justice ministry, made available to Crisis Group.

High-level corruption is a more serious problem. In 2009 the Kosovo Anti-Corruption Agency (KAA) received 175 reports, up from 130 the previous year, an increase it attributes to growing popular trust and awareness.³¹ Many of the complaints related to judges and court officials (53, of which only eighteen were referred for prosecution); government officials were the subject of 34 complaints, seventeen of which were referred to prosecutors.³² Public procurement contracts account for much of this. Senior officials must disclose their income and property to the KAA, but many contracts are signed by junior officials not subject to scrutiny, who accept bribes – 10 to 20 per cent of the tender price is apparently common – on behalf of their superiors. Ministries have occasionally refused payment for completed work so as to extort additional bribes.³³

The KAA does what it can, but its impact is limited; of the 168 cases it sent to public prosecutors from its establishment in February 2007 through the end of 2009, only five have resulted in indictment and another five in arrests.³⁴ There are many choke points between complaint and conviction – the KAA itself, police investigators, prosecutors, and judges – at any of which a case can be delayed, sabotaged or dismissed.³⁵ The newly appointed chief prosecutor complained that police had only reported on a handful of KAA cases; he and the new chief of the KP crime pillar both identified these cases as a priority.³⁶ Kosovo's justice institutions have yet to indict, let alone convict, a single senior government official. As in the other former Yugoslav states, independence has been followed by a period of high-level impunity and apparent enrichment.

That impunity may be ending. The most sensitive cases have been transferred to EULEX, which has apparently been working on them slowly.³⁷ On 28 April 2010, however, EULEX raided the transport and telecommunications ministry and several other sites in Pristina, including all private residences used by the minister, Fatmir Limaj, in an investigation involving "several tenders related to the construction of roads in Kosovo in the period 2007-

2009".³⁸ Suspicion of Limaj, an influential former UÇK³⁹ commander acquitted in 2005 of war crimes by the International Criminal Tribunal for the former Yugoslavia (ICTY), surfaced in 2009.⁴⁰ By the spring of 2010, EULEX's interest in him was "the worst kept political secret" in Pristina.⁴¹ The EULEX investigation split the international community, with some governments and the International Civilian Office (ICO) pushing for prosecution and other governments, including powerful members of the Quint, for a "soft landing".⁴² Limaj has not been charged or interrogated, and he has denied any wrongdoing.⁴³ He has reportedly declined a diplomatic post outside Kosovo as part of a deal to withdraw from the scene.⁴⁴

As a recent media article describes it, from 2007 to 2009, the transport ministry was in overdrive, building about 1,000 kilometres of roads through a large number of contractors, at a cost of about €170 million.⁴⁵ If EULEX establishes there is widespread corruption within the transportation ministry, which is responsible for a large portion of public spending, then a number of officials in government could be implicated.⁴⁶ EULEX is also investigating a number of other ministries and government institutions for possible corruption; since these entities are headed by representatives of two rival parties, EULEX's strategy will have political implications.⁴⁷

³¹ "Annual Report 2009", KAA, p. 7. The KAA reportedly estimated the cost of corruption in 2008 as at least €30 million; "2010 Human Rights Report, Kosovo", U.S. Department of State.

³² "Annual Report 2009", KAA, pp. 7-8.

³³ Crisis Group interview, senior KAA official, Pristina, 12 January 2010.

³⁴ "Annual Report 2009", KAA, p. 16.

³⁵ Crisis Group interviews, senior KAA official, Pristina, 12 January 2010; senior EULEX investigations official, executive police department, Pristina, 16 March 2010.

³⁶ Crisis Group interviews, Kadri Arifi, assistant director of police crime pillar, Pristina, 31 March 2010; Ismet Kabashi, chief prosecutor of Kosovo, Pristina, 31 March 2010.

³⁷ Crisis Group interview, senior KAA official, Pristina, 12 January 2010.

³⁸ EULEX press release, 29 April 2010.

³⁹ Ushtria Çlirimtare e Kosovës, Kosovo Liberation Army.

⁴⁰ Lawrence Marzouk, "Fatmir Limaj, Kosovo's Road-builder", *Balkan Insight*, 6 May 2010.

⁴¹ Lawrence Marzouk and Petrit Collaku, "Kosovo Minister's Friends Flourish from Road Bonanza", *Balkan Insight*, 8 April 2010.

⁴² The Quint consists of France, Germany, Italy, the UK and the U.S. These states have an informal role leading and coordinating international community policy on Kosovo. Crisis Group interviews, diplomats, Pristina, 12 March 2010; Petrit Collaku and Lawrence Marzouk, "Praise and Anger Follow Raids on Kosovo Minister", *Balkan Insight*, 6 May 2010. The ICO, headed by the International Civilian Representative (ICR), Pieter Feith, monitors implementation of Kosovo's transition to independence; the ICR has broad executive authority that he has thus far declined to use.

⁴³ Petrit Collaku, "Kosovo's Limaj: 'I am Clean as a Tear'", *Balkan Insight*, 14 May 2010.

⁴⁴ "EULEX did not agree with 'extradition' of Limaj", *Koha Ditore*, 3 May 2010, p. 2; Crisis Group interview, international official, Pristina, 5 May 2010.

⁴⁵ Lawrence Marzouk, "Fatmir Limaj, Kosovo's Road-Builder", *Balkan Insight*, 6 May 2010.

⁴⁶ In 2009, the transport ministry took the third largest portion of the state budget, €115,897,975. Kosovo 2009 Budget.

⁴⁷ The Partia Demokratike e Kosovës (PDK, Democratic Party of Kosovo) and the smaller LDK (Lidhja Demokratike e Kosovës, Democratic League of Kosovo) are formally coalition partners; their relations are tense and often bitter. Crisis Group

This investigation, by far the highest-profile inquiry launched by EULEX since its deployment in 2008, is one of several high-profile cases that together could involve €100 million or more.⁴⁸ Together, they have the potential to uncover serious problems in government procurement and could easily challenge not only the government's commitment to fight corruption, but also its very stability. The initial government reaction has been obstructive and defensive.⁴⁹ The likely complexity, requiring forensic accounting and analysis of computer hard drives, illustrates the weakness of the KP and its need for assistance – in the form of political support as much as technical expertise – from EULEX, the ICO, EU and U.S.⁵⁰

interviews, PDK and LDK leaders, Pristina, December 2009. Press reports mention EULEX investigations of the education, trade and industry and economy and finance ministries, and that senior officials from the LDK and PDK, as well as the smaller Aleanca për Ardhmërinë e Kosovës (AAK, Alliance for the Future of Kosovo) were suspected. “EULEX-i do të hetojë edhe 6 ish-ministra të PDK-së, LDK-së e AAK-së” [EULEX will investigate the six former ministers of the PDK, LDK and AAK], *Koha Ditore*, 11 May 2010; Lawrence Marzouk, “EULEX: Lijmaj could face a long jail term”, *Balkan Insight*, 7 May 2010.

⁴⁸ Crisis Group interview, international official, Pristina, 5 May 2010.

⁴⁹ Crisis Group interview, international official, Pristina, 5 May 2010; Çollaku and Marzouk, “Praise and Anger Follow Raids on Kosovo Minister”, op. cit.; “Kryetari i Kuvendit Krasniqi Sfidon EULEX-in” [Speaker of the Assembly Krasniqi challenges EULEX], *Express*, 5 May 2010; “Ligi, jo Linç” [Law, not lynching], *Express*, 6 May 2010.

⁵⁰ Crisis Group interview, senior police crime pillar official, Pristina, 31 March 2010. EULEX judged the KP's economic crime and corruption investigation section, within the major crimes directorate, as tiny and apparently ineffective; EULEX Program Report, pp. 41-42.