



**Republika e Kosovës / Republika Kosovo / Republic of Kosovo
Prokurori i Shtetit / Državni Tužilac / State Prosecutor**

**Zyra e Kryeprokurorit të Shtetit / Kancelarija Glavnog Državnog Tužioca / Office of the Chief
State Prosecutor**

**Annual Working Report (January-December 2011)
Related to Cases of Abuses in Early Parliamentary Elections of 12th of
December 2010 in Republic of Kosovo**

Prishtina, 2nd of February 2012 – After early parliamentary elections held in Republic of Kosovo on 12th of December 2010 ended, The Committee for Appeals and Complaints, from 30th of December 2010 until 9th of January 2011 has submitted to State Prosecutor 191 cases in total. These cases covered appeals submitted by political subjects, candidates, and civil society and elections observers, related to irregularities that were marked during the process of early parliamentary elections.

In March 2011, State Prosecutor`s Office has received from Count and Results Center files in which were specified manipulations made during the declaring of results for candidates for Kosovo Assembly, which reports albeit preliminary were sent to all Municipal Prosecutor`s Offices because according to competencies they were in charge of inquiry and avoidance of votes manipulations and filing instant indictments against commissioners who worked in voting polls.

From January until December 2011, Prosecutors` Offices by giving priority to cases related to elections have achieved to file indictments and summary indictments, which regionally speaking have been filed as follows:

- **Municipal Prosecution Office in Prishtina**, has received **160** cases in total, out of which:
 - 21 indictments have been filed, where **147 persons** have been accused for 'Election frauds', which offence is covered by article 180 of Criminal Code of Kosovo;
 - 19 summary indictments have been filed with **162 persons** accused for abusing the right to vote, destroying voting documents;
 - 12 criminal reports have been dropped for offenses of violating confidentiality in voting, covered by article 179 of Criminal Code of Kosovo;
 - 16 cases have been closed with official note due to lacking valid elements for having the offense to be classified as such;
 - Eight (8) criminal reports have been sent to territorial competence; and
 - 84 cases with 588 persons involved are still in the process.

The confirmation of indictment has been brought for filed indictments and seven (7) cases.

Punishment:

Municipal Court in Prishtina has brought six (6) judgments.

- Four (4) judgments were the ones with fine punishment.
- One (1) judgment was with suspended sentence.
- One (1) judgment was acquittal one.

Municipal Court in Glllogvc has brought six (6) judgments.

In all cases it has imposed punishment with imprisonment, but the latest it has replaced with the fine punishment.

Municipal Prosecution Office in Prishtina has filed appeal against judgments related to ten (10) cases because of the brought judgment on imposed criminal sanctions.

Municipal Prosecution Office in Prishtina is in the process of preparing 84 other cases with preliminary reports in order to exercise instant indictments related to cases where irregularities in counting votes in voting polls have been found based on results of the candidates for Kosovo Assembly deputies, but it is facing with difficulties due to lacking personal information about suspected persons. The named Prosecution Office has authorized officers of Kosovo Police to provide these data in order to complete these 84 remaining cases in Municipal Prosecution Office in Prishtina.

- **Municipal Prosecution Office in Gjilan**, has received **58** cases,
 - 31 indictments within which **217 persons** are accused, including municipalities Gjilan, Kamenica, Viti and Klllokot;
 - 27 criminal reports have been closed.

Punishment:

- There are sentenced: a person with 3 months imprisonment and one has been acquitted.
- Against these above given judgments the respective Prosecutor`s Office has filed appeal for the decision related to criminal sanctions.
- Until now there are confirmed nine (9) indictments and one (1) acquittal judgment.

- **Municipal Prosecution Office in Ferizaj**, has received **47** cases,

- Thirty-eight (38) indictments have been filed, within which **260** persons have been accused for the following offenses:
 - "Election Frauds" from article 180 of Criminal Code of Kosovo;
 - Nine (9) criminal reports have been dropped;
 - Eight (8) judgments have been received.

Punishment:

For all cases the following sentences have been imposed:

- Suspended sentence has been imposed against twenty-two (22) accused persons;
- One (1) person has been sentenced with imprisonment for six (6) months;
- Seven (7) accused persons have been sentenced with fines; and
- Against three (3) accused persons accessory punishment of 'prohibition from exercising the profession for four (4) years' has been imposed.

- **Municipal Prosecution Office in Gjakova**, has received **thirty-three (33)** cases

- There have been filed twelve (12) indictments with **77 persons involved**, for the offence "Election Frauds" covered by article 180 of Criminal Code of Kosovo;

- A summary indictment has been filed against a person for abuse of the right on vote, covered by article 178 paragraph 1 of the Criminal Code of Kosovo;
- There has been filed an indictment against a person for offence "Election Frauds" covered by article 180, paragraph 1 of Criminal Code of Kosovo;
- 21 cases have been closed due to lacking elements that classify the offense as such.

All indictments have been confirmed on the trial phase.

Punishment:

- Against above mentioned persons fine punishment was imposed. Municipal Prosecution Office in Gjakova has also completed a case, but the judgment is not in place yet.

- **Public Prosecution Office in Mitrovica**, has received **55** cases:

- Ten (10) summary indictments have been filed, where **13** persons have been accused for offence "Election Frauds" covered by article 180 of Criminal Code of Kosovo;
- Twelve (12) criminal reports have been dropped;
- A case was transferred to competence in Minor Offences Court.

Punishment:

- There is not any judgment in place yet.

Note:

- Municipal Prosecution Office in Mitrovica has not submitted yet the final report to the Coordinator in charge of Election Cases within State Prosecutor. The respective above given information within this report date from the first biannual report of year 2011 only.

- **Municipal Prosecution Office in Prizren**, has received **95** cases:
 - 30 indictments have been filed with **210 persons** involved, for the offence "Election Frauds" covered by article 180 of Criminal Code of Kosovo;
 - Three (3) summary indictments against **three (3) accused** persons have been filed;
 - -15 criminal reports have been dropped.

 - There still have remained 49 more cases with 343 persons involved. Municipal Prosecution Office in Prizren has authorized officers of Kosovo Police to gather personal information about the suspects.

Punishment:

Until now there are received three (3) indictments, within which suspended sentence and sentence with fine were imposed, whereas 13 indictments have been confirmed.

- **Municipal Prosecution Office in Peja**, has received **47** cases:
 - 36 indictments have been filed, where **252 persons** are accused for offense "Election Frauds" covered by article 180 of Criminal Code of Kosovo;
 - Ten (10) criminal reports have been dropped;
 - A criminal report has been sent to competence.

Punishment:

Not even one judgment has been brought yet, whereas ten (10) indictments have been confirmed.

Conclusion:

State Prosecutor is following with attention work of Municipal Prosecution Offices and the former is giving priority to these cases.

According to received results from Municipal Prosecution Offices of Republic of Kosovo, until now **1.343 persons** are accused for the offence "Election Frauds" covered by article 180 of Criminal Code of Kosovo and for the offence "Abuse of the Right to Vote" covered by Article 178 of Criminal Code of Kosovo.

Based on the figures of not completed cases yet in Municipal Prosecution Offices in Prishtina and Prizren the estimation is that in the future **931** more persons will be accused.

According to the received statistics so far, cases that are closed with judgments` imposing are mainly closed with suspended sentence, fine punishment, as well as three (3) cases with accessory punishment, where to respective Commissioners was imposed accessory punishment "Prohibition from Exercise of the Profession for four (4) years".